

news you're not supposed to know

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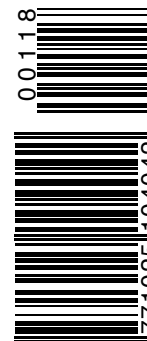
noseweek

118

AUGUST 2009



BEWARE!
Your cellphone is a
PICKPOCKET



9 771025 104042

Happy snaps: See how the Ponzi loot was spent
What's Investec hiding now? The versatile Dr Ambrosini Esq

Smooth customer

A FEW WEEKS AGO Mr Nose had advocate Stephan du Toit in the witness box under close cross examination. He is the owner of Mont du Toit Estate in Wellington and has just released his Mont du Toit 2002.

First question: Why the late release? Then: How many bottles are available? Why did you forget to name the varietals on the label?

Apparently unruffled, the advocate replied: We had to wait with the release until the wine had reached optimum potential; only 400 cases have been released – and we didn't forget to mention the varietals. We see wine making as an art. The final product must speak for itself and there is no reason to distract consumers with varietals.

A smooth customer. What's more, Mont du Toit 2002 is an expensive wine. But then the 2003 was awarded 4 stars and his Le Sommet 4,5 stars in the Platter Guide. Most of it is exported. To make doubly sure we again asked Bill Cooper-Williams (Cape Wine Master) for his trusted opinion:

"Blend unknown but Cabernet and Merlot detectable. Some browning on the edges but looking young for its age. Gentle yet well integrated nose. Soft wood pervades the aroma. Taste: Very fruity base with clean aftertaste. Alcohol (14%) not intrusive, in fact the wine has a lighter than expected weight. This wine has fresh fruitiness on front palate

with lingering aftertaste. Gentle, complex. Should be consumed now and preferably with uncomplicated food such as rare roast beef, so that the flavour of the wine is not compromised by spicy or other savoury tastes. A wine of finesse. Score 17 (which equates to "outstanding" on the Robert Parker Scale).

PS: Mr Nose wants to share his latest embarrassing moment with his fellow wine lovers. Last month he unearthed what he thought were four "excellent" wines which he sent to Bill for his opinion. The first 3 came back with a note "also tasted" which in wine lingo means "eminently forgettable". Something of a shock to Mr Nose, who was just beginning to rate himself a wine fundi. Only the Mont du Toit 2002 came out tops. Statistically speaking Mr Nose only rates 5 on a scale of 20. He'll never become a Cape Wine Master. To soften the pain of it, he's resolved to focus on the enjoyment of lots of rare wine.

As indicated, the Mont du Toit 2002 is expensive. But just this once we're prepared to let our noseweek drinking pals share with Mr Nose at R846 per case of 6 bottles, free delivery anywhere in the RSA.

It is worth every cent.

Place your order at www.noseweek.co.za
or phone 021 686 0570

noseweek

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Love letters

Your Letters column (and editor's comments) alone are worth the cover price of your publication. It's almost like getting all that other good stuff for free!

David Brand

Florida Hills

Interesting readers make for an interesting conversation.

– Ed.

O Tannenbaum!

Nic Pagden – head of Citibank Corp Finance and

would that inspire in Citi's "Corporate Finance and Investment Banking" expertise? – Ed.

Great Investec advice

Love your further exposures on Investec. I took your earlier advice and moved my investments – before the full financial crisis hit – and, guess what, I'm still getting positive returns. Keep it up.

Irene B

Sandton

suspiciously close relationship with Tessa Beetge – now jailed in Brazil for drug smuggling – made me sick to my stomach. It has since been reported in the *Mercury* that the Hibiscus municipality has cleared "Darling Sheryl" of everything. Is that the last we'll hear about it?

The "cronies" seem to be able to get away with anything.

Arnold

Durban

Does the Hibiscus municipal-

again in the 2009 elections, I wish to state for the record:

The reason Anton Fuchs was at the table and various residents were asked to lend a hand was because our DA ward councillor had neglected to make any arrangements for the appointment of the required party agents to man the tables, and so asked Mr Fuchs at the eleventh hour if he was able to call upon volunteers to do so. This was done by Mr Fuchs who spent the day assisting at the polling stations.

Glenn Bristow

Gordon's Bay

Took your advice and moved my investments from Investec – and guess what, I'm still getting positive returns

Investment Banking – was, despite his position, a victim of the Tannenbaum ponzi scheme.

But Chris Harris was part of one of Dean Rees's Hong Kong account opening expeditions, where the participants were all given Mont Blanc pens and Mandela Platinum bracelets. Nice!!

G Johannesburg

Pagden the victim of an outrageous ponzi scheme? Hard to believe but, if we did, what sort of confidence

Hibiscus-where?

In your editorial in *nose116* you refer to Sheryl Cwele being employed by "Hibiscus Coast municipality (wherever that might be)". You should Google and find out. It's on the South Coast of KwaZulu Natal – where the sardines run and the hibiscus flowers and the sea is sparkly blue. Hope this helps.

Denise

Hibiscus Coast Municipality

■ Your article in *nose116* about Sheryl Cwele and her

ity now speak for Interpol, the drug squad and the national prosecuting authority? Not officially, no, but maybe it speaks for the Party – which probably makes what all the law enforcement agencies think about the matter irrelevant. – Ed.

DA cosying up to Fuchs?

With regard to your statement in *nose116* ("DA sits on cemetery report") that Anton Fuchs's presence at the DA's table at the Gordon's Bay voting station suggested that he had "cosied up" to the DA

Bank's invisible policy

Following on Mr Black's bad experience with Standard Bank's telesales department after they sold an inappropriate policy to his elderly mother over the telephone (*nose117*): In my experience it is unlikely that Standard would have sent a policy document to his mother, whatever they now claim.

When I was offered a similar deal for insurance against "death and broken bones" earlier this year, I requested a copy of the policy document before I would commit. The agent said that the telesales deal did not include a copy of the policy document (or words to that effect).

So I told her: no document, no further interest. I did not hear from them again.

Philip Myburgh

Stellenbosch

■ Policies containing an accident cover element from both long- and short-term insurers always contain a maximum age limit at which the accident cover will cease – usually 65, but maximum 70 with some insurers. If an accident-only policy was issued for a person over the maximum age limit, there was never a valid contract and the full premium must be returned to Mrs Black.

B

Sandton

Gus



We tried to attend the Concert in the Dark, but we couldn't find parking

Questions for Mugabe

Many articles are written about the reluctance of international donors to provide Zimbabwe with financial aid until they are satisfied that human rights are being upheld. What about Mugabe himself? He should be asked a very simple question?

“What was your net worth when you became the leader of Zimbabwe and what is your net worth now? How did you accumulate this wealth?” It should be returned to Zimbabwe to start the reconstruction process before any other government provides any form of financial aid.

Peter Verwer
Midrand

Missing Marike

I was really sad to hear about the death of Marike Roth. My condolences to her family, friends and colleagues. Her humour will be greatly missed.

I also believe that in SA we really need more positive icons. I greatly enjoy *noseweek* which treads fearlessly where others will not go, and your work is constructive in many ways, but how about adding some really positive, exciting and inspirational stories – at least one in each edition?

Dr W F Heinz
By email

■ I've been a fan of *Web Dreams* for a long time and though she had shared some of the details of her illness, the news of Marike Roth's passing came as a shock. She will be sorely missed. My sincere condolences.

Alex Jay
Jo'burg

See editorial.



Please ensure you publish the correct pictures to support your stories. You should not have published my picture when I have absolutely nothing whatsoever to do with the article. Clearly you were having a field day and did not care. I find this totally unacceptable and I will be seeking advice in this regard.

Kerry Prenger
Sandton

I am puzzled. Where did we use your picture? Please give details so that we can investigate and publish a correction where necessary.

Ed.



First, me n Dominique went out and burnt a bit of spare change on another little runabout. (I do hope you're not seeing red)

You used it in your Ponzi story (*nose117*) where you said something along the lines of “Me [Dean Rees] and Dominique [Mrs Rees] went and splashed out on another little runaround” – next to a picture of Dean and his red Ferrari. But that is not Dominique in the photo with Dean and gives the wrong impression.

Kerry
By email

How do you know that's you in the picture with Dean and his Fer-

rari? And, if it is you, what “wrong” impression might it create?

Ed.

What a ridiculous question! How on earth do YOU think I know it's me in the picture?? And as for the wrong impression, as editor, I expect you know the answer to that.

Kerry

Oops! Sorry.



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The racket in your pocket

THEY STARTED OUT AS “petty” consumer gripes about mysterious charges – a R50 here, a R120 there – appearing on cellphone bills. It would invariably transpire that their network provider was playing banker, deducting amounts to pay third parties for sundry ludicrous “services” such as “IQ tests”, “brain teasers”, infantile games and outrageous ringtones. As invariably, the customer was unaware that he or she had subscribed for any of these “services” -- and had certainly not authorised his network provider to make such payments on his behalf. (See previous noseweeks.)

The latest hits a new low: Vodacom is now deducting charges from the cellphone accounts of unsuspecting old ladies for pornographic material supplied, unsolicited, via their network. Read our cover story on page 8 and let us, and Vodacom know what you think.

Ah, you say (and we at first thought), in the bigger scheme of things it's just another irritation. Until we had a closer look at the bigger scheme of things ... and discovered it's no mere irritation: it's a massive scam with serious implications for the national economy, built on the old adage: steal a million from one man and you go to jail for life; steal R35 from each of a ten million people and you're laughing all the way to your offshore bank!

South Africa's network operators and their associated “service aggregators” have for the past year been operating a vast racket to scam extra billions of rands off their claimed 40 million-odd subscribers -- and then sending most of the money offshore, taxfree, as “subscription fees” paid to invariably shady and obscure offshore companies for “services” that have no economic value.

In short, it is not only a scheme to rob the foolish masses by luring them into fairground “games”; it has all the appearances of a sophisticated scheme to move huge sums of money off shore in contravention of tax and exchange control laws.

In the process they happen also to be contravening any number of other laws such as those designed to ensure probity in banking, control gambling and prevent the distribution of pornography to minors.

The racket's continuing and growing success is a terrible reflection on our law enforcement agencies, who appear still to be blissfully ignorant of it all. And what of the banks and the Reserve Bank who are, ultimately, handling the cashflow? Have they not noticed that it has reached such a scale that it must by now be a serious drain on the country's scarce foreign exchange reserves? Or is it business as usual for them too?

Marike Roth

MARIKE ROTH WROTE HER FIRST Web Dreams column for noseweek in May 2006. Appropriately it was about romance on the internet: Marike had met her American husband Pat Tulley on the internet – and it made for a very happy marriage and the best years of her life. Marike loved the internet and engaged with the world through it. As a result her columns about the internet were inevitably also about Marike's joyful engagement with the issues and curiosities of life and, ultimately, her own approaching death. When she was diagnosed with Leukemia in September last year, she returned to Cape Town for treatment. That temporarily cut her off from access to the internet – but did not stop her from writing her column in which she bewailed the lot of the deprived addict. In her November column came bad news:

“Did you speak to the doctor today?” [the hospital social worker] asked.

“Yes I did,” I said.

“And?”

“Well, as you know, my leukaemia is resistant to the chemotherapy, so I've decided to end the process because the risk of complications is much higher than the likelihood that I'll go into remission, so there's not much point really.”

“And what did he say?”

“He said that in about three to six months' time

I'm probably going to float off on a white cloud.”

“And how do you feel about that?” asked the buffalo.

“I'm just busy getting my speech ready for God.” I said. “I reckon she's got some explaining to do. But before I do that, I'm going back to the USA to spend the rest of my days with my dear husband.”

The buffalo blinked. “Well, don't you dare leave without saying goodbye,” she said and left the room, and I was glad when she was gone, because I wished to get back to the story about the [cleaning lady's] hardships.

But the cleaning lady was gone and I was alone again. I thought about my life, and I thought about the cleaning lady's life, and I felt lucky. I didn't even know her name, but I knew I wouldn't swap my life for hers for anything.

In the script of our lives we can write the dialogue, but the plot is completely out of our control.”

But Marike Roth's columns continued to arrive from America, month after month. The last, written ten days before her death, appeared in our last issue. Thank you, Pat, for always encouraging her. It's amazing what love can do.

We dedicate this issue, the first with no Web Dreams column, to her cherished memory.

The Editor



Mr Nose

puts it about

Visit safer South Africa

READERS MAY recall Lorraine Melvill and her ingenious business, Surgeon and Safari (*nose65*), which attracted “visitors from the USA and Britain to have their plastic, dental or orthopaedic procedures done here, and then to spend time in the bush – in a luxury game lodge or five-star hotel, more likely – while the swelling goes down”.

Visiting his GP the other day Mr Nose was struck by an even better idea: cut out the middle men (ie the quacks) altogether, and lure the Brits and Yanks to come here with no visits to the doctor required – and keep the change. Why? Because they have more chance of being prematurely dispatched in a hospital in their home countries than of being killed by our notorious robbers and muggers.

It turns out that our friends across the pond are nearly twice as likely to be killed through medical negligence or botched

treatments as they are to be murdered on the streets of Mzansi.

As the Yanks say; do the math: There were 19,200 murders in South Africa between April 2006 and March 2007, while an estimated 225,000 Americans are prematurely killed in hospitals each year. That translates into 40 murders per 100,000 in South Africa and 73 iatrogenic (doctor inflicted) deaths per 100,000 in the US.

No, Mr Nose hasn't been at the surgical spirits again – nor has he been flipping through the latest edition of *Conspiracy Monthly*. The medical stats appear in a back copy of the *Journal of the American Medical Association*, carelessly left lying around the waiting room of Mr Nose's GP. According to an article in the journal, written by Johns Hopkins Professor Barbara Starfield, iatrogenesis is the third biggest killer in the United States, after cancer and heart disease.

The annual deaths in US hospitals, according to the good professor, break down like this:

- 12,000 from unnecessary surgery;
- 7,000 from medication errors;
- 20,000 from other errors;
- 80,000 from infections contracted in hospital;
- 106,000 from adverse effects of medication.

