



Introducing Bain's Cape Mountain Whisky. Our water flows over 850 million year old sandstone while embracing the characteristic flavours of

the indigenous fynbos before it enriches the sun-ripened premium grain. Our Master Distiller then skilfully crafts this fine, single grain whisky in preparation of the two-fold maturation in specially selected oak casks. The result is a harmonious balance of delicate aromas and distinctive taste. All that's left for you to discover is the subtle taste and smooth finish of Bain's Cape Mountain Whisky.



Not for Sale to Persons Under the Age of 18.

# 1056V661

# Who's on Tannenbaum's ponzi laundry list? page 8

- 4 Letters Out to lunch with a cash-filled envelope
- **6 Dear Reader** Blind as bankers A time to prey and a time to pay
- **10** Questions to Siemens Noseweek raises SA issues with the multinational
- 14 Notes & Updates Kiss and no tell Judge halts Baby Michael trial
- **17 Island of shifting sands** Mysterious Egyptian demands billions to build his desert dream
- **20** Into the Valley of Stench An Addo orange farmer is creating a mammoth stink in the neighbourhood with putrefying chicken bits
- **23 Devil in the detail** To avoid cellphone rip-offs you need to know the fine print off pat if you can find it
- **25 What's in a name:** Battling for space
- **26** Vuyo's leap in the dark A grade 10 pupil lost his right leg jumping off a balcony to escape a bullying teacher
- 29 The ethical face of SA banking Cathy's R4,800 loan will cost her R41,780
- **30** How to engineer your own private professional body How the internet provides a broad canvas for reinventing yourself more than just once
- **32 Country Life** Burning anger in Mpumalanga
- **32** Books Gerald Shaw reviews two books that examine the failure of foreign aid
- 41 Last Word That's art

### noseweek online

Get access to the noseweek archive of saints, sinners and rogues

Buy noseweek's online edition for Only R278

Wherever you want it....whenever you want it

www. noseweek.co.za



### Letters

#### Cartel fed them well

The references in your Siemens corruption story (nose120) to the operations of the European electrical cartel in South Africa in the "old days" were spot-on. In the early 1970s I was closely associated with Fulmen África (Pty) Ltd, local subsidiary of the French electrical and nuclear giant now called Alcatel Alstom Compagnie Générale d'Electricité. The second largest industrial conglomerate in France, it manufactures everything

charming man called Hugo Wegmuller, would go to lunch with the SAR&H man, taking a fat envelope of money with him. As I recall, what with those envelopes, and sponsored overseas holiday trips, the man lived well.

### **Flyawaypaul**Cape Town

Plus ça change plus ça reste la même chose. – Ed.

#### Wrong on feral cats

I have been running an organisation, Cat Trapping & Sterilisation Network, for accompany me to visit these colonies – maybe he would then be more empathetic.

A number of veterinarians assist with the sterilisation of these cats. They donate two free sterilisations a month and charge a nominal fee for any additional cases. If the cat has an incurable disease or is seriously injured, it will be euthenased; otherwise it is sterilised and released.

Most of the people I assist tell me that, when they ask the SPCA for help, they are told there is insufficient is plain stupid, especially in a country lacking the will or funding to protect its women and children, or deal adequately with crime.

The practice of catching and sterilising is advocated only by the squeamish, who tend to anthropomorphise animals. At the heart of the problem are domestic animal owners who refuse to have their pets sterilised. Municipalities that have neglected their duties in this regard are the ultimate villains.

#### Ingrid Luyt

Hogsback

### The boss would go to lunch with the SAR&H man, taking an envelope stuffed with money

from light bulbs to nuclear plants to high-speed railway systems (your Gauteng readers might wish to note).

As you state, one of their biggest clients at the time was the South African Railways and Harbours. The cartel members (including Siemens and the UK's General Electric) would meet regularly to decide who would have the next big tender. Once that was done, all that remained was to ensure that the SAR&H's head of procurement was happy with the arrangement.

When it was Alstom's turn, Fulmen's then boss, a

almost ten years, and spend four days a week trapping feral cats, in response to requests from the public. I have observed feline behavioural patterns and habits which I have not found recorded in any books, papers or theses.

We use the trap, sterilise and return to colony approach as a means of curbing the breeding of feral cats. This works when feral colonies are constantly monitored, newcomers are trapped immediately and kittens are removed, tamed and rehomed.

I wish the writer of your article ("Kitties or serial killers?", nose120) would

manpower to deal with the feral cat problem. The SPCA also rent traps to people who don't have a clue about trapping feral cats and cannot deal with a cat that is going beserk in a trap.

As for the cats on Robben Island: does the sharp-shooter have proof that his shot will kill the cat instantly? And what about kittens the female might be feeding at the time of her death?

Your readers need to be told both sides of the story.

**June Bradbury** 

Kenilworth, Cape

You do your best – and the sharpshooter, hopefully, does his. – Ed.

#### **Cats breed like rabbits**

Your article on feral cats raises some emotive points. The fact of the matter is that cats, even domesticated ones, are among the most highly developed "killing machines" on the planet. They breed quickly and kill indiscriminately — often purely for the sake of it.

Feral cat colonies must be halted and exterminated by the most humane methods available. The idea of catching, sterilising and releasing

#### Sanlam's pension piracy

Your publication has kept me well-informed for well over a year. Now I'm hoping you or your readers can advise me about a Sanlam retirement annuity I've invested in. My contributions to the retirement annuity started about seven years ago when I started working. I only recently discovered that every month 9% of my premium is taken for "policy costs" - over and above other charges that effectively reduce my capital by 10% before I've started.

With inflation at 10% my investment would have to achieve 20% return just to break even – i.e. I'd do better by putting my contributions under my mattress.

Surely there should be legislation preventing companies from doing this, or are we all destined to be dependent on government pensions when we stop working? How can these poor investments be legal and the punters (licenced "brokers") who sell them be honest? It's certainly not the way to save for old age.

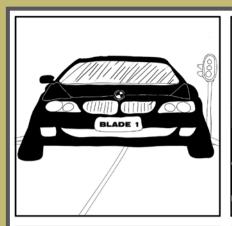
Does the law offer me any protection, and what ought a sensible person to do about providing for one's retirement, under these circumstances? By raising the matter here, I'm hoping something positive can come from my negative experience with Sanlam.

**Terence Steeneveldt** 

Bv email

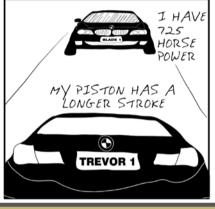
Keep in mind that,

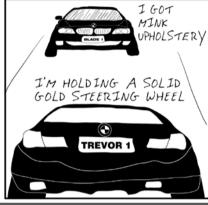














nowadays, Sanlam (and Old Mutual) have pensioners to pluck – and shareholders to please. And a government on their side that sees no profit for itself in honest, fair dealing, or in looking after the "little man". – Ed.

#### Up with the best

Harold Strachan's "Last Word" about Ehud Gribenis (nose120) was a wonder. Up there with the very best.

> John Mullins SC Brooklyn, Pretoria

#### Count me in, Harold

If Harold Strachan is having a whip-around for a down-at--heel Latvian violinist and philosopher ("Last Word", *nose*120) please put me down for a hundred nicks

**Alf Strachan (alas, not related)**Eshowe

#### Tongue-in-cheek vitriol

As a regular reader I find your articles informative and absolutely relevant to the circumstances in which we South Africans often find ourselves.

Hence my disappointment at the ignorant vitriol Harold Strachan thought fit for your pages in *nose* 118. As tongue-in-cheek as Strachan tries to be, this "Last Word" served no purpose other than to serve up the same drivel regarding the religion of Islam that we are subject to in other Western media.

Whilst I agree with

the assessment that the abhorrent behaviour of the Egyptian football team is in stark contrast with the ideas of the predominant religion in their country, I doubt Strachan would have found cause to vilify the Italian, Spanish or any number of South American football teams on the basis of their Catholicism had they committed a similar offence.

The article further implies that a number of things he mentioned are condoned in Islam, for example the dressing of women in "binbags" or complete "facemasks", as well as the 9/11 and other suicide bombings.

Whilst support for these practices has undoubtedly

and disturbingly surfaced in a number of cultural and regional groups who claim to follow Islam, there is absolutely no justification for this kind of dress or behaviour in either the "Good Book" (as Strachan so sarcastically puts it) of the Muslims or their original teachings. These are, in fact, condemned by the vast majority, although it seems to suit media interests to indicate otherwise.