These figures are conservative, says Professor Starfield, who argues that there may be as many as 284,000 deaths annually, and, she adds, these don't include non-lethal injuries inflicted by doctors. Things aren't a lot better in the UK, where the Royal College of Physicians reports 72,000 iatrogenic deaths a year out of a population of 60 million.

Having read all this, Mr Nose quietly discharged himself from the doctor's waiting room and is now rushing off to register his new niche company in the health tourism sector: Borders without Doctors.

Rude awakening for cellphone client

VODACOM CELLPHONE SUBSCRIBERS are being charged for unsolicited “content services” – despite the network provider’s claim that it adheres to the “industry norm” that new content services must be solicited by the subscriber. Vodacom, like other network providers, is making a fortune from content providers, or WASPs (Wireless Application Service Providers), which piggyback on the networks.

The cellphone industry claims that there are as many subscribers as there are people in South Africa – around 45 million. It’s therefore fair to say that South Africans are shelling out hundreds of millions, if not billions, of rand each year for content services alone. A substantial portion of this loot appears to be going to content providers registered offshore.

Which is perhaps why, for weeks, Vodacom ducked *noseweek*’s questions about how they came to collect R165 from 66-year-old subscriber Marie Ensink, for an internet connection to a porn site, that she didn’t ask for.

Mrs Ensink signed a Vodacom contract on 8 September last year. Six months later, on 8 May 2009 (at 2.57pm), she received an unsolicited text message, which read: “Ur Adult video here!” Wondering how the sender had got hold of her number, Mrs Ensink deleted the message. A couple of hours later another SMS arrived: “Welcome 2 African Gsm.VC! Content on its way! Click on it 2 download! [...] sms STOP to 37425 unsub. Subscription service R15/3day. 16+.”

As she had not subscribed to any services, Ensink deleted this SMS too. As she told *noseweek*: “You only unsubscribe from something you have subscribed to. There was no way I was going to request such a service – I don’t even know how to send a text message.” Over the next few weeks, Ensink received several more such messages, each containing a

Unsolicited
content services
are rich
pickings for
unscrupulous
network
providers

link to an internet porn site. She deleted them and complained to her local Vodacom shop. Staff there were unable to stop the SMSs from coming in, but finally assured her that the “content service” would be discontinued at the end of May. It was. But when the monthly bill arrived it showed that Ensink had to pay R165 for content services.

When *noseweek* contacted Vodacom, the provider produced the log of Ensink’s cell transactions – which indeed confirmed, as she’d claimed, that she hadn’t sent a single SMS. It did show that on 8 May Ensink had received two messages from Mira Networks.

Mira themselves had another version of events. A Mira consultant, Princess, told *noseweek* that Ensink had sent an SMS on May 8, requesting what’s known in the industry as “erotic content”. To prove it, Princess sent *noseweek* the log of Ensink’s transactions – which only served to affirm that it was Mira which had initiated communication with Ensink and not the other way round. The Mira transaction log also showed that



each time Ensink's phone received an SMS from Mira she was billed 1.5 Euros (by Vodacom), without any attempt on her part to access the link sent to her. When *noseweek* pointed out to Princess that Mira had contacted Ensink first, she forwarded an email which, she said, came from Linguistic Mobile. It says that on 21 April Marie Ensink had accessed an online Google advert for Linguistic Mobile, which "promotes cell offers for the adult and non-adult market".

The email claims: "The user in question [Ensink] specifically requested adult content. This request led to the user's number being added to the promotions database. This was 100% free, no cost was incurred, and the promotions are free to receive." All of which is highly improbable, if not downright nonsense, ie: simply another ploy to avoid responsibility. Investigations showed that Bestcellpromos, the internet domain specified in the Linguistic Mobile email, was only registered (by Toronto-based software company Tucows Inc) on 21 April 2009 – the very day that Ensink was alleged to have accessed it. This, as IT specialist Patrick Wright of Rocksolid Sys-

nectivity for content providers into all the networks in SA. We do not sell services and don't get directly involved with the creation of services and we do not advertise any SMS service. That is the responsibility of our clients, the content providers. All our content clients are WASPA [the industry watchdog] registered members and it is their responsibility to ensure that the services they offer are compliant and above-board."

She then asked *noseweek* to direct all further queries to Linguistic Mobile Services – which turned out to be a non-registered entity bearing a UK address. Only an internet domain, *linguisticmobile.com*, is registered (as of September 2008), to James McAteer of Bedfordshire, Great Britain. The domain registration gives a false telephone number – one not allocated by British Telecom.

Oddly, minutes after *noseweek* received Mira's email, one arrived from James McAteer himself, written from Linguistic Mobile: "I would like to



Vodacom subscriber Marie Ensink

“As such, Vodacom does not carry nor distribute pornographic material – this is done by the service provider”

tems tells *noseweek*, is extremely unlikely: "After registration of a domain, it takes up to 48 hours to point to a server." It also usually takes days for an ad application to be approved by Google. Furthermore, Marie Ensink herself claims that she doesn't even use a computer, never mind indulge herself in surfing the internet for expensive porn for her cell phone.

Asked to provide proof from Google that Ensink, or anyone else, had clicked on the Bestcellpromos ad on that day, Mira Networks' customer services director Charlotte Endres simply passed the buck: "Our role is to provide con-

nectivity for content providers into all the networks in SA. We do not sell services and don't get directly involved with the creation of services and we do not advertise any SMS service. That is the responsibility of our clients, the content providers. All our content clients are WASPA [the industry watchdog] registered members and it is their responsibility to ensure that the services they offer are compliant and above-board."

By now, responsibility for who had solicited business from Ensink had been displaced from Vodacom to Mira to Linguistic Mobile, all of whom claimed that they had only passed on

someone else's messages, and that Ensink herself had solicited the content. Universal Mobile was indicated as the agent providing the actual content.

Vodacom's view in Ensink's case was put to *noseweek* by their chief communications officer, Dot Field: "Our initial investigations of this matter have shown that Mira Networks made initial contact by sending an SMS on 8 May at 14:57h, and the subscriber opted-in at 14:58. [At] 16:23 the confirmation for subscription was sent to the subscriber with an option to opt out but she did not unsubscribe. Next she started receiving the (9 x R15 = R135) content until she was unsubscribed on the 1st June 2009."

Field explained that content is primarily provided by third parties: "The WASPs are responsible for creating the information that is delivered to the subscribers, which is referred to as content. They make use of Vodacom's cellular network infrastructure and billing relationship with the subscriber to deliver and bill for these services. As such, Vodacom does not carry nor distribute pornographic material – this is done by the WASP."

Why, then, did Vodacom charge Ensink R165 for content services – R30 more than the actual Mira bill? No response.

When *noseweek* asked Vodacom to explain why there is no monitoring of what gets sold as content on their network, the reply was that this would infringe

on the right to privacy of its clients and customers. In other words: if Vodacom may not listen in to your conversations, it also may not regulate what is being sold to you through its network. Nor is any system in place for checking that porn is being sold only to adults.

The so called “industry norms” for WASPs are contained in the guidelines established by the Wireless Application Service Providers’ Association (WASPA). Section 5.2 of the document clarifies that if a message has not been requested by its recipient, then it is unsolicited. In other words the sender is doing the soliciting, not the receiver. It says that:

“Any commercial message is considered unsolicited unless;

- the recipient has requested the message

- the recipient has a direct and recent (within the last six months) commercial relationship with the message originator and would reasonably expect to receive marketing communications from the originator; or

- the organisation supplying the

originator with the recipient’s contact information has the recipient’s explicit consent to do so.”

But, as Ensink’s story shows, in practice a WASP can send an unsolicited message to a potential customer, then bill them for an unsolicited service when they “opt in” by ignoring the message. Then, when challenged, the WASP, and the network carrying the message, are able to pass on the responsibility to whoever is next down the line – until it reaches some anonymous figure who says they’re convinced that no-one is to blame.

It appears that pre-paid subscribers are even being hit when they don’t reply to messages because they don’t have air time. When they top up their account, the amount “owing” to the WASP is automatically deducted.

Vodacom does not provide a breakdown in its financial statements for content services revenue, but it’s widely claimed that networks retain around 50% of what they’re billing on behalf of WASPs. The industry watchdog, WASPA, tells *noseweek* that “the affected party” can

file a complaint with the association, which would then investigate. WASPA promised to provide a comprehensive response, but at the time of going to print, they had not done so.

Mira Networks claims to be one of Vodacom’s “top SMS aggregators”. Mira would not disclose their fee for distributing pornographic content to local cellphones. Nor would they say how they obtain the cell numbers to which they send unsolicited material.

- Dot Field, Vodacom’s chief communications officer, informs *noseweek* that, on further investigation, “it was found that the proof from the WASP that the customer opted in or requested the content, was not adequate”. Vodacom has suspended the service of Linguistic Mobile, pending the outcome of an investigation by WASPA. Field says that in June a new rule was introduced in the WASPA code of conduct “that requires that any request from a customer to join a subscription service must be an independent transaction, with the specific intention of subscribing to a service”. ■

How the under-aged slip through the net

I AM NOT TWELVE YET and I have had a Facebook account for two months, though the age restriction for Facebook is thirteen. I personally think that websites like Facebook should restrict how mature and careful the person is, not how old they are. Websites actually have no way of stopping somebody under the restricted age from signing up.

There is a game on Miniclip (a games website) called Bush Shoot Out (in the game you are George W Bush shooting

Getting past a website’s barriers is as easy as falling off a skateboard backwards, says Calif York (11)

terrorists in the White House). It has a fourteen age restriction but I know people who play it who are under-aged. Even I used to play it. They have no way of knowing if the person playing it is under the restricted age. My friend showed me a game with an eighteen age restriction called Pilsner Win/Undress Me: in the game you catch beer bottles and for every twenty you catch a piece of clothing comes off a woman until you have caught 100 and she becomes topless.

But what websites can do is this: when you put your

real date of birth in for the registration page it remembers your email address, then when you enter an untrue date of birth it knows that you’re under age and stops you from being able to make an account with that same email address. In fact when I signed up for YouTube and put in my real date of birth it said there was an error and then I had to sign up with my dad’s email address and date of birth. From now on I know when I sign up for websites that might have an age restriction, like when I signed up for Rotten Tomatoes (a movie-commenting website), to always put in my fake date of birth.

If you have children you don’t know what they could be getting up to on the internet – they could be signing up for websites with restrictions for their age. If you are worried about your children going on unsuitable websites you can buy programs to block unsuitable websites with age restrictions. The internet is a big and dangerous thing. ■

Calif York (not his real name) is a primary school pupil in Cape Town. You can email him at califyork@gmail.com.



Was PrimeTel boss murdered?

Public relations crackdown fuels speculation

A COVER-UP BY A SPECIALIST public relations agency has caused a riot of rumour and speculation over the recent death of Michael Alter, the man hailed by the media as deliverer to South Africa of slashed-price phone calls.

When Alter launched PrimeTel 14 months ago he took on the cellphone providers, and Telkom, with his promise of 85% savings on phone bills, targeting corporations which make large numbers of international calls. Now wild stories are circulating that the 61-year-old Brit was the victim of a contract killing by angry rivals.

"We heard that he shot himself," says Leon Smit, MD of Olivetti in Durban. "It was up in Joburg. We don't know the details."

"I know he definitely shot himself," says a staff member at Olivetti – the company sold PrimeTel's system to its own customers in KwaZulu-Natal.

Incredibly, after all those laudatory articles in *Business Day* and *Financial Mail* and major interviews on *Moneyweb*, there's been no mention of Alter's death in the media – apart from a brief 6 April *ITWeb* report which said that PrimeTel "was liquidated on 19 March and the MD has passed away".

The specialist PR outfit involved is Corporate Communications Consultants (CCC), whose clients include financial services giant Deloitte Touche Tohmatsu and the Gordon Institute of Business Science. CCC offers a range of PR services, including "developing successful crisis communication strategies and plans".

However, CCC's crisis communication strategy for handling the sudden death of Michael Alter has been sadly lacking. Instead of clearing the air with accurate information, CCC's directors on the PrimeTel account – Shirley Williams and agency founder Sue Brewitt – masterminded a security clampdown.

PrimeTel's 10-odd former employees were ordered to say nothing – and the speculation began spiralling.

Here are some facts.

PrimeTel opened its doors in June 2008, offering a Voice Over Internet Protocol (VoIP) product, downloadable to any 3G or GPRS-enabled phone. It offered calls to Europe, for example, at 23c/minute, compared to Telkom's R2.13/minute. All calls between PrimeTel lines were free – and PrimeTel actually paid customers 11c for each call they received.

Asked on *Moneyweb* in June 2008 how his service was different from other broadband connectivity offerings, Alter said he had "more than adequate funding" – venture capital from the US – experience in developing countries (Chile), and an attractive package – all equipment supplied free, on loan, and month-by-month contracts. Three months later Alter told *The Times* he expected as many as 400,000 customers to download his application "within three or four months". After a claimed successful launch in Gauteng, PrimeTel expanded nationally through a distributor in the Western Cape and was just starting up in KwaZulu-Natal when the tragedy occurred.

On the Thursday afternoon of 19 March, the father of two grown sons booked into a local guest house, wrote a number of letters – and apparently killed himself with a massive quantity of alcohol and tablets.

Noseweek has learned that at the time of his death PrimeTel was in deep trouble. Says an insider: "Big companies hired his equipment but their lines

started getting cut. The clients were up in arms."

One of PrimeTel's service providers explains: "We sold quite a few of the VoIP systems. But for two or three weeks before Mike died our clients were phoning us, screaming because they couldn't make or receive calls. It was a shambles. People were trying to get hold of Mike but he was just saying that everything was fine."

To offer cheap international calls, companies like PrimeTel buy broadband capacity in the countries to which calls are being made. "From what we understand, Mike hadn't paid those overseas people from whom he had bought capacity – the people he was using to route his calls – so his clients had their lines cut," says the service provider. "We also found out that he hadn't collected money from some of his clients. This obviously impacted his cash flow. It seems his administrative set-up was not done properly."