It would cause considerably less offense were Strachan to avoid tarring all practitioners, supposed and otherwise, with the same brush.

Christopher McCalister Newlands, Cape Town

### WHY ARE LEADING LAW FIRMS SWITCHING TO LEGALSUITE?

LegalSuite is a leading supplier of software to the legal industry. We have been developing legal software for over 20 years and 6000 legal practitioners use our program on a daily basis.

If you have never considered LegalSuite as an alternative to your current software, we encourage you to invest some time in getting to know the program better. We strongly believe it will not only save you money, but could also provide a far better solution than your existing system.

Some of the leading law firms are changing over to LegalSuite, we would like to show you why. So give us a call.



"MAKING COMPUTERS WORK FOR YOU"

+0861 711150

FOR A FREE DEMONSTRATION www.legalsuite.co.za

### noseweek

021 686 0570

Martin Welz editor@noseweek.co.za

Tony Pinchuck

Hans Muhlberg

Jack Lundin

jack@noseweek.co.za

Mark Thomas

news@noseweek.co.za

Len Ashton

Chas Unwin

Myke Ashley-Cooper, Gus Ferguson, Stacey Stent

Dov Fedler

Bheki Mashile, Harold Strachan, Mandy De Waal, Gerald Shaw,

Maud Petersen

subs@noseweek.co.za

Adrienne de Jonah

Nicci Joubert-van Doesburgh

nt All material in this issue is copyright, and belongs to Chaucer Publications (Ptv) Ltd. unless otherwise indicated. No part of the material may be quoted, photocopied, reproduced or be stored by any electronic system without prior written permission. While every reasonable effort is taken to ensure the accuracy and soundness of the contents of this publication. neither the authors nor the publisher will bear any responsibility for the consequences of any actions based on information cond by Chaucer tained. Publications (Pty) Ltd.



#### **SUBSCRIPTION RATES**

Print	
SA only	R336
Neighbouring states (airmail) Europe, Americas and Australasia	R446 R530
Internet edition	
1 year	R278

R468 Print+Internet (SA only)

By post: Send cheque with name, address and phone no. to: noseweek, PO Box 44538, Claremont 7735.

Via Internet (pay by credit card): www.noseweek.co.za

For further information call (021) 686 0570; fax 021 686 0573 or email info@noseweek.co.za

### Blind as bankers

**NE OF THE RECURRING** questions people ask about Barry Tannenbaum's ponzi scheme is: How come it managed to operate for so long - for two years at least – with such extraordinary cash flows from one to another of a circle of bank accounts, both on- and offshore, without the banks raising the alarm?

Rand Merchant Bank, it transpires, did alert the Reserve Bank to something strange going on. But similarly spectacular things were happening in the Investec Private Bank accounts of Tannenbaum's favourite agent, attorney Dean Rees - without raising any evebrows there.

Kamini Moodley and Peta Jane "PJ" Muller are "private bankers" at Investec in Sandton. They were responsible for the management of Rees's accounts with that bank, one named Dean Rees Attorneys, the other Suscito Investments (Pty) Ltd. Both were constantly awash with ponzi money, showing credit balances of R10m or more.

On scrutinising several bank statements for those accounts, noseweek was disturbed to discover six transactions related to these two ladies personally: First, it appears Miss Muller was so enamoured of the scheme being operated by her clients, that she personally invested in it; R250,000 on 9 September 2008, and a further R450,000 on 19 November - a not insubstantial sum for a junior bank manager to invest.

Next we find that on 17 November Miss Moodley received a personal payment of R25,000 from Mr Rees, while, on the same day, Miss Muller received a payment of a

neat R50.000 from Mr Rees.

Dear Reader

On 26 January Miss Muller received another R50,000 payment from Rees, and on 5 February 2009 Miss Moodley received a further R75,000 from him. Maybe coincidentally, each then received a neat R100,000 from the local kingpin of the scheme.

Might these transactions have blinded them to the obvious, and made them reluctant to do their duty in terms of the law?

Miss Moodley has not responded to our messages - she is on leave from the bank and Miss Muller referred us to Mr Till, head of "Risk" at the bank, for comment. Indeed. Mr Till was in meetings for days and did not return our calls. The same applies to Mr Cronje in "Recoveries", who, we were gaily informed by the staff member who answered the telephone, "is quite involved with noseweek". A third attempt to get comment – this time from the two ladies' immediate boss, Richard Towell, was similarly unsuccessful. Dear reader, draw your conclusions.

There are two more entries in that bank statement that might suggest the same sort of foresight on Mr Rees's part:

On 19 December 2008, as The End loomed large. Mr Rees, always a charitable man. made a donation of R125,000 to the SA Police Widows and Orphans Fund.

It's only later that a charge of R27.761 to Rees's Suscito account catches our eve. Dated 15 May last year, it bears the annotation "Zuma London". (On the same day Rees paid a R67,484 bill at London's Carlton hotel.)

Is that a dagger I see before me?

Don't miss our next thrilling instalment.

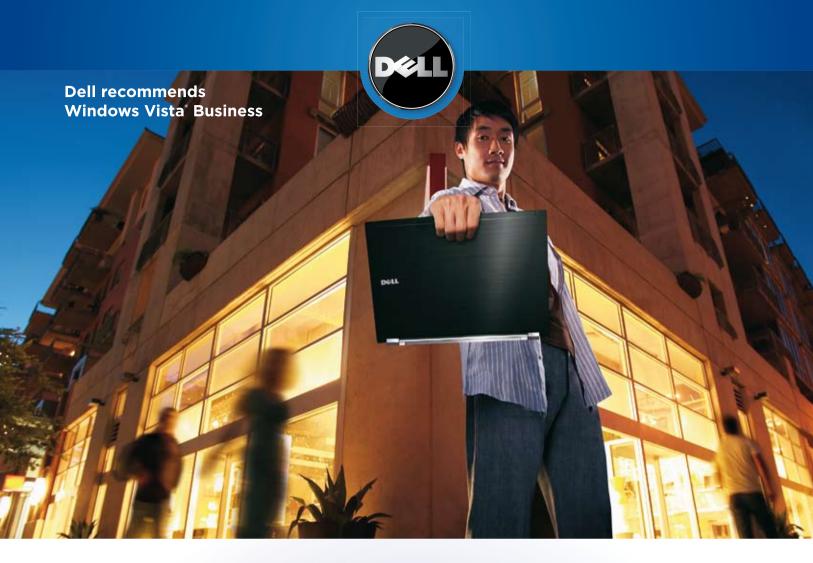
### A time to prey – and a time to pay

IEMENS SOUTH AFRICA hasn't yet got around to answering the tough questions we put to them (see page 10). A week was not enough. We hope a month will be. The company has had a torrid time in Germany and the US, where it managed to pull through by paying massive sums in legal fees and massive fines. What they maybe don't understand - or don't wish to contemplate - is that it doesn't settle anything for us, the true victims of their corruption. We are the ones who, for decades, have paid 20% to 40% more for our electricity, rail and telecommunications infrastructure, as a result of their corrupt practices. Tot it up, and you will find that Germany has benefited by

billions, while we are now faced with riots in Mpumalanga because of our inability to afford the most elementary services, inter alia because of having to service the massive foreign debt attributable to the inflated prices we have constantly had to pay.

Before they can expect reconciliation, we want the truth - and maybe even compensation. Is that such a terrible thing to ask? Germany does not need the billion Euros fine paid by Siemens - the third world victims, the victims of the crime, do. We also demand to know which of our leaders and public officials they have corrupted, so that we, too, can clear out the muck.

The Editor



### IWANT

### ALL DAY COMPUTING (AND ALL NIGHT)

Up to 19 hours of battery life. ExpressCharge<sup>™</sup>. Energy Smart power management.\*

THE NEW LATITUDE™ E6400

WWW.DELL.CO.ZA/LATITUDE



Find the programs, business records, and emails you need to get things done in seconds. Keep up with changing customer demands with Windows Vista® Business.



Barry Tannenbaum's latest laundry list

Who scored big and who got taken to the cleaners

ORENSIC INVESTIGATIONS into the cash flow through the ponzi scheme for millionaires conducted by Barry Tannenbaum and various of his agents, such as Dean Rees and Darryl Leigh, have been coming to a head in recent weeks. Insolvency enquiries and even arrests are expected before too long.