Had the global recession caused Alter's "venture capital support" in the US to dry up? Was all this talk about venture capital funding true? "PrimeTel had overseas shareholders who supported the company," says a professional who worked closely with Alter.

The brief *ITWeb* report which stated that PrimeTel had been liquidated is not correct, according to *noseweek's* source. "First of all, no creditor has applied for liquidation. Because Michael controlled the shareholding, the shares will only go into his estate on probate. At that time, whoever Michael bequeathed those shares to will be able to apply for voluntary liquidation."

Was PrimeTel in a terminal crisis? "I don't think it was up to expectations, although it had very good prospects," says the source guardedly. "When Michael died the company ceased trading immediately. I don't think anybody had the wherewithal to pick up the ball and run with it." ■



Joburg's poisoned well

JOHANNESBURG EXISTS BECAUSE of gold. The city and its satellite towns, now home to maybe 10 million souls, sit atop the world's richest gold deposit. The reefs of Gauteng stretch across 280 kilometres, east to west, and by now are bored through by thousands of kilometres of tunnels, and some of the world's deepest mines – an astonishing four kilometres deep.

Every schoolchild in this country learns about gold's contribution to the building of South Africa. Since 1886, when the first gold ore was discovered on the Witwatersrand, the metal has fuelled a virtually non-stop party of profits for mine-owners and their shareholders across the globe.

As with every party, there's a price to be paid – a fact too-often glossed over while the good times are rolling on. But now the globe's biggest gold deposits are running out. More and more mines are closing down, and many gold mining companies on the Rand are now waking up to a terrible hangover and a churning stomach after a hard century-or-so on the town. In addition to the pain of tens of thousands of job losses, there's massive trouble brewing down in the guts of Gauteng; huge volumes of highly poisonous (in many cases also radioactive) water, known as Acid Mine Drainage or AMD, is forming in abandoned underground mine workings. This AMD is rising towards the surface and threatening to pollute water sources not only across the province, but, because so many river systems flow out of Gauteng, the rest of the country, too.

And, make no mistake, those poisons maim and kill.

Most of the hard conglomerate gold-bearing rock in Gauteng is deep down, under a covering surface layer of soft, permeable dolomitic rock that can be several hundred metres thick. This dolomitic rock is easily eroded by water and has, over millennia, become riddled with underground rivers, caves and aquifers and is now a "rock sponge" from which thousands of homes and farms draw borehole water.

The hard gold-bearing rock under the dolomitic layer is

rich in mineral sulphides (chiefly pyrite, a compound made up of iron and sulphur).

When water and air come into contact with sulphides, for example at the exposed rock walls of mine tunnels filling with water, a chemical reaction occurs that produces sulphuric acid, which eats away further at the rock, liberating more sulphide compounds and, in a vicious cycle, making more sulphuric acid indefinitely.

The acid, water and other elements and compounds freed from the rock by the acid, including toxic metals such as uranium (which often co-occurs with gold), together form the witches' brew called Acid Mine Drainage. When mine tunnels are abandoned, they typically fill up with water coming from the water-rich dolomitic rock above, via vertical mine shafts (the water constantly pumped out of working mines is usually only slightly polluted as it does not stay in contact with newly-exposed rock for very long). Water plus air plus the exposed rock of many kilome-

tres of tunnel walls equals an enormous amount of AMD.

If the AMD which formed in old mine workings stayed down there it would not be much of a problem. But because water is constantly coming down into the hard rock layer from the water-rich layer dolomitic layer above, the liquid level in un-pumped workings keeps going up. Eventually a rising tide of AMD reaches the base of the dolomitic layer (where it spreads poison through the natural underground aquifers and waterways) and then the surface, where it spills into rivers and wetlands.

The AMD problem has been known about since at least the 1960s, but it was only in 2002 that the first so-called "surface decant" of AMD happened just upstream of the Krugersdorp Game Reserve, in the so-called Western Basin area, and brought the problem out in the open. (The underground water systems underneath greater Johannesburg are divided into four separate "basins", each with its own



The anaesthetist said that
the long and arduous
operation had

underground water level as water is not thought to be able to move between them – see map.) AMD gushed out of an old mine shaft and ran through the game reserve into the Tweelopiespruit. Although the decant had been predicted by geologists in 1996, the mines and the government failed to prevent it. Animals died in the game reserve after drinking the contaminated water, and the fish and frogs in the effectively sterilised stream were wiped out.

Reported by many journalists as an isolated incident and not the first sign of a truly gigantic issue, this decant, and other decants that have followed, are just a tiny indication of the truly nightmarish scale of the problem we are facing, as, one by one, large mines close and cease to pump their workings dry. AMD is predicted to ultimately fill all four basins, filling vast aquifers and important rivers with poison across thousands of square kilometres occupied by millions of people.

What can be done about this? A few mines in the western basin have for some years now been pumping AMD up to the surface, partially cleaning it in a couple of small water-treatment plants, and then discharging it into rivers. This pumping can keep the level of water/AMD in the basin below predetermined levels, for example below the base of the dolomite rock layer (which prevents underground aquifers being polluted) or just below the surface (which does nothing to stop underground water being unusably polluted, but does stop AMD gushing out into surface streams).

However, just running big underground pump stations costs millions in electricity bills every month, to say nothing of the tens or hundreds of millions it costs to install them. Since old gold mines will carry on producing large and increasing volumes of AMD indefinitely, this needs to be done “forever”, and someone needs to pay for it – forever.

The National Environmental Management Act codifies the so-called “polluter pays principle”. Pollution, at least that discharged into the environment since 1999, must be cleaned up by the polluter at their cost. It’s easy to see the entire profits of a given gold mine eaten away by AMD remediation measures. If the gold mines are going to be strictly held to their legal responsibilities, this might mean total disaster for the industry and its

shareholders.

The mines, mindful of this, have formed a series of non-profit Section 21 companies to manage the AMD problem in three basins. These are the Western, Central and Eastern Basin Environmental Corporations, which in turn have contracted a for-profit company, the Western Utilities Corporation (WUC) to develop a Regional (mine) Closure Strategy which will allow the mines to clean up the indefinite supply of AMD pollution while walking away with their profits intact. (WUC is a wholly-owned subsidiary of Watermark Global PLC, a company quoted on London’s Alternative Investment Market.)

WUC intends to do this is by building a series of underground pumping stations in each basin, which will be linked to a central treatment plant in Germiston by long pipelines. This will cost upwards of R1.5bn. WUC plans to pay for this capital, ongoing operational costs and a return on investment to shareholders (currently estimated at 19%) by selling newly-purified water to RandWater, which distributes drinking water to about 11 million people, at the same price that RandWater gets it from elsewhere.

It seems like a neat solution: Private company raises money from overseas to clean up massive mine headache, thus saving shareholders from being wiped out, at no obvious cost to the taxpayer and no increased cost to the millions who drink RandWater-supplied water.

But, as usual, things might not be so simple. WUC’s treatment technology does not, by their own admission, remove 100% of the impurities from AMD 100% of the time. The public, who will be obliged to drink WUC-purified AMD-contaminated water, has not been presented with alternatives. Should WUC’s plan go ahead, the mines will not be paying to clean up the pollution they have caused – water buyers will; and is that legal?

There’s also a race against time and a backroom game of brinkmanship playing out between the mines, the government and a tiny squad of committed environmentalists (SA’s big enviro NGOs, perhaps because many get money from the mines, have stayed out of this). The western basin is now within one metre of decanting AMD at surface at the same site as 2002, near Krugersdorp, after Mintails and DRD gold stopped pumping and partially

treating water from their workings, in a dispute over who should pay.

The central basin’s AMD level is also rising rapidly, and is forecast to hit environmental critical level (the base of the dolomitic layer) in October 2011 if nothing is done – this means that construction of an underground pump station there must commence by the end of this year.

Joburg’s water future will be decided in the next few months. **W**







WATCHING HER HUSBAND being wheeled off to the operating theatre at Cape Town's Panorama Medi-Clinic Jenifer Webb was in a state of intense emotion, but she wasn't about to panic. Though an aortic valve replacement is serious stuff for a 78-year-old diabetic, tests had indicated that Gordon Webb was more than up to the procedure he was about to undergo. A risk of course, but something had to be done to alleviate Gordon's constant struggle to breathe. And Jenifer and Gordon had every confidence in eminent cardiac specialist Dr JJ de Wet Lubbe, who had performed by-pass surgery on Gordon eight years previously.

The surgeon appeared a lot less authoritative a few hours later, when he hugged Jenifer and gave her the news. She remembers him saying: "I'm so sorry, I feel like I've lost a friend. I couldn't see. I must have nicked the mammary artery when I was inserting the last wire stitch in the sternum". Despite the shock of losing her partner of fifty years, in that moment Jenifer felt respect and sympathy for Dr Lubbe – almost sobbing, she says, as he admitted his mistake.

That Lubbe had indeed been somehow responsible, though inadvertently, was, in Jenifer's understanding, confirmed a few weeks later. The anaesthetist who'd been present during the operation, Dr Rocco Vivier, told Jenifer that the long and difficult operation had gone well – except for a slip right at the end when Gordon's chest was being sewn up, which caused him to go into cardiac arrest.

As it turns out, the words of those who were present don't always tip the balance against the opinions of legal and medical experts called in later to interpret the event. Curious how insurance claims can change things.

Gordon Webb died on 6 January 2006. As skipper of the *Pioneer* Webb and his crew, which included Jenifer, had been rescued by a passing ship after their yacht hit a whale during the 1971 Cape to Rio. At age 78 he'd just signed a three year contract to teach marine engineering at a training college.

It took Jenifer a while to take stock after the operation. Financially in need, and aware that the surgeon carried insurance against the kind of eventuality that had occurred, she considered making a claim against Dr Lubbe. A medical insurance payout would enable her to restructure her home so she could

One false move...

take in a boarder, giving her an income and some degree of physical security.

So in June 2006 Jenifer Webb consulted Cape Town attorneys Millers, specialists, apparently, in medico-legal matters. Partner Patrick van den Heever and factotum Eben Potgieter advised her that by limiting her claim to R500,000 and keeping the matter confidential, Dr Lubbe's stature was such that it should be possible to get an out of court settlement. Apparently the local office of the Medical Protection Society (MPS), which indemnifies doctors, has the authority to settle claims up to R500,000 without instruction from its London head office. Jenifer was happy with the advice.

Van den Heever added that they would, however, need a report from an expert to confirm that Dr Lubbe's negligence had caused Gordon's death – but doubted they would find anyone in South Africa willing to testify.

Jenifer suggested Dr Robert Frater, who had qualified at UCT and gone on to do great things in the States, where he has become a leading cardiac specialist at the Mayo Clinic in New York. Van den Heever duly asked Frater to look at the files and in February 2007, six months after Jenifer's first consultation with attorney Van den Heever, the surgeon issued a report.

It was refreshingly direct. Frater affirmed that "an aortic valve replacement in a 78-year-old, diabetic, with vascular disease, and previous coronary surgery ... represents a high risk case", but went on to affirm that something had, indeed, gone wrong. Certain details of Frater's analysis support Dr Lubbe's own assessment of what had gone wrong. Says Frater: "The internal mammary artery was trapped against the posterior table of the upper sternum by dense adhesions. Dr Lubbe was unable to free the internal mammary [artery] from these adhesions. That being the case, he could not know the location of the artery relative to the edge of the bone after splitting the sternum to gain access to the heart."

In Frater's opinion this could have

The anaesthetist said that the long and arduous operation had gone well – except for a slip at the end, when the patient went into cardiac arrest

been anticipated – and he says Lubbe should have sought an alternative to the standard method of sternal closure: "If this was an area too dangerous to dissect it was [also] an area too dangerous to pass through it blindly a large steel wire on a large needle." Frater ended with a little note: "I am surprised at the absence of an autopsy report."

The lack of a report from state pathologist Professor Shabir Wadee, who had done the autopsy, was indeed remarkable. But, says Jenifer, Van den Heever wasn't particularly interested in getting hold of it at that point. If he had, things might not have turned acrimonious.

Frater's professional opinion didn't particularly impress Millers. Claiming that a report from a "foreign" doctor wouldn't stand up in court, Van den Heever, says Jenifer, wanted a second one. They decided on Cape Town cardiac surgeon Otto Thaning, and Jenifer instructed Millers to send the file to

him, then called Thaning a few weeks later to check if he had received it. This was unfortunate, because it prompted Thaning to issue a strong protest, virtually an accusation that Jenifer was interfering. He came out with pen blazing.

Thaning wrote: "I need to advise that I know Dr De Wet Lubbe ... consider him an extremely competent surgeon, and one whose experience, integrity and ability in the field of cardiovascular surgery is exceptional. He is held in very high regard by his peers and by me. I also need to advise that I was telephoned by Mrs Jenifer Webb prior to my making this deposition, and feel that her approach to me was inappropriate and compromising and placed unnecessary stress on my need to take an objective view of the matter placed before me for comment."

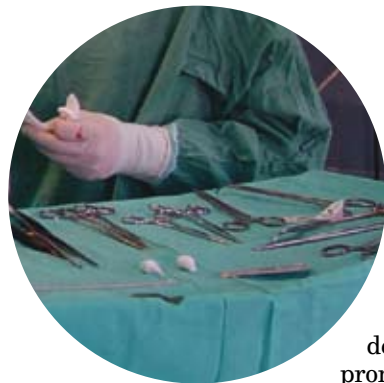
A master surgeon claiming that a single phone call enquiry has compromised his objectivity, whereas his long-established friendship and admiring professional relationship does not? At what other points was common reasoning subjected to unusual stress, m'Lord? Ah, well now...

Dr Thaning went on to emphasise that the operation was a "very high-risk procedure", given Gordon Webb's age and medical history. In Thaning's opinion Dr Lubbe's comment, that the fatal damage was caused by the sternal wire, doesn't hold up: "I believe there is doubt whether it was the cause of the acute collapse".