Mr Nose, too, has been sniffing around and has managed to glean a provisional list of investors in the scheme and what amounts of money attach to them. (There are actually many more than feature here - over 600 are said to feature on a list compiled by the SA Reserve Bank and SARS - and the amounts are sure to be refined as matters develop, but Mr Nose's list already gives a pretty good idea of what's at stake.)

**AER Trust**, controlled by Rees's business partner, property developer Chris Harris. The bank account of Dean Rees's ponzi operating company, Suscito, reveals a constant flow of cash going to this Harris trust: R1m in February 2008, R1.5m in March, R85,000 in May, R3.3m in August, over R6.5m in September, R4.7m in November, R1m in December and so on, until, on currently available figures, AER Trust appears to have invested a total of **R30.75m** and got paid out R70.7m - a net gain of R40m.

Ambrosi Brothers (Pty) (Michel and Robert Ambrosi) invested R56.7m but were paid out only R18m.

Bimac director Bruce MacIntosh, father of Dean Rees's employee Gareth, invested R4m, and was paid out R29m.

Frank Alexandre, invested R150,000; his wife Sonia invested a further R100,000.

Andrew Armstrong paid out R300,000 in August 2008.

Anthony Boulliart, invested R9.3m and got back R6.6m.

Jason Buhrs of Stabilid Construction, Jhb, invested R300,000 and then smaller additional amounts through Frits Waldeck. He was paid out R360,000 in April 2008. Ann Carpenter invested R1m and was

paid out R2.5m.

Andrew Carpenter invested R2.7m and was paid out R7.5m.

"Cash Focus" invested R150,000 in August 2008.

Celtis Trust (controlled by Johannesburg property developer Keith van der Spuy) invested R9.4m in September 2008 and had been paid out only R3.3m by December

Cheralee Coch invested R190,000 and got out R37,000.

Andrew Cottrell, a director of Promac Paints in Pretoria, invested R100,000.

Nigel Croxon, a Nelspruit car dealer, invested R1.05m and was paid out R46,000 in August 2008.

**Dave Croxon** invested R1.6m and got back only R22,000.

Guy Croxon invested R1m (with reference "Cooke") in Aug 2008 - no record of any repayment.

Cape Town attorney Craig Delport invested R1m in July 2008, possibly on be-

**Desert Wind Properties 53**, Chris Harris's company, invested R4.8m and was paid out R4.5m

Clive Douglas invested R27m and was paid out R30m.

**Bruce John Dunnington**, whose many directorships include Mthatha Casino, Mcubed Employee Benefits, Sealink Trading and Cobalt Capital, invested R1.64m – was paid out R444,000.

Robert Anthony Ebden of RMS Investments, Planned Investments and SAC Import-Export of Randburg, invested R3m and was paid out R230,000.

Finlake Trust, controlled by Darryl Kohler, invested R1.8m and was paid out R5.3m. Richard Foyn of Knysna invested R12.6m and got out R6.7m.

N Fraser invested R52,000 in Aug 2008.

Hilton Vernon Froneman, of Northyde Trading, Northcliff, invested R1m and received a pay-out of R1.24m in September 2008 and a further R1.9m by mid-December. He had in the meantime reinvested R1m.

Wayne Gaddin, Warren Goldblatt's former partner in AIN, is recorded as having invested R1.5m and been paid out R5.9m.

Paul Goeser was paid out a total of R2.32m from Dean Rees's account between August 2008 and January this year, on an investment noseweek has not been able to trace. His company, Goeser Investments cc, invested R2.9m and got out R6.1m.

onunu

Mark Gold, jeweller at Melrose Arch, nvested R7.8m.

M Gorrie was paid out R300,000 in August 2008.

Geraldine Harris of Pretoria (not related to Chris) invested R300,000 on the recommendation of Promac Paints (see below), where Dean Rees had become a shareholder, and got back just R30,000.

P Hesthaven invested R114,000 with no

Justin Herselman invested R50,000 with no return.

Mark Joseph Harris invested R3.7m and was paid out **R31.6m**.

Incentive Corporate Finance invested R1m in Aug 2008.

Iola-Meir (see Meir Levin below) was paid R7.8m out of Tannenbaum's RMB account in Aug 2008, and invested R30.5m in the same month.

JMR Capital (Jawmend Rossi Capital (Pty) Ltd) - directors Jonathan Jawno, Martin

noseweek November 2009

Bezuidenhout and Michael Mendelowitz of Cape Town – invested **R593.9m** and was paid out **R736.3m**. JMR was one of Barry Tannenbaum's original investors. **Linda Carter** invested R400,000 in December 2008 – not a good decision.

Mornay Jansen invested R100,000 and got back R16,500.

Johan Frederick Stegman Joubert, director of **Promac Paints**, invested R400,000 and got back R72,000.

**Edward Jowitt** invested R3.9m and was paid out R1.3m.

Mavis Kitchin invested R450,000 in August and was paid back R200,000 in December 2008.

**Darryl Kohler**, old pal of Darryl Leigh, invested R14m and got back R13m.

**Vallery I Kohler** invested R18,000 in August 2008.

Charles Kramer invested R2.2m and got out R1.8m

**Harold Krawitz** invested **R20m** and got paid out R3.1m.

JB Latinsky invested R100,000 in August 2008

**Stephen Thomas "Tom" Lawless**, a director of Strate Ltd, invested R900,000 and got out R400,000.

**J Lee** is recorded as having been paid out R152,000 in Aug 2008.

**Christopher Leppan**, attorney and sports car enthusiast, says he invested R3m.

**Meir Levin**, an ex-South African now resident in the USA, is said to have invested more than **R700m** through Barry Tannenbaum, and to have recovered only **R500m**. He is represented in Johannesburg by attorney Mannie Witz.

**Michael Levy** headed a group of investors that included Alon Belov, Allan Behr, Ryan Kahn, Martin Moritz (for his children's trust), R Narunsky and Dr AJ Smoekler. They appear to have invested R671,000 and to have been paid out R10.1m.

Barry Tannenbaum's friend Avin David Lieberman of Australia invested R186m and got back R222.9m.

**Robert C Lowdon** invested **R10.6m** and got paid out **R19m**.

**Norman Lowenthal** is recorded as having invested R1m; his son Howard invested R1.2m.

**David Lucas** invested R26,000 in August 2008.

**Andries Malherbe** of Investment Cars invested R1.2m.

Simon MacLennan invested R2m and got out R3m.

**Melissa Manden** invested her R2m divorce settlement – and lost the lot.

**John Miller** invested **R10.1m and** got out R4.3m.

A Morgan invested R52,000 in Aug 2008. G S Muller invested R500,000 in Aug 2008.

**Jeremy Ord** (of DiData) got paid out R8.5m in August 2008 alone, and appears

to have scored a total of R25m.

**Nicholas Pagden**, ex head of Citibank Corp Finance and Investment Banking, invested R8.25m and was paid out R7.7m.

**Dr Jules Preddy** invested R180,000 – and got no return.

Johnny Rosenberg, MD of Renasa Insurance, together with various relatives, invested R9.9m and got out R10.8m. His company, Marcole Investments is recorded in ponzi-related accounts as investing R300,000 and getting out R9.4m.

**Anastasia Rossen**, ponzi agent Daryl Leigh's girlfriend, is recorded as having invested R11.2m and as been paid out R41.3m.

Litsa Roussos of executive placement agency Emmanuelle: Payments to her and her company, Stand 492 Parkwood, suggest she invested R10.2m – and got paid out R17m. She denies having made a profit on her investment, but refuses to elaborate. "I have already explained to the Reserve Bank and SARS," she says.

Clive Sergay invested R3.25m and lost it. Arnold Sharp, an accountant, emerges as one of the big hitters in this game, via two companies of which he is a director: Berniebee Investments and First Technology **Holdings.** First clue to the scale of his dealings with ponzi master Barry Tannenbaum was to be found in Tannenbaum's RMB bank statements. These recorded payments totalling **R71m** to Berniebee Investments in just two months: R4m and R6.35m in July 2008 and R23.1m plus R7m plus R31m in August. A subsequent survey of ponzi scheme accounts suggests that, for reasons yet to be explained, Berniebee invested just R11.4m - but was paid out R550m. Similarly, First Technology is recorded as investing only R1.5m - but being paid out a total of R242m. Mr Sharp did not return noseweek's calls.

Jack Sherman Attorneys invested R7.38m.

**Duncan Roy Simpson-Craib** (of. inter alia, Intec Management Holdings and Core Freight Systems) appears to have been another spectacular winner in Tannenbaum and Rees's ponzi scheme: the account for Rees Attorneys reflects payments to Simpson-Craib in August and September last year totalling R29.2m with none of it reinvested. In addition, two payments of R7m each were made by Rees in December 2008 to Georgian Crescent (Pty), a company of which Simpson-Craib is a director. A survey of all related Rees accounts suggests that Simpson-Craib invested a total of R36m in the scheme, and was paid a spectacular R118m from those accounts! (That does, however, also suggest he may have been using an as yet undisclosed investment channel.)

**Gregory Leonard Spark** invested **R14.4m** 

and got out R17.6m.

The investments made by Cobalt Capital's **John Storey** demonstrate a typical pattern: on 3 December 2008 he was paid out R1.12m, so on 8 December he reinvested R1.5m; on 19 January 2009 he was paid out R1.67m, so on 21 January he reinvested R1m; on 21 January he was also paid out R444,000 – and immediately reinvested R440,000. "In the end I had about R1.8m in. When I got unhappy with the scheme and started kicking up a fuss, Rees's friend Chris Harris paid me R800,000 – so I lost about R1m," he told noseweek.

South Point Management Services (Pty) (director Rob Loudon) invested R34.5m and was paid out R28.2m.

Sean Summers (ex Pick n Pay chief) was also a regular return player. In August and September last year he received seven payments from Rees, totalling R33m, then in October re-invested R18.8m. In October he was paid out R17.7m — and promptly reinvested R7.3m. In the end, on currently available figures, he appears to have invested R96m in total and got out R109m, but then the Summers Family Trust put in R26m — and got out nothing. Byron Thomas invested R350,000 in July 2008.

**Gareth John Tindall**, whose directorships include majors like Unitrans, Dimension Data and the South African Golf Development Board, is another of those participants whose returns appear to have been hugely disproportionate to his traceable investments. In the accounts surveyed, he is recorded as investing R1m – but being paid out a total of **R20.8m**.

**Eric Truebody**, former partner at attorneys Bowman Gilfillan, tells *noseweek* he invested "about R1m". "Tannenbaum was a plausible guy and this being South Africa, ARVs were going to be in high demand." He says he managed to withdraw about half his capital before the scheme crashed.

**Vezi & De Beer**, attorneys in Tzaneen, invested R4.76m in July 2008 and were paid out just R64,000.

**M Vokes** invested R200,000 in August 2008.

**Frits Waldeck** invested R4.3m and was paid out R3.4m.

**Bruce Watson** (of Di-Data): *noseweek* was unable to trace his investment, but he appears to have been paid out R7.25m.

**Sigrid Wilcox** invested R10.6m and received R3.4m.

A Wimmers invested R38,000 in July 2008.

**Donald Rees Woods** invested **R16.7m** – with no record of any payback. **22** 



### to Siemens...

report on how bribery and corruption became entrenched business practice at Siemens, one of the world's biggest industrial companies (and a multi-billion rand contractor to the South African government and to parastatals like Eskom, Telkom and Transnet), noseweek addressed the questions below to Siemens SA.

Siemens AG's annual report for 2007 (issued in 2008) declared:

"We are continuing to improve and implement our anti-corruption program and related controls. For example, the company established a Corporate Disciplinary Committee to consider and impose appropriate disciplinary measures in cases where suspicions of violations of law or company policies or other misconduct have been substantiated."

**Question** 1: If you have reason to suspect that the law has been violated, it is a citizen's duty to report that to the police. Why a secret – potentially biased and self-interested – corporate committee?

■ The company annual report continued: "The company's audit and compliance departments are continuing their review of the company's compliance and internal control system, and making remediation visits in selected regions and groups."

**Question** 2: Was a "remediation" visit made to South Africa?

**Question** 3: What do internal control systems help when the company's top management share a criminal pur-

pose and are in a position to overturn or ignore their own "internal controls"?

**Question** 4: Surely, when a corrupt purpose is so entrenched – at such a high level, as it was at Siemens – all these regulations only have a propaganda purpose?

■ We have noted from the evidence produced at the US and German court cases, that so-called "business consultants" and local "joint venture partners" were widely used by Siemens as channels for the payment and laundering of bribes. In this context the 2007 annual report states:

"The company has implemented a moratorium on entering into new business consultancy agreements as well as making new payments under existing business consultancy agreements. Any exceptions require the prior written consent of relevant senior management as well as the written consent of the company's chief compliance officer, based on a review of the agreements in question. As part of this policy, the company is reviewing existing business consultancy agreements for purposes of compliance risk."

**Question** 5: Has the company reviewed its business consultancy agreements in (and relating to) South and Southern Africa in this light? If so, when was this review done and who carried out the review?

**Question** 6: What was the outcome? ■ The already quoted Siemens annual report continued: "The company has dis-

report continued: "The company has discontinued payment under a number of business consultancy agreements and, in certain cases, has terminated business consultancy agreements."

**Question** 7: Who in South Africa, since 1 January 2000, did Siemens employ as business and or political/strategic consultants? Have any of these business consultancy agreements relating to South/Southern Africa been discontinued or terminated since January 2000? If so, please identify them and give dates and reasons.

**Question** 8: It would seem to us that Siemens worldwide has carefully avoided identifying those consultancy relationships that were corrupt, who set them up – and with what purpose. What is your comment and/or explanation for this?

■ The annual report also stated: "The company is in the process of enhancing its anti-corruption policies. The company has adopted, and is in the process of implementing, new policies regarding ... retention of intermediaries who interact with government authorities on Siemens' behalf, compliance in merger & acquisition transactions, joint ventures and minority investments [such as BEE deals in SA?] and gifts and hospitality."

**Question** 9: What are these *new* policies? How do they differ from the old?

**Question** 10: Have any of your SA BEE and joint-venture agreements been subjected to such re-evaluation? If so, who did the re-evaluation, and what was the outcome?

**Question** 11: Is the company aware that several of its SA BEE and joint-venture partners are/have been major donors to the governing political party, and/or sponsors of leading figures close to it?

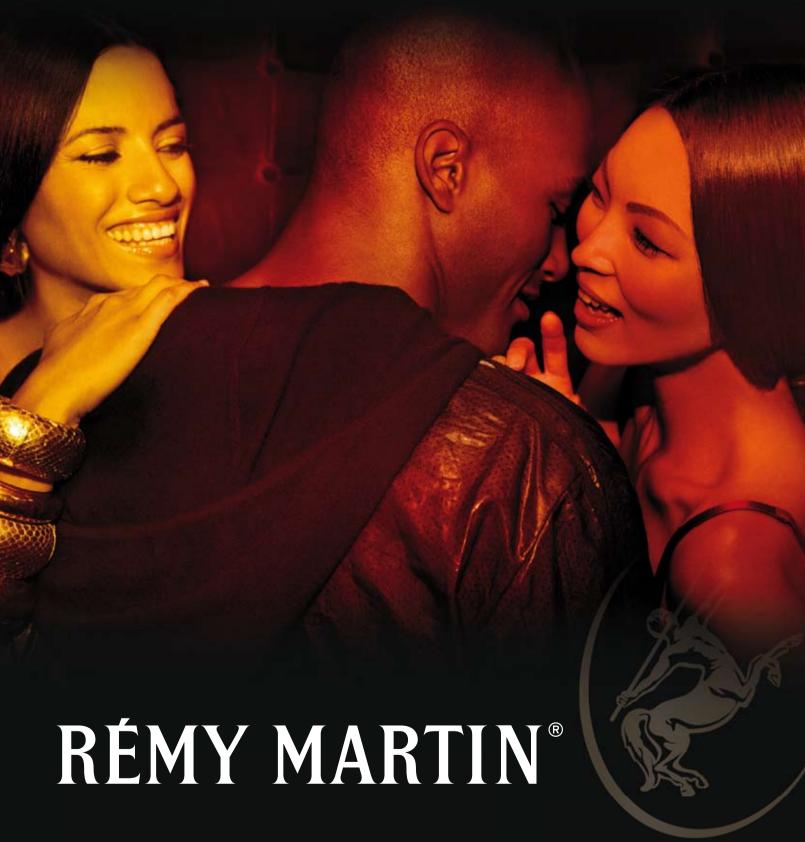
Question 12: Has Siemens, since 1 January 2004, either directly, or indirectly through agents or consultants, funded or otherwise sponsored visits abroad (e.g. by way of cash gifts and or payment of travel and accommodation costs) by SA government ministers, politicians, government officials, or executives of parastatal companies such as Eskom, Telkom, Transnet, hospital executives or members of the 2010 planning committee, and/or members of their families? If so, please list names, destinations, dates, cost and purpose.