Even if a post mortem did show a laceration to the internal mammary by the placement of the sternal wires, Thaning wrote, he would not be convinced "that this could be deemed to be the result of negligence on the part of the surgeon". Dr Thaning waived his fee.

In September 2007 Jenifer approached state pathologist, Professor Shabir Ahmed Wadee,





who had conducted the post-mortem on 9 January 2006, three days after Gordon Webb's death. Wadee promised it would be available in a week.

It took another three months – Jenifer received a copy only in February 2008, more than two years after the operation.

The report is dated 14 December 2007, and declares: “At autopsy obvious damage to the left internal mammary/thoracic artery was not demonstrated ... The left internal thoracic artery was not seen, but a stainless steel suture was noted *in situ*... No evidence that the surgeon had accidentally injured the left internal thoracic artery as implied could be demonstrated at autopsy and on dissected specimen that was retained.”

Oddly, the autopsy report is not simply a document relating the finding of a post mortem. It addresses itself to answering a charge against the surgeon, in other words it has been written as a piece of evidence in his favour. It might be argued that a distressed Dr Lubbe, may have asked the pathologist to as-

sess, during his post mortem, whether he had in fact caused the death by inadvertently damaging the artery in question. But, if so, surely Prof Wadee would have put the poor man's mind to rest as soon as he could by telling him there was no evidence to support his fears. And Dr Lubbe would not have written three days later to the consulting heart specialist to reiterate his as-

left Millers. The letter, to instructing cardiologist Dr Horak, was written on 11 January 2006, five days after the surgery, and includes a brief description of the difficulties Dr Lubbe had encountered, and his assessment of the cause of Gordon Webb's death: “The surgery was extraordinarily difficult ... it took me about three hours to get into the chest; what surprised me was

Dr Lubbe's highly revealing letter sat in the lawyers' files, and appears never to have been used by them

essment that he had inadvertently caused the cardiac arrest by lacerating the left thoracic artery.

Dr Lubbe's highly revealing letter sat in Millers' files, and appears never to have been used by them in their approaches to Lubbe's insurers, MPS. Jenifer only found out about it when she met for the first time with Robert Krautkramer, who had taken over the case when Van den Heever

the denseness of the adhesions ... during closure of the sternum, after insertion of AV sequential pacing wires, the left internal mammary artery behind the manubrium, where this vessel was not visible, was inadvertently damaged by the needle of the sternum wire. Almost immediately the patient had an acute myocardial infarction, as this mammary artery supplied the whole of the anterior wall of the left ventricle... I have no doubt that the cause of death is acute myocardial infarction due to inadvertent damage to the left internal mammary artery... Damage to conduits during re-sternotomy is, of course, a major hazard during repeat cardiac surgery. I must say, in all my years of doing re-do surgery, this is the first time that the internal mammary artery was damaged.”

At Jenifer's first meeting with Krautkramer, it was decided that Millers would send a final demand to the insurers, MPS. On 18 August 2008, he prepared a letter which he sent to Jenifer for her comments. It was extremely bullish. After pointing out that this was clearly a high-risk operation, he wrote “we shall argue that your client was reckless in having then proceeded to insert a needle into an area where he knew a life-supporting artery lay”, and that “our client remains of the opinion that Dr Lubbe's standard of care was not only substandard but also negligent, in that he did not take proper steps to determine the actual position of the mammary artery, alternatively and even more worryingly, if he did in fact know where the internal mamma-



FINE MUSIC RADIO
101.3

ry artery was then he should certainly not have proceeded with the closing-up procedure which he embarked upon”.

This was, of course, all in accordance with Dr Frater in New York’s professional opinion. Before sending it, Krautkramer wanted to see the autopsy report, which Jenifer then faxed to him. His response, on 21 August, came with a burst of anger: “The autopsy report excludes any sign of damage to the left internal mammary and excludes that as the cause of death... we are of the opinion that from a legal point of view there are absolutely no grounds upon which we could allege any negligence associated with the death of Mr Webb .. if we had seen this sooner we would certainly have advised you to discontinue any steps as at that time already”.

Jenifer’s response was equally arch. She wanted to know why Millers had allowed her to incur some R20,000 in legal costs if everything depended on an autopsy report that they had taken no steps to expedite the arrival of. And why had she not been shown Dr Lubbe’s letter to Dr Horak, which, as she said “makes a mockery of Professor Wade’s finding”?

Krautkramer’s response beggars belief: He says that Jenifer was told on 14 February 2007 that Millers had obtained all the necessary documents relating to the matter, and had she wanted to see it she should have asked for it.

Yes folks, when your own attorneys discover a document supporting your case they are not obliged to tell you about it – unless you have had the foresight (call it insider knowledge) to request copies of all documents at the outset.

When *noseweek* spoke to Krautkramer he was clearly angry with Jenifer, who, he insisted, wasn’t playing open cards. He was adamant that the case hadn’t been winnable – despite Lubbe’s admissions – and described the surgeon as “stupid” for making them. Lubbe was simply wrong when he claimed responsibility, and even if had been correct in saying that he perforated the artery, it did not follow that he was negligent in law.

According to Krautkramer, the law is that the plaintiff must prove neg-

ligence no matter what the facts are, and this stems from an Appeal Court case dating back to 1924: Van Wyk v Lewis.

Krautkramer also claimed that the problem with Frater’s report was not that it wouldn’t stand up in court – as alleged by Van den Heever – but that Frater had indicated that he did not want to testify. Given that what Van den Heever was looking for was support for an out-of-court settlement, this appears to leave another awkward hole in the story as told by Millers.

So a heart surgeon says he made a mistake during an operation. This is supported by the anaesthetist who was present, and by an opinion from a highly experienced cardiac specialist. Two other doctors, one of whom has a longstanding professional relationship with the surgeon, say he didn’t make a mistake and was wrong to say he did. A state pathologist, who inexplicably takes two years to issue a report, says he could find no

evidence that the death was caused in the way that the surgeon says it was – even though he couldn’t see the artery in question. And an elderly widow is left without any compensation.

As the widow herself said, in a final letter to Krautkramer: “So now we have the ridiculous situation where the surgeon openly admits that he caused the death of Gordon Webb and the state pathologist takes two years to claim he didn’t.”

In fact the real stumbling block to taking the case further seems to have been the fact that MPS’s attorneys had obtained an opinion from a Professor RH Kingsley, who said that Lubbe had not been to blame, and that Gordon Webb had died because he had been in bad shape.

MPS issued a statement which reads: “Dr Lubbe would like again to express his deepest sympathies to Mrs Webb and her family for their loss. [...] Dr Lubbe would like to say that, as is good practice for all doctors following a post-operative death of a patient, he reflected on what happened, including considering the possibility that damage was caused to the mammary artery during the operation. At the time Dr Lubbe discussed in detail with Mrs



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Webb what he thought had happened. The post mortem carefully examined the cause of death. It concluded that there was, in fact, no damage to the mammary artery and that Mr Webb died of 'natural' causes. Dr Lubbe strongly denies any allegations of negligence. The post mortem report does not support the allegations that we believe are being made in this article. As far as we are aware, on discovery of the post mortem result, a claim against Dr Lubbe was not pursued."

The fact that the pathologist performing the post mortem had not been able to even see the mammary artery, did not get in the way of both attorney Krautkramer or MPS declaring that it had not been damaged.

On the question of why Dr Frater's evidence had been disregarded, MPS said "his report was never shared with our lawyers".

And the caption competition winner is...



Neigh man!
You dont need spots
to be a cheetah!

David Finlayson of Stellenbosch, who will receive a bottle of Billecart Salmon Reserve champagne.

Stent





Grey advertising in the Black country

RECENTLY THE WESTERN CAPE High Court ruled that a wine trademark registration for Swartland was valid. This is of interest because it's generally not easy to register a trademark on a geographical name, and the Swartland is a region in the Western Cape, near Malmesbury (yes where they talk funny, but what's really funny is that you may find the odd Swart there, but you'd be hard-pressed to find a swart).

The registration was declared valid because it has been used by just one company for some 60 years. It's this displacement of an ordinary meaning (as the European courts like to say) which can make a geographical name a trademark. Or any other descriptive term for that matter – South African Airways is as descriptive a name as

any but it's associated with just one company and so no one else can use it (the fact that no one else wants to use it is just a happy coincidence).

The court also held that another company which had begun using "Swartland" on wines was infringing the registration. But doesn't the law say you're entitled to use a genuine description of a product's geographical origin? Indeed it does; but it also says you must use it in a way which is consistent with fair practice. And how it was used here – with the word Swartland like huge, hey, and like everywhere (this was a Cape Town judge), and "wyn van oorsprong" (wine of origin) like small, hey, and like not so often – meant that Swartland was clearly being used as a trademark.

Glomail in the dogbox

LAST MONTH, the advertising standards committee of the ASA upheld a decision to require Glomail to submit all its ads for pre-clearance, for a period of six months. In other words, Glomail must send all its ads to the ASA for checking before airing. Which is not just irritating but also costly, because a fee is payable for each clearance.

Why the humiliation? Because the company which sells Detox Foot Patches, Bioslim Once A Day, and Glomail Health Hoodia to naive and vulnerable consumers is a serial fabulist, having been challenged 11 times over a two-year period, and having voluntarily withdrawn six of its ads. Glomail had been ordered to remove the absurd claim that its weight loss product "guarantees results in seven days", and it promptly replaced it with the equally misleading "lose weight in seven days or your



money back".

Incidentally, Glomail is the trading name of a company called Limited Editions (Pty) Ltd. Could it be that the word "limited" refers to the efficacy of the products rather than their exclusiveness?

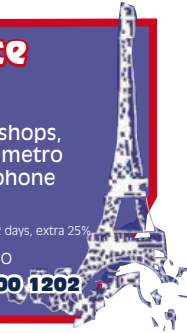
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Zunaid Moti

The **R1.4bn** Moti in Investec's eye

INVESTEC PRIVATE BANK executives in Johannesburg meet every Tuesday morning to meditate on whether it was wise of them to have advanced nearly R1.4bn in group facilities to controversial property developer Zunaid Moti.

Confidential documents in *noseweek's* possession show that by May of this year Moti was in arrears with his R8.7m monthly repayment instalments – to the tune of R81m.

Moti is the 34-year-old, fast-living chairman of the family-run Abalengani Group, whose interests include extensive commercial and residential property developments in Joburg's Sandton

and elsewhere, exotic cars, helicopters and mining companies.

The family's flagship development, a 3500ha Nondela Drakensberg Mountain estate, launched amid great fanfare in 2006, is a white elephant today. "Nothing has happened there," says a property consultant.

In 2006 Abalengani's car finance division, FutureFin Finance, teamed up with WesBank to offer a finance deal on luxury cars such as Ferraris, Porsches and Lamborghinis that was sure to appeal to gamblers and cowboys: For 36 months you paid just R2900 a month for every R1m of car value. Reality would dawn only at the end of month

**South Africa's
best-dressed
developer owes
the bank R8.4m
a month – and
he hasn't paid
for a year**

36, when the “residual amount” – full purchase price plus some – would be repayable in one “balloon” sum. Many punters couldn’t meet this enormous final payment, resulting in their limos being repossessed by WesBank, and being sued for the difference in value between a new and a generally, by then, pretty well-used Porsche or Ferrari.

The partnership ended a year ago, with Moti criticising WesBank for not “pulling their weight”.

In January Moti announced that his group’s property investment arm intended to list on the JSE as Abalengani Property Group, through a reverse listing. Investec were no doubt delighted to hear that some sucker investor was about to let them off the hook. But this didn’t happen, and it was back to Tues-

of Abalengeni’s financial health. The bank’s by-now overall exposure of R1,491,451,187 appears on an internal system called Radar. Three facilities are listed:

■ Xeedan Property Investments. Bank’s exposure: R1,430,800,833. Arrears: R23,317,260;

■ Abalengani Drakensberg. Bank’s exposure: R58,404,084. Arrears: R58,404,084. Facility terminated;

■ Moti ZA (Moti’s personal account). Bank’s exposure: R2,246,269 on a facility of R5.2m.

Another Investec May printout shows that one of seven Xeedan facilities was R3.9m in arrears. On 5 May the bank’s Makhosini Ngubeni circulated an internal email: “Client has fallen in arrears and has no funds on his card to pay the instalments. Please advise.”

On 14 May Ngubeni notified Pieter Smith in Investec’s Joburg recoveries department: “Mari says we (sic) there is (sic) no funds to pay on Xeedan. She transferred R1.3m yesterday.”

Sixty-eight minutes later this prompted

Anthony Church (Joburg recoveries) to email Brett Copans (head of commercial property finance): “What’s up here? Do we need to be concerned at this stage?”

The following afternoon Copans replied to Church: “In a nutshell; cash flow is extremely tight and Moti is battling to service. His exposure to the bank is close to R1.5bn. We have implicitly agreed to work with Moti to try and resolve and decrease exposure levels through the sale of certain assets.

“A meeting is held every Tuesday a.m. with Ciaran [Whelan, from group risk and already well-known to *noseweek* readers], Glynn, Mike Levetan, myself, Marc Abrahams and Moti and his team. At this meeting all potential sales and other asset values are constantly being assessed. There is not much comfort to be derived, but if you guys are keen, Marc and myself will sit with u and go through all the current plans in detail.”

■ Investec bosses continue to receive generous, if trimmed, bonuses. Despite 57% cuts, CEO Stephen Koseff and MD Bernard Kantor still hauled in R16.5m each (three times their basic salaries) for the last financial year. Employees received an average bonus of just under 40%. ▣

Internal emails were humming at Investec over its massive exposure to Abalengani

day morning meditation sessions.

Zunaid Moti is the son of a general dealer from Potgietersrus. He won a scholarship to complete his last two years of schooling at St Albans College in Pretoria. Last year he was runner-up in *GQ*’s list of best-dressed men of the year.