**Question** 13: Has Siemens, since 2000, sold or otherwise made shares available to local minority shareholders at a discount or on otherwise advantageous terms? If so, when, to whom and on what terms?

**Question** 14: Have Siemens, since 2000, concluded joint-venture deals with SA companies or entities, on terms that

10 noseweek November 2009

### THINGS ARE GETTING INTERESTING



4341\_Penquin\_RM

Not for sale to persons under the age of 18.

have allowed these partners a share of profits disproportionate to their financial or technical input to the joint-venture? If so, when and with whom were these agreements concluded, and what was the reason for the advantageous terms granted by Siemens?

■ *The annual report further says:* "The company is continuing the roll-out of a formal program of anti-corruption and other legal compliance training for management, group and regional compliance officers and other employees.

"The company established a new managing board position for legal and compliance matters, and appointed a chief audit officer with an independent reporting line to the board's audit committee."

Question 15: Is this not all just absurd propaganda? Those Siemens employees who committed the offences all said that they knew that what they were doing was illegal - but that they did it for the sake of the company, with their bosses' implicit (but prudently not stated) approval.

The last (Norwegian) whistleblower who reported to the board got fired. Your comment please.

■ "The company has adopted a global amnesty program. Pursuant to this program, if employees, by 31 January 2008, voluntarily provided the company with information regarding possible violations of anti-public-corruption laws, including any related accounting irregularities, the company will not make any claims for damages and will not unilaterally terminate such employees' employment relationships. The company reserves the right to impose lesser disciplinary measures or additional compliance training. Senior management is not eligible for the amnesty, subject to certain exceptions for certain functions." (noseweek's emphasis.)

Question 16: What exceptions for which functions?

Question 17: Did anyone in South Africa, or anyone, anywhere, charged with dealing with SA clients (state or parastatals), BEE partners, or consultant intermediaries, make use of the company's amnesty offer?

Question 18: Did any Siemens employees, anywhere, make use of the amnesty? If so, how many employees worldwide applied - and how many were granted amnesty?

**General**: We understand from your media spokesperson that there are various errors in our stories relating to Siemens in *nose*120. Please would you point out these errors and provide us

with the information needed to correct them in our forthcoming issue.

Noseweek gave Siemens a week to reply. They responded – as below – without directly replying to our questions.

These questions, which remain fairly general, are sufficiently serious to justify giving Siemens a week or two longer to provide answers. Noseweek should then be able to put Siemens' new commitment to truth and honesty to the test – with some rather more specific questions related to particular projects, contracts and people.

### Siemens says...



The home page of Siemens South Africa's website

**IEMENS LIMITED HAS NOTED** the guestions received from noseweek as a follow-up to the story which appeared in nose120, which, unfortunately, you chose to run without talking to us. Given the short time frame allowed for, we are unable to answer all the questions posed and obviously don't want to do so in a random manner. However, we can offer the following statement:

It is true that the global Siemens organisation had prior to 2006 been guilty of wrongdoing, and behaved in a manner which it sincerely regrets. The organisation has frankly admitted this. It is unfortunate that noseweek chose to ignore the widely reported extraordinary efforts that Siemens has taken to radically reform itself, its ethics and corporate culture.

With respect to compliance, we are a fundamentally reformed company, and since 2006 we have demonstrated that our commitment is to only conduct clean business – everywhere.

This is not mere say-so: Siemens has achieved a perfect score in the assessment categories of compliance and risk management in the diversified industrials sector of the Dow Jones Sustainability World Index for two years now.

We have publicly acknowledged that, in the past, it was the leadership culture of the organisation that failed and we have taken significant steps to address this. Siemens AG has established a corporate disciplinary committee to consider and impose appropriate disciplinary measures in cases where suspicions of violations of law, or internal policies, have been substantiated.

Siemens has expanded its worldwide independent compliance organisation to more than 600 employees reporting to the chief compliance officer. In South Africa, the compliance organisation has grown from one to five full-time employees, in addition to strong legal and audit organisations

The managing board has further engaged an external attorney to act as an

independent ombudsman and to provide a protected communication channel for Siemens employees and third parties. The company has also developed a helpdesk, to receive compliancerelated complaints ("Tell Us") and to answer compliance-related questions from employees ("Ask Us"). Since we launched "Ask Us", the company has received 5.131 questions. These were all answered by a dedicated team focusing purely on offering guidance to the questions raised by employees. Since we launched "Tell Us", the company has received 790 confidential submissions, all of which were investigated thoroughly.

Siemens AG has introduced a comprehensive anti-corruption programme which includes the detection and reporting of suspicious cases, the implementation of compliance regulations, and compliance training. (Siemens AG reported 181 infringements globally resulting in disciplinary sanctions, in our third quarter of 2009 alone. Of these, 73 resulted in dismissal/separation. We report these figures openly at the end of each quarter.)

Siemens AG's audit and compliance departments conducted a worldwide internal analysis and review of the company's compliance and internal control system, including South Africa. More than 5,000 consulting agreements worldwide were evaluated, and where necessary these were terminated/discontinued. A uniform company-wide risk assessment of business partners performing intermediary functions between Siemens and the customer was made a requirement and prerequisite

before any payments could be made or any new contracts entered into. To date, around 14,000 business partners have been classified in this process.

The company has instituted numerous procedures and controls to ensure that all business entertainments, gifts, sponsorships and donations are not used in an inappropriate or illegal manner. All political donations by Siemens are strictly prohibited.

The group is conducting extensive training programmes in the field of compliance, and nearly 215,000 employees have participated so far.

The group has conducted a global amnesty programme. [See noseweek's questions in this regard. – Ed.] This process was extremely helpful in the investigation and remediation of compliance violations.

In summary, we have a comprehensive compliance programme for all units and regions – including Africa – with more than 100 separate measures that have been implemented and are considered to be exemplary by third parties. This compliance programme focuses on prevention, detection, investigation and remediation. Our goal is to become one of the leaders in compliance and transparency and to restore trust in the company.

We strive to conduct clean business at all times and everywhere. However, if misconduct occurs — a possibility that can never be excluded at an organisation of some 400,000 employees — we will take appropriate and decisive steps.

■ *Noseweek* has edited this official Siemens response.



MARKET LEADERS IN

- **O PARKTOWN NORTH**
- **O PARKHURST**
- **© CRAIGHALL PARK**

The only place you will find us in NOSEWEEK is right here

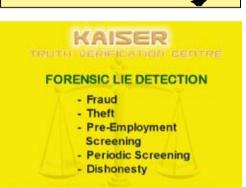
ANDREW 083 655 0366 GREGOR 082 829 6969

### **WATER LEAKS FOUND**

We detect and repair leaks underground and in walls Insulation audits done using infrared thermal imaging SEE OUR WEBSITE FOR DETAILS \*\*

www.findaleak.co.za
011 763 6306

Peter 083 651 6306



Contact details: 083 22 66 228 / 011 021 2867

E-Mail: silicekaiser@mweb.co.za / Website: www.kaisertruth.co.za

### new from Random House Struik



#### BEGGING TO BE BLACK

The third part of an unintended trilogy, this is a must-read for readers of Antjie Krog's earlier non-fiction books and a welcome addition to South African literary non-fiction.

available at bookstores nationwide



### DWARS: MYMERINGE VAN 'N GEBLEIKTE AFRIKAAN / PALE NATIVE: MEMORIES OF A RENEGADE REPORTER

(REVISED EDITION)

The long-awaited translation of Pale Native into Afrikaans is now available alongside the new English edition. With new chapters covering contentious issues, it makes for a rollicking story peopled with generals and guerrillas, presidents and hit men.



HOUSE STRUIK Many houses one home

# K I S S and no tell

whether the romance between Renee Silverstone, chief executive of The Jupiter Drawing Room ad agency, and FNB's brand manager Derek Carstens might give Jupiter's wholly-owned subsidiary MetropolitanRepublic the edge in the fierce battle to win the bank's new three-year R900m advertising contract.

A few days after *noseweek* went to press it was announced that MetropolitanRepublic had, in fact, been awarded half the contract.

As was to be expected, our story was greeted with ridicule and scorn by Jupiter, FNB and their media chums such as *Finweek's* Tony Koenderman.