At the end of May, as internal emails were humming at Investec over its massive exposure to the Abalengani companies, Moti told *Finweek* that the group’s property assets, valued a year previously at R4.5bn, were down by 30% to 40%. He blamed the banks for the severity of the present slump. “We don’t have a lack of buyers, there’s a lack of funding,” he told *Finweek*.

Moti added that unless the cycle turned by this month (August) he might have to cut his losses and liquidate Abalengani’s entire property portfolio. “If the down cycle lasts three to five years, which is not entirely unlikely, it will be stupid not to get out now. We can always return to the market once the recovery is under way. I’m young enough to catch the next upswing.”

His plan was clearly for Investec to collect the downswing.

So let’s take a closer look at those confidential Investec documents – and the depressing picture they paint



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WHEN IS AN AGREEMENT not an agreement? When Absa says it isn't – this is among the lessons to be learnt from a case that's pending at the Johannesburg High Court.

The valuable lessons, that you dare not ignore, start with noting that anyone who signs an agreement with Absa had better make sure that Absa counter-signs. Then, you will definitely want to remember that Absa doesn't always consider itself bound by the word of its attorneys. Finally, do keep meticulous records of what you pay to Absa.

Keep these lessons in mind when dealing with Absa – or you may find yourself in the same situation as retired businessman Brian Pottow.

Pottow, who lives in the USA, owns a number of companies and close corporations with properties in and around Johannesburg. His son Robert Pottow has the authority to manage Brian's affairs. Their businesses got themselves into a mess, and ended up owing some R20m to Absa, as well as around R13m to SARS.

When Absa started taking judgments and attaching properties, Robert Pottow considered putting all the businesses into liquidation – but decided to do a deal with Absa which would let him pay off both the bank and the taxman. So a meeting took place involving Robert Pottow, his attorney Stephen Thomson, of Thomson Wilks, certain Absa employees and Absa attorney Quinton Olivier, of Jay Mothobi Inc.

It was agreed to set the total debt at R15m, but it would have to be paid off quickly, requiring that a number of properties be sold. Absa instructed attorney Olivier to prepare an agreement, which he sent to Thomson on 9 March 2007. The R15m would be paid by no later than 30 April 2007, or Absa would be entitled to cancel the agreement, provided that Pottow was given seven days to remedy the failure.

The covering letter also said that Absa required proof of Robert Pottow's authority to sign for his father and the various businesses, as well as a signed consent to judgment. Robert Pottow, with general power of attorney from his father, signed the agreement on 14 March 2007, and Thomson sent it to Olivier the next day. A signed consent to judgment was attached, but not a copy of Robert's power of attorney.

When Pottow began selling



Deal or no deal?

Big Brother Absa plays hard ball with hapless client

properties it soon became clear that it wouldn't be possible to pay the full R15m by 30 April, mainly because of delays in obtaining rates clearance certificates. So on 20 April Thomson wrote to Olivier to say that it was unlikely they would meet the deadline, and asked for an extension.

On 25 April 2007 Olivier replied that Absa was "not prepared to grant your client an extension as set out", but that it would accept guarantees for the balance by no later than 30 April 2007, and that the guarantees would have to be paid out by 30 May 2007. Because this letter arrived while Thomson was

on holiday, he replied on 2 May to say that the time limits had lapsed, but that a guarantee would be provided.

On 9 May 2007 Olivier wrote to Thomson to complain that Pottow's businesses had "not complied with the terms and conditions of the settlement agreement signed by your clients on 14 March 2007", and that "the full balances on the respective accounts are therefore due and payable". On 7 June 2007 Olivier wrote to say that "your client failed to adhere to the settlement agreement and our client accordingly applied for default judgment", and that the full R20m was now owing.

On 27 June 2007 attorney Carolyn Smith, standing in for Olivier, wrote to say that “we further confirm that, as our offices have previously advised in writing, the settlement agreement has lapsed and our client is no longer prepared to accept the settlement amount due to your client’s failure to adhere to the terms of the said settlement agreement”.

The point of quoting these letters is to demonstrate clearly that Absa did acknowledge the agreement that had been made, even claiming that it had not been complied with and had lapsed (though never a mention of seven days’ notice having been given).

Then, in September 2007, a complete change of approach from Absa. By this time the guarantees had been paid out, the R15m debt had been settled and, in fact, a substantial overpayment had occurred as a result of the fact that a number of irrevocable guarantees had been issued. So Thomson asked for the overpayment to be returned. To which Olivier replied, in a letter dated 26 September 2007, that “it is with surprise that our client has noted that your client is attempting to rely on the proposed settlement agreement of March this year, as no settlement was reached between the parties”. To reinforce the point, Olivier wrote on 2 October 2007 to say that “our client denies that they entered into any settlement with your client as alleged or at all”.

Absa’s claim that there was no agreement was based on the fact that they hadn’t countersigned the agreement. As Absa manager Jan Hendrik Loubser so eloquently put it in the court papers: “The mere fact that the respondent’s [Absa’s] attorney prepared a document and submitted same to the applicants does not mean that the respondent will accept such a document.” And, in case that’s not entirely clear: “The respondent accepted the proposal made by the applicant to the effect that they pay an amount of R15m by 30 April 2007, but did not regard the proposal put to it as an agreement unless, and until same had been reduced to writing and signed by all the parties.”

Basically, Loubser was saying Absa claims that it did not countersign because Robert Pottow’s power of attorney for his father and the consent to judgment were not received. Loubser had a bit of a go at Carolyn Smith: “Without criticising the respondent’s

attorney, Ms Smith had no mandate to refer to a settlement agreement which lapsed. [...] Ms Smith had no knowledge of the facts of the matter. She played no role whatever in settling the matter.” (*Noseweek* notes, without surprise, that Ms Smith is no longer employed by attorneys Jay Mothobi Inc.)

In Robert Pottow’s view the whole thing is a smokescreen. He’s always had general power of attorney from his father and that there was no need for a further document. Besides, Absa monitored the sales of various properties and never queried Robert’s authority to sign the transactions. The consent to judgment was sent along with the agreement, but Absa made a fuss about the fact that the first page wasn’t initialled. It appears that, once Absa had its hands on an amount exceeding R15m, it decided to deny the existence of the agreement.


Pottow claims that there was clearly an agreement, that the requirements of proof of authority and the consent to judgment were not conditions of that agreement, and that the agreement was never cancelled because Absa never gave seven days’ notice of default. So Absa needs to return the overpayment because the debt was set at R15m.


Pottow initially thought the overpaid amount was around R6m, but it now seems it was just under R4m. In his affidavit Pottow complained that he could never get reconciliation from Absa. Loubser, in his charming way, responded by saying “there existed no obligation or duty in law for the respondent (Absa) to provide a calculation of all amounts paid by the applicant to the respondent”.

Pottow initially thought the overpaid amount was R6m, but it now seems it was just under R4m

A bank need not account for monies received for a client? Does the law bend that far to please its wealthiest and most regular client?

The matter is ready for hearing, but Absa is trying to make it go away by applying the carrot and stick. The carrot: if you withdraw this claim, we’ll return a property which we attached, worth some R2.5m. The stick: if you don’t accept the deal, we’ll employ a leading senior counsel who will make mincemeat of any junior you’ll need to employ.

Go Absa go! 



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NO TONGUES PLEASE: Renee Silverstone and Derek Carstens

Romancing Ms Silverstone

She's the squeeze of the bank's brand director: will that help The Jupiter Drawing Room group win FNB's R900m ad contract?

AS NOSEWEEK WENT TO PRESS South Africa's R7.2bn advertising industry was awaiting with keen, if somewhat cynical, interest the announcement of the winner of the pitch for FNB's massive new R900m advertising contract.

Key man in the decision-making has been Derek Carstens, FirstRand's brand director, who for several years has been romancing Renee Silverstone, chief executive officer of The Jupiter

Drawing Room. Jupiter is one of South Africa's top four advertising groups (fiscal 2008 revenues R235.7m; estimated billings R1.4bn).

Within the Jupiter group is a small and struggling agency called MetropolitanRepublic. It is this subsidiary that was selected by FNB to be one of four finalists to pitch for its high profile above-the-line business.

Carstens, who is doubling his role as the bank's brand director with a

temporary secondment as chief marketing officer to the 2010 World Cup organising committee, held a briefing session for the competing agencies – Draftfcb, Ogilvy Johannesburg, DDB South Africa and MetropolitanRepublic – in June. The four agreed to make their final pitches around 22 July, with the winner to be announced a week later.

There's a lot at stake for the Jupiter group. In January it was announced that WPP, the British-based global media and communications giant headed by Sir Martin Sorrell (2008 billings £36.9m), was to acquire 49% of The Jupiter Drawing Room and its subsidiaries, including MetropolitanRepublic. Insiders say the deal is still being

put to bed – outstanding issues include the group's future earnings.

The value of an agency is traditionally based on future earnings over three years times a multiple – usually between five and seven.

Until recently Jupiter held a stake in DDB South Africa, a non-equity affiliate of DDB Worldwide, and it looked as if DDB Worldwide (holding company Omnicom) was about to make a pitch for Jupiter. This, say industry sources, led WPP to raise Jupiter's multiple to at least 10. With Jupiter's annual profits estimated at around R50m, this values the group at R500m – and a price tag of around R250m for 49% of its shares. (These are *noseweek's* estimates; strict secrecy surrounds every aspect of this mysterious transaction.)

The deal with WPP will see the 57% shareholding in The Jupiter Drawing Room (Johannesburg) of BEE investment partner MSG Afrika Investment Holdings reduce to 25%. CEO Renee Silverstone's own Jupiter shareholding, which she holds in the name of the DJ Trust, will be reduced to single figures.

Provided Jupiter and MetropolitanRepublic pull in sufficient new business and profits stay on target, Silverstone will receive a windfall estimated at between R30m and R50m for her slice of the shares to be bought by WPP. However, if new business fails to

materialise and profits slump, WPP may be reluctant to shell out on lavish scale for its 49%.

Winning FNB's very substantial new ad contract could help ensure maximum payouts all round. The FNB contract carries an annual adspend of some R300m/year and will run for an initial three years, with an option to renew. That's close to R1bn of adspend, for starters.

FNB's current adspend was R243.4m in the 12 months to 30 April, according to Nielsen Market Research. For the last nine years the bank's above-the-line agency has been Draftfcb (formerly named FCB South Africa), although latterly Ogilvy Johannesburg was brought in to take over about a third of the account.

Derek Carstens and his marketing team at FNB clearly believe a change is due. At the June briefing session – both incumbent agencies are among the four finalists – Carstens made it clear that the bank's message (ironical in the circumstances) of *How Can We Help You?* hadn't really come across; some fresh creative input was required.

"The reason why it's going out to pitch is that FNB feels that Draftfcb hasn't helped them make this whole brand proposition *How Can We Help You?* come alive," says the head of one leading agency. He said putting together a "good pitch" costs a bidding agency around R200,000 – and if it emerged that a decision had already been made there would be fireworks.

As *noseweek* went to press, most industry betting was on DDB, which, despite its small size – 55 staff last year – holds some impressive accounts, including Unilever, McDonald's, Honda and Johnson & Johnson.

For weeks the ad industry has been speculating over the inclusion of Jupiter's MetropolitanRepublic in the finalists – and the connection between this "wild card" and Derek Carstens' relationship with Reneé Silverstone.

Says the head of a leading agency: "Derek and Reneé have been together about two or three years. They are a known couple; they're out and about in town together."

The chief of one of the pitching agencies says: "I'd like to think that Derek would be above any personal relationship that he's got. There's a lot of industry gossip, but I don't think it'll go there. MetropolitanRepublic is a wild card and there will be an awful lot of eyebrows raised if it does win. It would



ON A ROLLS: Graham Warsop, Founder Jupiter Drawing Room

be difficult for them to justify it. It's a very small agency, so it would be controversial in that sense. Secondly, its owner, Jupiter, has the Absa account, so I don't know what Absa would have to say about that."

As brand director for FirstRand, Derek Carstens is responsible for the group's brands, such as Rand Merchant Bank, WesBank, Momentum – and FNB. He was formerly group MD of what was then South Africa's largest ad agency, Ogilvy & Mather Rightford. His wife Pauline, from whom he is now divorced, also worked at the agency for many years until her retirement. They have two daughters.

It is the now-named Ogilvy Johan-

nesburg that has been awarded the above-the-line ad contract for the 2010 World Cup, although Carstens says this won't be worth much. R50m? "No, nothing like that."

Now 60, Carstens insists that there's no conflict of interest in including Jupiter's agency in the final four. Neither is Reneé Silverstone's position at Jupiter an embarrassment for him. "This is a business decision," he tells *noseweek*. MetropolitanRepublic and Jupiter, he maintains, are separate entities "and I think there's no shareholding".

No shareholding? But surely Reneé Silverstone/Jupiter hold shares in their own subsidiary? "As I understand it, that's been sold out," replies Carstens.



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He won't confirm the value of FNB's new ad contract. And although, as brand director and member of the bank's exco, his will be the strongest voice in deciding the winner, he insists it won't be his decision alone. "We have a pitch committee, we have a marketing committee. Then whatever we decide we take to the FNB exco for ratification," he says. "We invite exco folk to join the pitches if they can."

In a bold display of defiance of his critics, Carstens is enthusiastic when he talks about the controversial outsider that is MetropolitanRepublic. "We decided very specifically on the agency that we wanted. There's a very specific role for a young agency like Metropolitan, which is making some interesting waves out there. You owe it to yourself to look at a spectrum, so that's what we've done."

MetropolitanRepublic was launched by Jupiter in 2006, after an amazing week in which the group won three memorable ad account pitches – for Absa, Sasol and MTN. Freelance Paul Warner, one of the country's top creative talents, ran the entire creative pitch for MTN virtually single-handedly. After the win, the Jupiter partners decided to set up Warner as head of its new subsidiary, MetropolitanRepublic.

Part of the thinking was that the new agency – its accounts include MTN, Liberty Life and Wimpey – would act as a Chinese Wall to take business where there could otherwise be a conflict of interest. Such as now, with Jupiter's existing Absa account and the hoped-for FNB's. Warner, now 35, was given a modest shareholding in the new company and everyone assumes that until the WPP deal the Jupiter partners held the rest.

At MetropolitanRepublic, Paul Warner refuses to confirm this. "We are a private company and

therefore do not have to disclose our shareholding," he says. "What does our shareholding have to do with being a finalist on the FNB pitch?" Everything, of course.

Reneé Silverstone, now 50, joined The Jupiter Drawing Room just months after it opened its doors in 1989. She had previously worked at Grey Phillips, which in the 1980s was a powerhouse in the local ad industry. She joined Grey's board at the age of 24.

At The Jupiter Drawing Room (the agency is named after a Guy de Maupassant short story in which young ladies entertained Normandy dignitaries in a special first floor bordello – The Ju-

piter Drawing Room) the five early partners – Graham Warsop, his brother John, Dennis Hoines, Nick Rawden and Reneé Silverstone – owned the company equally. Later they formed a holding company, The Light Brigade Regimental Investment Corp, to start other businesses.

Silverstone's marriage to Dermot McGogan, ended in divorce years ago. In her early years at Jupiter she embarked on an affair with its founder, group chairman and hands-on chief creative officer Graham Warsop. "They were an item for about 18 months," says a former colleague. "Everybody knew about it. It was in the open.

"One day Graham came back from Europe and found Reneé in the arms of someone else – rumour was he was an exotically-sculptured personal trainer. You can't believe what went on in board meetings after their break-up – doors were slammed; swearing and screaming. Hell hath no fury was amply demonstrated. Up until three years ago they were at each others throats all

the time. But Graham didn't try to fire her."

At Jupiter, Silverstone has the reputation of being a tough cookie, says one former colleague. The head of a rival agency comments: "She's respected and the agency has done incredibly well; they've all made a lot of money out of it. Reneé's famous for being a great relationship person. She builds very strong relationships with clients."

Around 2005, after losing the Nedbank account, The Jupiter Drawing Room pitched for – and won – the Edgars business, then worth around R80m/year. It still holds the expanded and renamed Edcon account, with ad spend doubled to R190m. Much of the credit for winning the retail group's business was due to Reneé Silverstone and the very special bond she forged

Jupiter was abuzz with rumour, especially after Silverstone sashayed into work sporting a pair of magnificent diamond earrings

with Edgars group CEO Steve Ross, an American head-hunted from Sears Roebuck.

The two enjoyed regular intimate dinners together and, soon after the Edgars business was secured, Jupiter was abuzz with rumour and speculation, especially after Silverstone sashayed into work sporting a pair of magnificent diamond earrings. "Within the agency it was jokingly said that Steve Ross had given her the earrings, but she always denied it," says a staffer.

Jupiter's Cambridge-educated group chairman Graham Warsop, 50, came to South Africa in 1987 to finish a novel. When funds dried up he took a job as junior copy writer in a local agency. He started Jupiter just two years later. Both Warsop and Reneé Silverstone decline to comment on the FNB pitch or the perceived conflict of interest over Silverstone's relationship with the bank's brand director. ■



Steve Ross of Edgars/Edcon.

Pic: Robbie Strydom/Financial Mail

Dogfight at the SPCA

Charity chief accused of using Mugabe tactics

SOUTH AFRICA'S BIGGEST animal charity, the NSPCA, is in urgent need of rescue. The National Council, which regulates 92 autonomous local societies, has been losing money (more than R3.65m this year) and shedding experienced staff (40 over the past five years). A growing number of members are threatening revolt against the national board, the chairperson and, most especially, executive director Marcelle Meredith.

Meredith, who has reigned over the society for 17 years – in spite of having no management experience, business qualifications or animal welfare training – has been described as having “the leadership style of Robert Mugabe”.

Rebellion has been simmering internally for several years but members have been reluctant to vent their spleen outside the organisation because of the effect it would have on public support and on its mission.

By May this year the atmosphere

had become so toxic that the National Council called in the Centre for Conflict Resolution (CCR) at the University of Cape Town to “identify and explore the nature of the conflicts that are currently affecting the organisation”.

After collecting evidence and interviewing volunteers, former members, head office staff and management, the CCR reported that “it is apparent ... the NSPCA is currently a system that is under threat”.

“The situation is a consequence of past conflicts that were largely left unmanaged over an extended period.”

Concerns centred on “the perceived autocratic leadership style of the executive director”.

Meredith had been accused of adopting a “divide and rule” approach, of undermining staff, of being closed to different opinions and of resorting to rules and punishment to maintain control.

Unless the board took action it risked “a level of implosion that could be detrimental to the future of the movement”.

The CCR is not the first independent body to warn that the NSPCA is in trouble. Earlier this year, the Office of the Public Protector (OPP) finally responded to “numerous complaints” received in 2006 from ordinary members and regional representatives. The OPP decided it did not have jurisdiction over the matter because, although the NSPCA is a statutory body, it gets no funds from government. Nevertheless, it considered the complaints serious enough to recommend that the Ministry of Agriculture investigate further.

In a letter to the minister, the OPP

draws attention to allegations of financial mismanagement, and complaints that Meredith “imposes the harshest disciplinary measures against many employees who ‘question her actions’.”

The letter also highlights allegations that the National Council is reluctant to take action against societies in serious breach of their own regulations and the law, including the case of the Breede Valley SPCA in Worcester (see *Behaving like Humans*).

Echoing comments made by the Centre for Conflict Resolution, the letter concludes that “there may exist serious organisational and human relationship problems within the NSPCA and that many appear to have their origin in an unaccountable management style”.

Jane Marston, NSPCA chair and Meredith’s closest ally, points out that the Public Protector did not interview anyone from national management, and the letter does not constitute a balanced view of the situation.

“They couldn’t ask us for our side because that would constitute an investigation, and that was outside their jurisdiction.” She said she and Meredith would be happy to “co-operate fully” with any further enquiry.

Marston, a practising attorney, is reputed to be as volatile as her friend. Before staff gave evidence to the OPP,



she was recorded warning them to “be careful” if they wanted to “take on Marcelle” and another member of the inner circle, senior inspector Megan Loxton.

“Fuck with them and you fuck with me ... and that may not necessarily be good,” the transcript of the recording reads. Marston now says it was “a joke”.

Not amused is Francois van Wyk, chairperson of the Wellington SPCA, and an outspoken critic of Meredith, Marston and the national board.

Van Wyk, an investment broker, says the organisation will be bankrupt in four years unless Meredith is removed and replaced with someone with business and fund raising experience and leadership skills.

“Marcelle earns a big salary, she drives around in a fancy car, while all the work of actually caring for animals is being done by badly-paid inspectors and volunteers, who are digging into their own pockets to keep the small societies running.

“And the board is hopeless. They haven’t given their CEO one performance appraisal in 17 years.”

It’s not as if the national council is oblivious to the organisation’s failings. In 1995, in response to concerns about viability of smaller societies, it established a *Quo Vadis* committee “to take the movement forward in a sustainable manner”. Nothing came of that until 2001, when management held a “strategic planning” workshop with the almost identical aim.

The document which emerged from this headbang blamed political infighting, personality clashes and the push for greater independence by certain societies for the movement’s plight. It said change was needed – but nothing changed.

At the society AGM in 2007, Marston tabled a market research report which found that the SPCA had the worst image of any animal welfare organisation, among both the public and the veterinary profession.

“Jane Marston promised to act on this report. She’s done nothing,” Van Wyk says. His own attempts to have the issue of management discussed at meetings of the Western Cape regional committee and the national board have achieved nothing. All he got for his trouble was a “30-day letter” – a disciplinary measure which put his society in bad standing and prevented

him from voting at the last AGM.

The 30-day letter has become notorious as a means used by Marcell Meredith to stifle dissenters – a local society in “bad standing” may not vote – and is one of the issues highlighted by the CCR as a source of tension.

But there are signs that Meredith’s stranglehold on the movement may be weakening.

The recent election of KwaZulu Natal chairperson Hilda Hermann to the national board is expected to favour the dissidents at this year’s October AGM. In a letter written before her elevation to national office, Hermann urged the management committees in her region to “stand up and be counted”.

“We need to acknowledge that we have the power – in fact the duty and obligation – to insist that the board make changes,” she wrote.

Someone else who has no fear of blowing the whistle is 82-year old Pat Werdmuller-Von Elgg, a former branch chairman of the McGregor SPCA, who left the movement to set up her own animal rescue centre outside the town.

It was Werdmuller who first reported the goings-on at the Breede Valley SPCA and she has never forgiven Marcelle Meredith for failing to put an immediate stop to the suffering. Werdmuller has been conducting a passionate campaign through her website (werdmulleranimalrescue.co.za), where she publishes reams of her correspondence with Meredith

and members of the board, as well as reports and affidavits relating to the SPCA saga.

“My wish is to see Meredith gone.” Werdmuller says. “I will fight her to my dying breath.”

Meredith herself described Werdmuller as “someone with an axe to grind with the SPCA” and blamed her for “egging on” people like Francois van Wyk.

“I do have an autocratic management style,” the executive director told *noseweek* with no hint of embarrassment. “I’m a perfectionist. I’m not in this job to be popular. All I’m concerned about is the welfare of the animals.”

Asked about the high staff turnover, she said 18 of the 30 head office staff had been replaced over the past two years. She did not consider that excessive. “I built the staff up to 30. There were only five when I arrived,” she said.

Meredith, whose only formal work experience before being appointed CEO was as a company secretary, has been a member of the SPCA for 32 years, for eight of which she served on the board. She is believed to earn at least R500,000 a year, although the NSPCA’s financial statements do not separately disclose directors’ salaries – a practice that has earned the society a qualified report from the auditors.

In spite of the growing tide of criticism, Meredith says she has no intention of stepping down as she still has “so much work to do”.

Asked if she was sure she was the best person for the job, she said “absolutely”. ■



Pat Werdmuller-Von Elgg



Behaving like... er... humans

ONE OF THE MORE damning cases against Marcelle Meredith concerns the ill-treatment and illegal killing of animals impounded at the Breede Valley SPCA premises in Worcester under the management of Thys and Engela Blom. Thys was until recently also a member of the national board.

The Bloms had contracts with various municipalities to collect and dispose of stray cats and dogs at R25 a pop.

In 2002, Pat Werdmuller-Von Elgg alerted Meredith to reports that untrained staff at the Breede Valley society were putting down hundreds of healthy animals every month, using cruel and illegal means. Werdmuller says she was unable to persuade her two informants, one an employee of the Bloms and the other a local vet, to make an official complaint because they feared for their jobs. Meredith dismissed Werdmuller's concerns as "hearsay" and refused to investigate.

Werdmuller appealed to the chairman of the SPCA in the Western Cape, Dr Theo Shippey, who held a hearing into the matter at the Bloms' home in Worcester. As Werdmuller had feared, the witnesses denied making the allegations, and – without any other evidence – the Bloms were in the clear.

Shippey was evidently not satisfied, but it wasn't until September 2006 that he informed a meeting of the Cape of Good Hope society that conditions at the Breede River Society were like a "concentration camp" and the attitude there towards putting down animals was "crude".

That same month, the National Council issued an inspection report containing numerous recommendations for action at Worcester.

This report remained dormant until April last year when a highly-regarded senior SPCA inspector named Chris Theron was redeployed to Breede Valley to take over as manager.

He found the society in dire straits, but the Bloms were furious at the intrusion and did everything they could to hinder and discredit him.

One Friday in August, a few months

after his arrival, he witnessed three men restraining a screaming cat while one injected it in the heart. This method is illegal and extremely painful, but it's quicker, and requires less skill than an intravenous injection.

Theron was too late to save the cat, but he called Werdmuller the next morning and she called the current head of the Good Hope SPCA, Allan Perrins, who informed Meredith.

The following Monday morning when Theron arrived at work he was summarily suspended by Engela Blom – on the grounds that she had found porn on his work computer.

Within days, he had submitted a report to Meredith detailing 36 violations at the Breede Valley SPCA, including cruelty, financial irregularities and mismanagement.

It took another month for Meredith to call a hearing, at which the Bloms agreed to withdraw their accusations and relinquish control of the SPCA, and Theron accepted a retrenchment package. (He has since been employed by Francois Van Wyk at the Wellington SPCA.)

But the Bloms didn't stick to their side of the bargain. Not only did they refuse to leave – they also widely circulated a statement repeating their accusations against Theron, and claiming he'd been dismissed. Theron is now suing the Bloms, Meredith and the NSPCA for defamation and breach of contract.

It took a court order before the National Council finally managed to wrest control of Breede Valley from the Bloms and install an interim committee. But not before the Bloms had done everything to keep them out, including trying to have NSPCA personnel arrested for trespass.

No further action has been taken against the couple, who are reported to be planning a comeback. The Bloms are known to wield a lot of clout in Worcester, which some put down to the fact that Thys is a SARS inspector.

But that doesn't explain how he rose so high in the NSPCA and remained immune to scrutiny for so long. Does it?

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City councils tangle with broadband

THE FIRST THING TO GRAB your attention as you enter the Centurion municipal administration offices of the city of Tshwane is the urgent plea posted above the wood-panelled desk at reception. The notice asks the public to refrain from attacking anyone behind the desk.

Many hours of frustration later one realises why that notice is there.

So it's something of a surprise to learn that the people who cannot organise the workflow around consolidating a bill query are moving into the high-tech world of broadband provision. Like the City of Johannesburg and eThekweni Municipality, Tshwane is investing millions in broadband infrastructure, under the guise of driving down prices. The metros say they want to make broadband cheaper and more accessible, and there's obviously the benefit of harnessing broadband to support internal efficiency.

But some smell the rot. Professor Chris Visser, Sanlam chair of investment management at the University of the Western Cape, points out that broadband is just a delivery system: "You have to have the devices on the other end. People need the network technology and the devices to utilise the technology."