A couple of weeks before the winner was announced FNB's Carstens said: "Jupiter and MetropolitanRepublic are separate entities." Surely Renee Silverstone/Jupiter own the shares of their own subsidiary and share in its profits? "As I understand it, that's been sold out," replied Carstens. His conscience was clear. There was no conflict of interest.

Jupiter's chairman Graham Warsop supported this line: "Following the deal with WPP [a major UK-based ad agency], announced in February 2009, The Jupiter Drawing Room (Johannesburg) no longer retains any shareholding in MetropolitanRepublic," he declared in a statement that reached noseweek after nose118 had gone to press. "The new shareholding structure sees 15% of the shares held by MetropolitanRepublic staff (including 10% in a Black Staff Trust), with 85% of the shares in the hands of a newlyestablished holding company in which Paul Warner and WPP between them hold in excess of 50% of the equity."

"As Renee is not a director of MetropolitanRepublic, has no active involvement in the company and therefore has absolutely zero involvement in the pitch or its outcome, it is difficult to see on what basis she is conflicted."

When *nose*118 appeared, the finish-



Jupiter's Silverstone and FNB's Carstens

ing touches were being put to a deal in which WPP, the British-based global media and communications giant, acquired 49% of the Jupiter group. Which raised the question: how might a successful bid for the FNB account affect the price WPP would pay for those shares?

Which is a question Paul Warner, managing director and creative director of MetropolitanRepublic, clearly had no wish to consider: "We are a private company and therefore do not have to disclose our shareholding," he said. "What does our shareholding have to do with being a finalist on the FNB pitch?"

Warner, of course, was wrong: a private company is obliged to disclose its shareholding. So noseweek dropped him a line requesting sight of MetropolitanRepublic's share register under the relevant sections of the Companies Act 61 of 1973. His reply, received the

same day: "You bore me."

Refusing to give access to a company's share register to "any person" is a criminal offence under the act. Anyway, a highly-placed mole has told us all we wanted to know – and it could prove embarrassing to all of them.

"MetropolitanRepublic is the trading name for a company called Point Blank Trading 6 (Pty) Ltd," says our mole. "Point Blank is and always has been 100% owned by The Jupiter Drawing Room (Johannesburg).

"Graham Warsop was not correct when he told you The Jupiter Drawing Room (Johannesburg) no longer retains any shareholding in MetropolitanRepublic. At the time of the FNB contract award – and, indeed, as of mid-October – The Jupiter Drawing Room (Johannesburg) continues to hold 100% of Point Blank.

"Renee Silverstone's shares in The Jupiter Drawing Room (Johannesburg) have been reduced, but she still holds around 10% in the company – not in her personal capacity, but through her DJ Trust. So at the time of the FNB contract award, and indeed today, she continues, through her trust, to hold an indirect stake in MetropolitanRepublic.

"There will be a new holding company for MetropolitanRepublic, called something like Metropolitan Brand Engagement," continues our mole. "But there's an aspect to the deal that hasn't been finalised yet. The new company has not yet [as at mid-October] been constituted."

All of which blows out of the water the denials that Renee Silverstone had any interest in MetropolitanRepublic at the time it was awarded the massive FNB ad contract on 24 July. 12





Not for Sale to Persons Under the Age of 18.

### Court halts Baby Michael trial

FTER SIX LONG years, the attempted murder trial of Baby parents Michael's finally started last month. But on the second day, amid high drama, the magistrate called a halt after hearing that father Bradley Connor had already been convicted of an offence relating to the alleged abuse.

Readers will recall the tragic story (nose108) of Baby Michael, who was not quite three months old when he was first admitted to hospital on 4 October 2003 with a bruised and swollen left eye. Doctors suspected abuse, but a social worker returned the baby to the custody of his then 18-year-old parents Bradley Connor and Melinda Marshall.

A month later, on 11 November 2003, when Baby Michael was exactly four months old, he was readmitted to Johannesburg General Hospital. Now he was blind, with fresh bruises on his face and with permanent and irreversible brain damage.

In nose108 we detailed how the baby's parents shuffled the blame between them in what senior prosecutor Carina Coetzee described in court papers as "a devious plot" to get Bradley Connor off the hook.

Had magistrate Boovens nose108, which appeared in October 2008, he wouldn't have been as astounded as he was when he halted the parents' trial last month. This was the history we presented then, and which he was now demanding:

- On 12 November 2003 Melinda Marshall told police that Bradley used to hit the baby when he cried. Connor was arrested and charged with attempted murder and assault with intent to commit grievous bodily harm.
- On 7 June 2004, on the eve of attending court to testify against Connor, Marshall now told police it was she who had assaulted Baby Michael. She was convicted and remanded for sentence
- Bradley Connor pleaded guilty in terms of a plea and sentence agreement to ill-treating Baby Michael by not feeding him and not taking him

to hospital for medical treatment, and received a two-year suspended sentence and a fine of R20,000.

- Five months later, about to be sentenced, Marshall changed her plea to not guilty. Connor was re-arrested and both now faced attempted murder and assault charges.
- In October 2007 Connor launched a high court application for a permanent stay of prosecution against him, on the grounds that he had a plea bargain agreement: if he pleaded guilty to failing to feed the baby and not taking him to hospital he would not be charged with any other crimes against Baby Michael. Prosecutor Carina Coetzee said in her affidavit that the plea bargain related to ill-treatment by not feeding Baby Michael and not taking him to hospital – not to the assaults. In September 2008 Acting Judge Makume dismissed Connor's application with costs.

None of this history was known to magistrate Frans Boovens when Bradley Connor and Melinda Marshall's attempted murder trial began in Johannesburg regional court last month. The magistrate was clearly startled when Connor's attorney Mac-Donald Khumalo asked a witness if he was aware that Connor had previously been sentenced for failing to feed the baby and not taking him to hospital.

Magistrate Booyens demanded that the state supply him with a full history of the case. After a lengthy adjournment this was produced by senior prosecutor Carina Coetzee. But the magistrate now wanted the judgment in Connor's unsuccessful application to the high court.

There was further confusion when evidence was given suggesting that Baby Michael had been taken not twice to Joburg Gen for his injuries, but three times. Back in November 2003 when she made her statement to police blaming Connor, Melinda Marshall said they phoned Bradley's mother who took them to Medi-Cross. "Medi-Cross sent us to Joburg Gen."

The presence of Connor's mother at Joburg Gen on 11 November was confirmed by the evidence of paediatrician Dr Judy Rothberg who was on duty in casualty. "The baby was with his parents and a grandmother, who was doing most of the talking."

But then Graham Beuster, caretaker of the flats in Windsor West where the abuse of Baby Michael took place. told a puzzling story from the witness box. He described how he took Baby Michael and his parents to Joburg Gen after the first known incident, in October 2003. On the second occasion, which Beuster repeatedly stated was on 3 November 2003, he said: "Baby Michael had been crying for three days. I went and knocked on the door. Bradley answered. I noticed the baby had blue marks on his face.

"Bradley kept saying: 'We don't need to go to the hospital'. I picked up the baby and they followed me. I used my girlfriend's car to take Bradley, Melinda and Baby Michael to hospital."

No mention of any grandmother. At Joburg Gen, Beuster said he reported his suspicions of abuse to a member of the child protection unit, who called a social worker to hear his claims.

cross-examination, attorney Mac-Donald Khumalo put it to Beuster that on 11 November it was Baby Michael's parents and Bradley's mother who had taken the baby to Joburg Gen. "I wasn't there," replied Beuster. "I took them twice to the hospital. I don't remember the date; I remember what happened.'

There was a lengthy silence as the court pondered this. Magistrate Booyens, already baffled by the revelation of Connor's earlier conviction, then halted the trial. If Beuster did indeed take the injured baby to hospital a second time before the 11 November admission, this is an explosive new twist. It means that Baby Michael was returned twice to his parents' dubious care, before being permanently crippled in the 10 November assault.

Baby Michael's parents Bradley Connor and Melinda Marshall, both now 24, had their bail extended. Their trial will resume on 2 March next vear.



### Island of shifting sands

Mysterious Egyptian demands billions to build his desert dream

ESHAM EL-BEBAWY, Egyptian-born but travelling on an Irish passport, was in town last month in hopeful quest of €45m (R495m) that he claims is due from a couple of South African entrepreneurs over a fanciful €6bn (R66bn) project that went belly-up in the Arabian Gulf. El-Bebawy (46) describes himself as a "financial adviser" residing in the UK town of Stockport. He's the director of a struck-off UK company and is a dedicated gambler who never rises before 11am.