Visser suggests that the real reason for local government investing in broadband networks is it would allow them to control access to information. As "public content providers", local government could establish a propagandist role similar to that played by the SABC.

Listening to Jacqui Subban who heads up Durban's connectivity project at the eThekweni Municipality, it's apparent that controlling content is high on the agenda: "We will help create packaged and dedicated portals that people who access broadband could learn from." In other words, metros will provide low cost access and control what content is delivered.

She won't debate whether or not

government is interfering with the market: "I don't want to enter into an existential debate about whether this is capitalist or socialist," says Subban. "If this is anti-competitive then we will get taken to court, but no one has complained yet."

Subban says that the metro wants to make the service affordable to the poorest of the poor. Asked how the pricing strategy was determined, Subban says it was done through an informal poll. "I asked a few people what would be acceptable and the domestic workers I spoke to related the price to cell phones, where they were spending R70 to R100 a month."

That the municipal strategy for broadband pricing is fixed after a crude snap survey speaks volumes.

No national strategy has been formulated, and a distinct lack of transparency and communication is to be seen in all three municipal broadband initiatives. "All the municipalities are

doing their own thing and there is no synergy between the different municipalities," says William Stucke, managing director of QPoP Internet Innovations.

"There was a lot of consultation at the beginning of the projects – however some have lost their way and there is no consultation process any more," adds Stucke, who was part of the communication loop for the Johannesburg project.

"Johannesburg has gone quiet. They have stopped talking to industry parties and stakeholders. Their last communiqué was in February 2007. It seems they have made up their minds about what they want and how they are going to implement it."

City of Johannesburg spokesperson Virgil James puts the lack of communication down to "hard work". "We were excited and there was a big noise about the city starting this project and then it went quiet because a whole lot of work needed to be done," he says.

A sceptical Professor Visser comments: "If government is getting into broadband as a delivery mechanism, this will see the provision of connectivity becoming a commodity, like water and electricity. One would think that this sort of initiative would be a national initiative, where synergies could be leveraged and a lot of technical issues standardised. Municipalities are about providing communal services. It is difficult to get behind the real motivation, beside the fact that they are spending money."

Visser warns that the projects are in danger of further entrenching monopolies – to the detriment of the tax payer. "Other utilities provided by municipalities are a form of monopoly. You don't have a choice where to buy electricity. This kind of monopoly is dangerous because it means local government can make undue or excess profits, which they use as a form of taxation. The danger is that they get a monopoly by squeezing everyone else out of the market, and then manipulate prices." ■





Durban's 2010 website is R6.5 million turkey, say experts

DURBAN'S ETHEKWINI municipality is under fire after spending R6.5m on a World Cup website (www.fifaworldcup.durban.gov.za) that digital experts say is sub-standard. What isn't widely known is that the contract was awarded to Durban-based AdaptIT, without going to tender.

The R6.5m should have bought a world-class site. Instead, say experts, eThekwinini has been fleeced. Opposition DA councillors are now calling for an investigation into whether or not the expenditure was duly budgeted for and authorised.

"The DA has sent a letter asking where the tender was advertised; who replied; what specifications were requested; and from which budget vote the funds have been allocated," says the DA's Marti Wenger. She adds that if the funds were not budgeted for, they cannot be spent. At the time of going

to press the DA had not yet received a reply from eThekwinini management. Calls and emails from *noseweek* to eThekwinini city manager, Michael Sutcliffe, were also greeted with silence.

AdaptIT's commercial director, Tiffany Dunsdon, confirmed that no tender process was followed. "We are the incumbent provider of the services for eThekwinini's intranet and extranet, and this was a scope extension to that agreement. Because of that, the project did not go out to tender. As a service provider we simply did a proposal to do the work."

Listed on the JSE, AdaptIT has been on the acquisition trail since a 2007 multi-million BEE deal with Sbu Shabalala, which saw the 35-year-old entrepreneur become CEO. Another Shabalala (Siboniso) sits on the board as financial director, a position he took up after being financial director of Ithala Development Bank. After the

Durban web story broke, allegations were made on ITWeb and MyBroadband.co.za forums that Sbu Shabalala is the son of former Kwazulu Natal head of treasury, and current CEO of Ithala Development Bank, Siphon Shabalala. When *noseweek* phoned Sbu and Siboniso Shabalala, both denied any link or blood relationship with Siphon Shabalala.

Digital experts are shocked that the site breaks basic web-design rules. It is not compatible with all browsers, it loads incredibly slowly, some site functionality doesn't work and it's clumsy.

"It's substandard. They paid for a Rolls Royce and got a Yaris," says CEO of Quirk eMarketing, Rob Stokes.

"The site demonstrates that eThekwinini city management is clueless about digital technology. A sophisticated client would never buy this kind of solution."

Local web guru Arthur Goldstuck says the site is clumsy, technologically unsound and strategically flawed: "It does not allow for any community involvement, which is best practice in local government websites across the world. Here the community is invisible. Some of what the developers planned to be high tech and cutting edge is very ordinary or doesn't function. For R6.5m you want the best in the world. Based on benchmarking on global best practice this site just doesn't crack it."

eThekwinini's response? A terse media statement saying the costs were justified, while city manager Mike Sutcliffe declared to the media: "My understanding is that it is really state-of-the-art stuff."

And AdaptIT? "We don't want to fuel the contract saga because when you are overly defensive you look guilty," says Dunsdon. "As with any IT development one needs to balance getting to market quickly and fixing things live."

A defensive Sbu Shabalala says the critics are entitled to their opinion. "We are using technologies that most technologists would not be aware of. Cutting-edge technology that Microsoft delivered and is the same as the Obama launch. The best time to evaluate it is at the completion of the project."

Consultants don't agree. After all, it's pretty obvious that no-one returns to a user-unfriendly website to appreciate its underlying (allegedly) cutting-edge technology. ■

Stuffed Pridjeon

THE ADVERTISING STANDARDS Authority has come to its senses regarding Dr Harris Steinman's status as a complainant (*nose115*). The body has reversed a decision that consumer activist Steinman would have to register his complaints to the advertising competitor department (at a cost of some R9000 a shot) rather than to the consumer complaints department (for free).

Steinman had complained about advertisements for Alcat's allegedly dodgy food-sensitivity blood test, but Alcat claimed that Steinman was an advertising competitor because he consults to companies which compete with them. The ASA concurred, but Steinman appealed against their decision.

In June an ASA appeal board ruled that there was no proof that Steinman was acting for any company competing with Alcat, or that he stood to gain financially from a successful objection to Alcat's advertising. It said that "consumers, whether acting in their own (non-commercial) personal interest, or in the public interest, should not be discouraged from lodging complaints because they are required to pay a fee which they very often will not be able to afford".

Dr John Pridjeon, the man behind Alcat, then took his case to the Competition Commission – but on 25 June the Commission basically told Pridjeon to get stuffed, reiterating that there was no evidence that Steinman was acting as an agent of any company competing against Alcat and that, in any event, Alcat was not being excluded from the market. The Commission appeared rather vexed that the Alcat product in question is not registered with the Medical Control Council, and that the National Pathology Group refused to register it in 2006. It also noted that there is "general concern about Alcat products".

On the game in Hermanus

THE GOOD FOLK OF HERMANUS are still waiting to find out what money (if any) was made from municipal land sold to create the larney 27-hole Fernkloof Golf Estate – and how much went to shadowy "facilitation" company Rabcav. Unfortunately, it seems like they haven't waited long enough.

On reading the *nose114* editorial on the matter, DA leader Helen Zille sent it on to Overstrand municipality DA councillor Mike Walters for comment. His response suggests that he's either deep in the game himself, or simply out of his depth.

How to answer the Dear Leader? Why not start with a lengthy attack on the citizens asking questions? – Walters thinks it's terribly significant that they also oppose the Checkers development in the town, which presumably makes them dangerous dissidents.

Follow with a little platitude: "I am certain that there is nothing sinister about the golf course development." Then a delaying tactic: "The development has not yet been completed and certain issues between the golf club and Rabcav, for instance the completion of the security fencing, still remain to be resolved."

Throw in an impressive sounding, but utterly unsubstantiated figure, and mix it with a bit of politicking: "The golf course development has already yielded R53 million [that's the unsubstantiated



figure] to municipal coffers and this is being deployed to address serious infrastructure backlogs inherited from previous (ANC) Councils."

And then put the whole matter to bed: "I am personally satisfied with the attention the matter has received. I also have the fullest confidence in Advocate Zybrandts who is recognised as a leader in municipal management in the legal, practical and academic environment."

Pity that not everyone shares Walters' confidence. Last year Overstrand municipal manager Werner Zybrandts promised *nose-week* that, barring problems, the financials would be available before the end of 2008. Early this year he simply ducked the question of whether anything was amiss. So the fevered speculation continues, and the recent murder of the golf club chairman, wealthy businessman Hannes Kleynhans, is adding more grist to the rumour mill. ▯

There's a spot of bad news for consumers though – the ASA has jacked up its fees substantially. Taking a case to arbitration, which used to cost R10,000, will now cost a massive R37,000. Arbitration follows when an objection to a claim made in an ad is rejected, and technical evidence

presented by the parties needs to be evaluated by an expert. Tygerberg Hospital head of neurology Professor Jonathan Carr was recently told he would have to stump up close to R40,000 to pursue reversal of his failed objection to an ad for the product StemEnhance. ▯

Story was Aft about face, contends silk

MEMBERS OF AFT – Advocates for Transformation – got in a tizz when they read the account in *noseweek* of the deliberations of the Johannesburg bar council’s silk committee in recommending 11 advocates for silk this year.

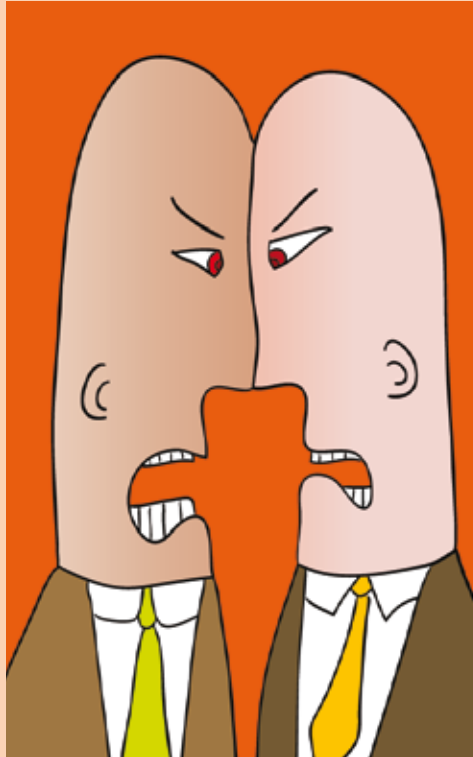
Of the 764 advocates who are members of the Joburg bar, only 79 (in October 2008) were members of the controversial breakaway group. One of their number is Hilton Epstein SC, who also happens to be the new chair of the bar council – after his Aft colleague Ishmael Semenya SC quit in May, over what he called the “toxic and abominable” silk selection process.

Although Aft members are in a small minority, it has somehow got itself into a position where it can nominate whoever it likes among its ilk for half the 16-strong bar council. The other (non-Aft) half is still democratically elected.

Bar council chairman Epstein, very much wearing his Aft hat, has now communicated to all 764 members about the *noseweek* report. While informing them that “certain statements were not correct” he hides behind the silk committee’s “tradition of confidentiality” – sadly, it apparently prevents him from listing these so-called inaccuracies. He doubts, though, that anyone on the silk committee would have spoken to *noseweek* – “any breach of the confidentiality undertaking would not only be regrettable but would be condemned.”

The *noseweek* article also speculated on whether the silk committee’s negative responses to the application for silk by Andre Bezuidenhout and Jaco Venter, Aft cohorts from Semenya’s Pitje Chambers, provided the real reason for Semenya’s exit as bar council chairman.

On this, Epstein briefly shrugs off the mantle of strict confidentiality: “During the deliberations it became apparent that there would not be consensus concerning the recommendation of Bezuidenhout for the conferment of silk,” he tells members. “Venter’s application was not considered in relation to Bezuidenhout. The statement that Semenya SC said that unless Venter was included (on the recommended list) the Aft silks on the



committee would not vote for anyone, is untrue.”

Aft members of the Joburg bar last year prevented the promotion to silk of the 11 recommended attorneys, by boycotting participation in the process, in protest at a proposed resolution at the bar council’s annual meeting which called on Western Cape Judge President Hlophe to resign. The 11 names were only belatedly forwarded to the judge president along with this year’s list.

Now, in the wake of Semenya’s resignation, Hilton Epstein informs members: “The Bar Council has since resolved to appoint a committee to review the silk selection process and the criteria employed.”

Epstein can’t resist a final plug for Aft: “The bar council reiterates its commitment to transformation and the creation of Pitje Chambers is an important transformation initiative.”

■ Ishmael Semenya is among President Zuma’s four new nominees to serve on the Judicial Services Commission. The others are advocates Dumisa Ntsebeza, Andiswa Ndoni and Vas Soni. □

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Sex and the single sailor

HAD I NOT BEEN INTERVIEWED by Henry Trotter while gathering material for his next book – about parliament and politicians, which is my beat – I have to confess that I would probably not have read his book that's been in the bookshops for some months. As a child – OK; grandchild – of the Victorian era, just being seen with a book titled *Sugar Girls & Seamen: A Journey into the World of Dockside Prostitution* is a bit embarrassing. As for actually reading it – why, people of my upbringing would rather not know too much about some of the undercurrents of society.

When we met at my favourite coffee shop, Bread, Milk & Honey – just near parliament – it transpired that Trotter was looking to glean insights from me into the parliamentary process – and the role that sex and gender might play in it. Apparently he's doing a follow-on to his book about dockside hookers – “sugar girls” as he calls them – which will look at the conduct of sex in various sectors.

Trotter thought I could somehow be of assistance, given my many years in the parliamentary press gallery. I pointed out that, in view of my background – an overbearing Victorian grandmother played a particularly prominent role in my upbringing – I was hardly someone to be tapped for knowledge of the bonking activities of politicians and state officials. (A colleague is known to regale the pub with an account of how I once defiantly declared: “Anglicans don't bonk!”, reinforcing my terribly righteous Anglo-Catholic *cum* – lower-case – protestant roots.)

Actually, as I pointed out to Trotter, in South Africa, we of the press are rather cautious about writing about involvements – even non-Anglican ones – that politicians might have between the silken sheets. As far as I was concerned, all that cabinet ministers during National Party rule got away with was murder. True, sleazy stories

VIRGINIA PHILIP REVIEWS:

Sugar Girls & Seamen: A Journey into the World of Dockside Prostitution in South Africa

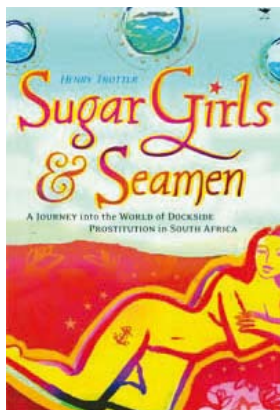
by Henry Trotter

of infidelity abounded about presidents and ministers – all male in those days – who had strings of girlfriends (and a boyfriend or two). But I don't believe these were ever given serious attention in the press. I did know that an

NP leader had his party secretary-general shifted off the political stage for having an extra-marital affair – while he was himself engaged in the same activity.

May *noseweek* readers be the first to know: it shouldn't be long before Trotter's next book appears – containing all you don't necessarily need to know about the illicit sex lives of various senior parliamentary officials and politicians, across the gender divide. The relationship between a top government official and a (female) minister, now demoted, could get a mention. One waits with bated breath.

When Trotter left, our interview concluded, I sneaked off to a discreet



corner of the bookshop to read my complimentary copy of *Sugar Girls & Seamen*. I found it entertainingly written and well researched. Trotter had explained that his dad had been an officer in the US Navy, which took him to various military stations around the world. It gave Henry a taste for the Atlantic and the “activities” at ports. Trotter took the trouble of learning Afrikaans, the main language of the sugar girls. I believe this has given him a special insight into the story of dockside prostitution in Cape Town and Durban.

Like politics, sex and prostitution are about power and money. So, unsurprisingly, a chapter is devoted to extortionists (a category of people now increasingly prominent in politics). Trotter tells the story of Brandy, a Cape Town sugar girl who ends up married to a Japanese sailor and living in Japan. She comes home after being abused by her husband and, with the help of a local lawyer, seeks a divorce. But, soon enough, the lawyer demands to be included in a sex ring. Shortly afterwards two policemen knock at her door and threaten to arrest her for selling sexual favours. They make her an offer: she could avoid arrest by paying them R500 a week and occasionally arranging orgies for them and the lawyer.

For now, until Trotter's new work is in the bookshops, I will return to my world of Anglican purity and virtue. **W**

Thereby hang many tales

GERALD SHAW REVIEWS:

Shepherd and Butchers

by Chris Marnewick (Umuzi 2009)
and

In a Different Time: The inside story of the Delmas Four

by Peter Harris (Umuzi 2008)

THERE ARE NOW 18000 murders a year in South Africa and Judge Dennis Davis believes that 85% of South Africans favour the return of the death penalty, because of the rise in the murder rate since hanging was abolished in 1995.

Yet Judge Davis holds that the clamour for a revival of hanging is misplaced. What is needed, rather, is a call for greater efficiency by police and prosecutors, he says, so that their evidence in murder cases can stand up in court.

Two books by South African lawyers, one a novel, one a true story, have the death penalty as an underlying theme.

The movie rights to both have recently been bought by major production houses. *Shepherds and Butchers* is a recently-published novel by a Durban senior counsel, Chris Marnewick. Although a work of fiction, the story is told against the background of hangings at the Maximum Security section of the Pretoria Central Prison, which is equipped to hang seven condemned men at once and on occasion in the 1980s actually did so.

Between 1983 and 1987, 627 people were hanged; brutal murderers of all races as well as ANC resistance fighters, making South Africa's execution rates one of the highest in the world.

The central character in this novel is a young Afrikaner warder who looks after men on death row before, during and after their execution. His name is Labuschagne and he is 19 years old, of above average intelligence and raised in an observant Christian home. He quickly engages the reader's sympathy.

Marnewick gives a chilling blow-by-blow account of the whole process of hanging, in calm and clinical style, making it all the more horrific and shocking.

Labuschagne's working routine, for months on end, and often on successive days when record numbers of people are to be hanged, eventually takes its toll on his psyche. His life falls apart and he ends up in the dock himself, facing the death penalty. The courtroom narrative which follows reaches a powerful and convincing climax.

Marnewick gives the other side of the hanging controversy in even-handed fashion, telling of the many appallingly cruel and brutal murders which caused so many death sentences to be imposed in the 1980s.

Peter Harris's book is a true story which reads like the best kind of popular fiction. Its characters are not criminals but MK soldiers. This is an account of the trial of the Delmas Four, the last major political trial of the apartheid era. It is the best account I have read of those dark days, telling the story of attorney Harris's battle to save Jabu Masina, Ting Ting Masango, Neo

Potsana and Joseph Makhura from the gallows. The narrative unfolds at a cracking pace. The tension never lets up until a gut-wrenching, explosive finale.

The four were members of a highly-trained assassination squad with a brief to kill policemen notorious in the townships for their atrocities against their own people. Three such missions are successfully carried out. But there are also operations that go awry, in which civilians, innocent bystanders, are injured and on one occasion killed. After 10 months the four are caught, held in solitary confinement and interrogated, beaten and tortured.

They are charged with several counts of treason, murder and other offences. Harris gives us an account of their backgrounds and their experiences as young black men growing up in a white-dominated South Africa, which helps explain their motives for joining the armed struggle as MK operatives.

Joseph Makhura, for example, was sent by his mother to live with his grandparents on a farm near Hartbeest Dam as she did not want him growing up amid the drinking, crime and violence of Mamelodi, a township outside Pretoria. The boy was very close to his grandfather, who looked after the cattle on the farm.

The farmer would not listen to Makhura's grandfather's explanations of what was happening with the cattle, shouting and swearing and telling him he was a stupid Kaffir and needed to be taught a lesson. and thrashing him mercilessly with a sjambok until he sank cowering in the dust. This happened regularly.

Joseph Makhura never forgot the farmer and he promised himself that one day he would get trained in MK and come back and kill him.

The four accused opt not to partici-

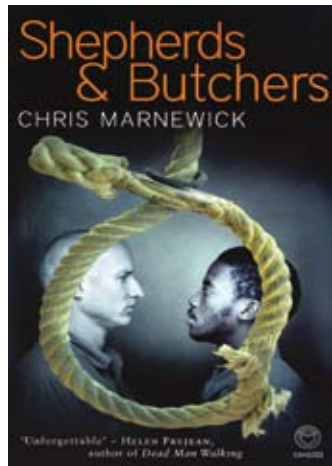
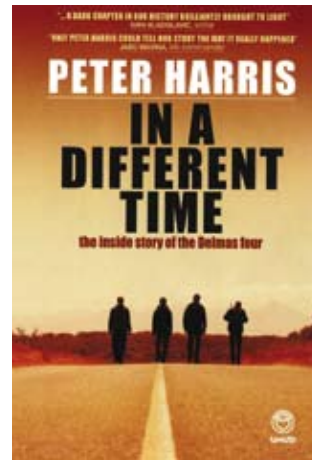
pate in the court proceedings. They are not criminals, they say, but soldiers in a war of national liberation and should therefore be treated as prisoners of war. Their principled stance makes it all the more likely that they will be sentenced to death.

The prospect of the death penalty did not deter freedom fighters, we conclude. But what about the criminals who are responsible for murderous violence, as in the actual cases cited by Marnewick?

As Judge Davis points out, the problem is that the work of police and prosecutors is often so sloppy that those accused of income tax fraud stand a greater

chance of being found guilty and sentenced than murder suspects. As a result, those who commit murder do not expect to be convicted, even if they are caught – which tends not to happen all too often anyway.

Readers are left with the thought that there is simply no end to the cycle of killing. ▮



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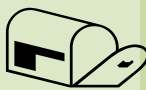
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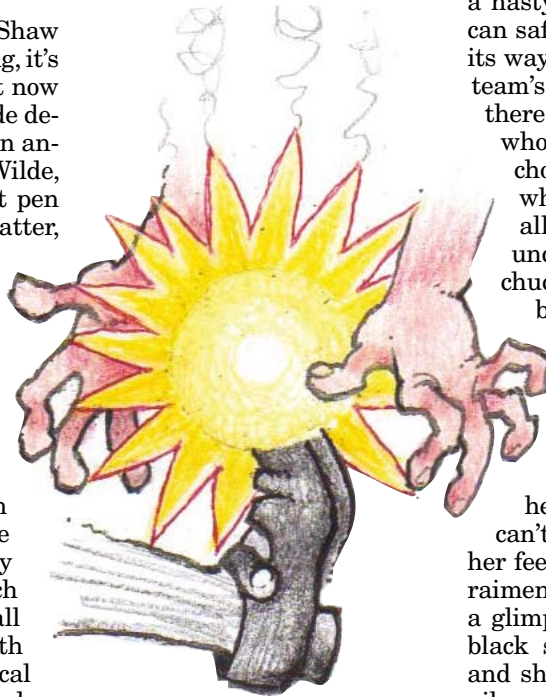


KLAPOTZ!

I'VE ALWAYS THOUGHT it was Bernard Shaw who said youth is a wonderful thing, it's a pity to waste it on children. But now on the telly I see some learned dude declaring it was Doctor Johnson, then another one saying oh no it was Oscar Wilde, in fact almost everyone who ever put pen to paper excepting of' GBS. But no matter, it's a nice clever thing to say anyway, and witty, and I wish I had said it first. The only trouble is, it's back to front. It's wisdom that's the wonderful thing, and it is pretty well wasted on old toppies, isn't it, because they've got nothing to be wise about any more. I mean I've got plenty wisdom I haven't even used yet, young folks could have it for free, only none of them ever ask me for it. That team of nice young Muslim boys who came to play an important big-time football match here and got robbed in their hotel of all their expenses money and were left with only their tickets home to their ethical homeland – they could have sought wisdom from me if only they'd had my telephone number. The very first thing I'd have said to them, well the second actually, is that they should not complain to the police about crime levels in South Africa in general and hotel security in particular. The first thing is that they should not, as soon as they step from their plane in this homeland of sin, recruit a squad of five-star supertarts for a merry jol with booze and crumpet in their bedrooms, plus every other elsewhat forbidden by the Good Book back home.

I mean there's an old-time sailors' song about it called *Oh You New York Girls, Can't you Dance the Polka?* Burl Ives used to sing it. This NY girl says to the sailor-lad ashore with his whole voyage's pay in his pocket: Just come along with me my sweet. You can have a glass of brandy, and something nice to eat. And the song ends: When I awoke next morning, nothing could I see but a woman's hat and bloomers, which now belong to me. It's as old as the oldest profession, man.

These local ladies flew off twenty thousand rands, which is about as professional as you can get, I dare say. Then to add the proverbial insult to injury the ranking



**In any country
if you invite
long-fingered
whores into
your hotel
room you're on
your own, bru**

policeman who handled the case – ranking because, you know, we've got the World Cup coming up next year and we do want SA to be clear of crime and squeaky clean, as they say – this cop appears on the TV *nogal* and publicly explains, whilst trying not to laugh, that in any country if you invite long-fingered whores into your hotel room you're on your own, bru. All SA has a nasty cynical chuckle. Furthermore, you can safely bet on it this broadcast will find its way to the pious TV system back in the team's moral paradise. The priesthood there will cluck and publicly declare the whole team should have their willies chopped off according to scriptural law, whilst privately fantasising along with all true red-blooded men, and sighing under the duvet: if only...if only... But no chuckles, the national disrepute doesn't bear thinking about!

Then there's this other fantasy, my personal favourite, of the jolly football hero arriving back home to explain to his missus that it wasn't anything important, really. She's all done up in binbags and a headscarf and a face-mask and she can't of course have pretty sandals on her feet underneath all this funereal black raiment lest a marauding sexist male catch a glimpse of her woman's toes. She wears black stockings and black leather shoes, and she doesn't display her irises and pupils and lashes and brows etc above the face-mask either, she surveys the world through a metal mask with tiny little holes like looking through the door of a microwave oven, lest some sex-crazed rapist perceive she actually has eyeballs in her head. Eyes are even more lustful than hair, see. Lust is dirty. She doesn't argue. Women don't. So he grins and takes off his tie and his shirt and his shoes and his socks and his pants so he can put her mind at rest, and as he takes off his underpants she lifts her binbags and lands him a black boot up the bollocks KLA-POTZ! Well, no, the knee would be better, that would flatten his tart tackle entirely, and permanently.

MORAL: It is better to do it the way of the 9/11 gents. Hire a heap of ball-blowing porn videos the day before and spend the night in your hotel room doing strenuous autoerotic gymnastics, the whole team wriggling around on armchairs and sofas, never mind what your mother said about going blind, a brief sleep will fix you for the flying/football/whatever and there will be a thousand virgins waiting for you tomorrow night, all starkers. Slinking about like models on a catwalk. Carrying buckets of booze on their shoulders. ▣

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Further info Adrienne 021 686 0570.

PERSONAL

Former Durban Attorney and MK Veteran Bheki Simelane was unlawfully and unconstitutionally demoted on integration into the new SANDF.

See: Thabang Makwetla, Deputy Minister of Defence and Veterans Affairs
(.Ref:MS/509/1/36464)

It has come to my notice that I have the best wife in the world. Hawkey.

Long live Bafana Bafana, Long live *noseweek*. Anne B.

Pinky You can ride in my Chev anytime – The Viking.

Di Berry Have I told you lately that I love you? Steve.

Beth, you are the best wife in the world. Love Ian.

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