Was the Tiare Island project ever a serious venture – or was the whole thing a gigantic scam? If so, who's conning who? You decide.

El-Bebawy is here, or so he says, as the emissary of a group of wealthy Gulf Arabs in the United Arab Emirates, who had hoped to make a bundle from a massive tourist development on the island of Tiare in the emirate of Ras al Khaimah. According to El-Bebawy, influential personages who gave the project their blessing included Ras al Khaimah's Crown Prince Sheikh Saud Bin Saqr and Sheik Faisal al Qassimi, chairman of the Ras al Khaimah free trade zone authority.

The project, if you can believe it, was to embrace 16 hotels, 7,500 apartments, 5,000 villas, a marina with facilities for 250 vessels, an African game farm with imported wildlife – and a replica of a lighthouse linked to the honeymoon lodge by cable car.

No matter that, according to El-Bebawy's affidavit, this developers'

utopia required 40 million sqm of land and that only four million sqm was available on tiny Tiare – the remaining 36 million sqm would be reclaimed from the sea in a 17km land-fill. Total construction costs are estimated at €5,959,336,996, according to the promotional literature. By 2001 net profit was projected at \$368.6m (R2.7bn). (The pamphlet editor obviously forgot to change the dollar to a Euro sign, as he'd done elsewhere, when they decided on the spur of the moment to pitch for European rather than American funding.)

Set to fund this gigantic endeavour was a little-known Panamanianregistered company, Firminy, whose

leading lights were – wait for it – Johan Roux, famed former scrumhalf in South Africa's 1995 World Cup-winning Springbok squad, and Pretoria-based entrepreneur Dirk Coetzer.

According to an affidavit by El-Bebawy, he first met Coetzer in 1996. Around 2005 Coetzer told him that Firminy specialised in funding projects "worth up to \$50bn", using a "platform" with HSBC China. The funds, he was told, were allocated to projects on a joint venture basis.

El-Bebawy carried this interesting news to wealthy Dubai architect Hesham Abdulghani,

Former Bok Johan Roux

chairman of Dimensions Consultants & Engineering, known throughout the Gulf for its palaces, skyscrapers, hospitals and shopping complexes.

"Ghani [Abdulghani] and I have for many years shared a lifetime dream, which is to develop a small island in the UAE taking advantage of 0% crime rate, tax haven, warm weather, virgin beaches, and over 150 nationalities living together in peace," reads El-Bebawy's affidavit.

"I discussed the idea with Coetzer and sent him a small summary. Not long after, Coetzer advised me that Firminy had shown a tremendous interest in becoming involved in such a project, as a funding partner."



In Dubai, architect Abdulghani came up with "a wonderful deal" with the Ras al Khaimah free trade zone authority, through a business partner related to the chief executive of the authority, Oussama al Omari. "Mr al Omari approached the Sheikhs [the crown prince and the free zone chairman] with our project and they agreed in principle to accommodate the project on one of the islands in Ras al Khaimah," reads El-Bebawy's affidavit. A visit to Tiare followed and Al

charity work. Pressed again for proof of funds from Firminy, El-Bebawy says Coetzer sent him an email claiming funds of \$1.4bn (R10.5bn).

El-Bebawy, who states in his affidavit that his UK company Mainland Finance & Insurance Services Ltd was involved in various transactions in the Gulf region, drew up a "pre-funding agreement" between Mainland and Firminy. It included, he says, a penalty clause: in the event of default by Firminy, that company would be liable

Architect Abdulghani came up with 'a wonderful deal' with the free trade zone authority, through a business partner related to the chief executive

Omari showed him the allocated area for the project.

El-Bebawy says he asked Coetzer for a letter of intent "to show us a sign of commitment". One was duly supplied, on the puzzling letterhead of a UK entity called Environmental Development Foundation, which Coetzer explained was part of the Firminy group. This foundation, claims El-Bebawy (wrongly), turned out to be engaged in for \$10m, surrender its shares in Tiare Island Fzc (the project-owning company), repayment of seed capital put up by architect Abdulghani, compensation of any party which might lose as a result of Firminy's default, and payment of any penalty that might be claimed by Tiare Island Fzc. It is this ball-breaking pre-funding agreement that brought El-Bebawy to Sandton's Montecasino last month and a lengthy

stay in R4,000-a-night quarters at the Palazzo hotel, in search of a €45m "penalty" from Dirk Coetzer.

Coetzer's plan, reads El-Bebawy's affidavit, was to have a large section of South Africa's Afrikaans community emigrate *en masse* to Tiare Island. But he says UAE officials were not impressed when Coetzer produced negative newspaper cuttings about South Africa and referred to the South African government as "a corrupted gang".

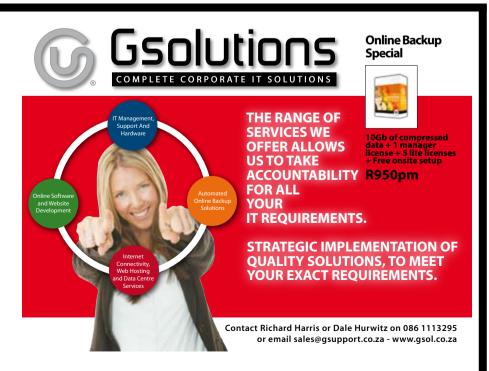
At some stage Firminy's initial promise of billions via HSBC China faded away, to be replaced by a new source of funding for Tiare − Medium Term Notes (MTNs). Architect Abdulghani stumped up a letter of credit for €220,000 to get this off the ground and Coetzer arranged for the services of colourful Zurich broker Stephane Lambert, of Sails Capital, to issue the notes.

Coetzer finally gave the good news that the MTNs had been issued and a jubilant El-Bebawy flew to Dubai to arrange for receipt of the first tranche of funds. "As I landed I called our bankers who advised me that the notes are on the Clearstream [a German-based post-trading group] screen, but there were no details of any rate or linked securities. It was just an empty skeleton," reads El-Bebawy's affidavit.

He adds: "I called Coetzer, who informed me that the notes were false." Firminy then proposed taking over the issuing and sale of the MTNs and promised that the first tranche of €300m would be delivered by 22 October 2007. Unfortunately, says El-Bebawy, no transfer was forthcoming.

So all this, then, was the bewildering background to last month's visit to Johannesburg by Hesham El-Bebawy – and an approach, through an intermediary, to *noseweek* offering the story of a scandalous "fraud" by Dirk Coetzer and the legendary scrumhalf Johan Roux. *Noseweek* was invited to meet with El-Bebawy at the top-of-the-pile Palazzo hotel in Montecasino. But while *noseweek* thought we were to be handed a scoop we were sadly disappointed.

El-Bebawy, an immaculately-clad if slightly sinister figure, draped across a garden terrace chair, is sipping an orange juice. He waves a disc that he says contains "all the evidence". He flourishes papers from his briefcase which he waves before our eyes before tucking them away, saying the



noseweek November 2009

disc and everything else will be given later. All he will confirm at this meeting is that the Tiare Island project is no more ("it never took off") and that his friend Hesham Abdulghani is very very angry after putting up — and losing — 15 million dirhams (around R30m) of seed money.

El-Bebawy asks *noseweek* to ring him that Saturday to arrange to collect "everything" – but phone after 11am, he stresses (the fellow is a dedicated gambler who plays the tables all night and doesn't surface before 11am). But when we call at the appointed hour he has already departed for the delights of Sun City; the next time he's been laid low by a cold; the time after that he doesn't pick up his phone (it was admittedly a bit early, around 10.40 am). What's going on?

"Be careful," warns Dirk Coetzer. "When you last phoned him he was with me. He's saying to me: if you don't give me €45m I'm going to the press. He keeps on asking me: 'How much are you going to pay me and I'll make this go away? If you don't pay, then you're going to be exposed by *noseweek*?' He was putting off meeting with you, hoping the threat of publicity would finally force me to give him money."

Adds Coetzer: "He's using you as a blackmail tool. He admitted it. I have to warn you that you and your journal have been used as a blackmail tool against us."

So what went wrong with the ambitious Tiare Island development? Says Coetzer: "It was going to be a \$600m (R4.5bn) project, then it became a \$6bn (R45.2bn) project, then a €6bn (R66bn) project. Dollars, Euros – who cares when you get to that level? And right now neither a €6bn nor a \$6bn project is going to fly anywhere in the UAE – or anywhere else in the world for that matter.

"Firminy was a 50% partner in the local company Tiare Island Fzc. We were going to raise the finance against the land," says a po-faced Coetzer. "That's normal, you need assets to put down to get finance. But when we said: 'Sign the agreements that you assign the land as the asset behind the debt offering,' they said: 'No, just send us the money'.

"El-Bebawy was the broker and he also obtained (17%) shares in this Tiare Island Fzc. The architect Abdulghani is a good businessman, but I think between the two of them they were thinking: Hell, if there's this



type of money out there in the market, while it's raining let's put out the buckets.

"They wanted Firminy to pay €30m (R330m) just for a business plan, because we were 50% partners. Nobody's going to pay €30m for a business plan.

"The only money they gave us was €75,000 paid into Firminy's account. The €220,000 Letter of Credit went to another broker [Stephane Lambert]. It's not true that HSBC was going to put up the money.

"The contract says that Firminy would put up the bonds and they (the Arabs) would provide assets [as security] for the loan. 'Please sign the loan agreement,' we said. But they never wanted to sign anything – they just wanted the money.

"Now they want a €45m settlement. For what? I really don't know. We've done the work. To close the whole thing I'm going to take that umbrella fund, that little (MTNs) unit of theirs, and I'm going to sell it to someone else who has a real project, and who does own assets and who does understand the process. The bonds are set up; we're only changing the project.

"There's nothing in their unit; it's an empty vehicle, worth €125,000 (R1.4m). We had to pay the costs to have it put on the systems, issue new bonds. Now we have to pay Moodys to get the bonds rated. Don't blame Firminy, we've done our work. We have done the set up, we have issued the bonds, we have maintained the fund. The new client will basically buy the unit from the Arabs. Hesham El-Bebawy must then go and hassle someone else."

As for that letter of intent showing proof of funds that Coetzer produced on the letterhead of Environmental Development Foundation, the Charity Commission in London says there is no such registered charity. There is, however, a UK company of that name registered at Companies House. Explains Coetzer: "At the time we were buying and selling bonds through a [US] company called Windham Securities. To open a stockbroking account in London is not easy, because at the time we only had a Panamanian entity. We were members of EDF at that time and they said: 'We'll open the account. You can put your stock in here'." Coetzer appears to be saying that EDF opened a stockbroking account for Firminy, held its bonds and stated these as proof of funds in the letter of intent.

Former Springbok scrumhalf Johan Roux, now 40, says he hasn't been involved in the Tiare Island project since April 2008. "I basically sold all my shares in Firminy – well, not sold, I invested in some green technology companies in China. So I have no clue. I haven't been involved with Tiare for absolutely ages.

"Firminy was a company that issued bonds out of Luxembourg and because we weren't a rated entity we would buy in underlying bonds and we would use the differential of what we paid for the bonds and what we sold them at, to use in the project. The bonds were issued, but with the market collapse there were just no takers." [Mr Coetzer should apply for a job at Cobalt Capital's Ponzi department. – Ed.]

■ UK company records show that Hesham El-Bebawy was a director of, and owned one third of the issued shares in, Mainland Finance & Insurance Services Ltd. Its only balance sheet, filed in 2006, reflected zero cash at bank and in hand. The company was struck off the register and dissolved on 5 May 2009. 

☐



### Into the Valley of Stench

An Addo orange farmer is creating a mammoth stink in the neighbourhood with putrefying chicken bits

best known for the elephants which inhabit the Addo National Park, but it's the hundreds of citrus farms that provide its economic importance to the country. The area counts around 300 farmers employing some 6,000 permanent workers and 22,000 casual fruit pickers. Citrus packing-houses employ a

further 14,000 workers.

SouthAfrica.com
speaks of the "seemingly endless
stretches of lush
citrus orchards,
scenting the air
with their blossoms and becoming heavy
and colourful with fruit in
the winter". That description is spot-on – except for
the part about scent. After farmers Mark and

Fenitha Hume, of the farm Invercloy, decided to add waste sourced from a chicken abbatoir to his compost mix, a horrible stench has drifted for kilometres across the valley, to the discomfort and consternation of visitors and residents.

Visiting the area last month, a noseweek team experienced the stink for themselves, from way off – and it became all but suffocating as we approached the huge piles of compost. Marabou storks – carrion eaters – were scavenging in the compost, darting between the wheels of a front-end loader that was turning over the giant heaps which clearly included masses of white feathers.

Fruit farmers Mark Keer Hume and wife Fenitha began manufacturing their own compost for the farm some time last year, and invited the Crown Chicken plant in Uitenhage to dump their waste there – waste that, accord-

ing to regulations, should be incinerated. The Humes confess that they know neither the exact chemical nor biological contents of the waste, but insist that everything about their operation is above-board.

Mr Hume, who says that no cash is passing hands, initially tried to convince *noseweek* that only poultry feathers are delivered to the farm. He quickly changed his story on hearing that the *noseweek* team had taken samples for analysis. Suddenly Hume was admitting that along with the feathers came "some slight parts of chicken".

"There is nothing wrong with that," he declared. "Even if I found a dead cow, I would mix it in my heap."

There's more at stake here than "olfactory experience" – though the stink is certainly affecting the livelihood of local B&B proprietors who claim to be losing clients as word spreads that it's

noseweek November 2009

### SAVILE ROW AUCTIONS



### Savile Row Auctions has a nose for targeting the right audience

When property maven **Lew Geffen**, created an auction company driven by the most prominent members of the auction and commercial property community, the results were not surprising. Savile Row Auctions is the only auction house that has the backing of a major real-estate brand, with a national and international network built over 40 years and with 220 years of collective property expertise. Says chairman **Lew Geffen** "We have entered the market with a bang and are thrilled with the results. The results have been astounding even to my veteran mind - R230 million confirmed sales from 2 property auctions in this tough market is remarkable enough in anybody's language."

Monthly auctions of residential, commercial, industrial and retail properties

Contact Mark Kleynhans 083 225 6995 - Office 011 268 0373

Trusted Tradition - Truly International

not wise to seek accommodation too close to Inverclov.

In July, farmers on six neighbouring farms penned a letter of complaint to Kalelu Makgoka of Kirkwood Department of Environmental Affairs, to say that "the smell together with the possible contamination of the area necessitates drastic action".

They point out that citrus growers "need to conform to very stringent reguirements laid down by the markets and governments of the UK, Europe, Canada and the Far East", and say it's "only a matter of time before our overseas clients are alerted to the contamination of the area ... an audit could well mean that an embargo is placed on our fruit exports".

ing samples from my farm without my authority was illegal. This is a private farm and I am not answerable to any-

Well, privacy just flew off down the valley, along with the terrible smell. And the threat of soil contamination. And local residents' fears of the outbreak of some or other dread new disease (chicken-orange flu?).

To their neighbours, who have tried to raise their concerns with the couple, the Humes are unapologetic. The couple have allegedly told them to mind their own business - but explained to noseweek that the neighbours were simply jealous of the Humes' success.

Worst affected by the smell, and fearing for their health, are the ed as the compost's main ingredient by the farm in its annual environmental audit? Noseweek raised this with Kritzinger, who told us to seek answers from Hume. Who, by that time, had shut the door (and maybe the windows too - though Hume insists they don't smell the compost from their house less than a kilometre away).

The European buyers that noseweek contacted said they would re-examine Tregaron Citrus's audits, but had given no reponse by the time of going to

Crown Chicken certainly knows that passing their waste on to Hume's farm is illegal – the environmental impact assessment document that accompanied their application for the abattoir clearly states that all waste from the facility will be incinerated, or be otherwise disposed of in accordance with environmental and health legislation.

Crown Chicken's communication officer Susan Lascell promised to provide a comprehensive response to our questions - which she didn't, despite several reminders. But as noseweek was going to press we learnt that the Department of Environment Affairs had served Crown Chicken with a final notice to conform to legislation, failing which action would be taken against them.

Noseweek also learnt that when Environmental Affairs officials tried to serve the Humes with a similar notice, Fenitha Hume ordered them off the farm, warning of grievous consequences should they return.

The department hasn't given up, and latest news as noseweek was going to press was that the Kirkwood environmental affairs department's Kalelu Makgoka had instructed a Port Elizabeth firm of attorneys to apply for an urgent interdict to stop the Humes from accepting further abattoir waste. The department is apparently also seeking an order that would force the Humes to rehabilitate the land, should it be shown that it

### To neighbours who have raised their concerns, the Humes are unapologetic and have allegedly told them to mind their own business

One possible source of negative reactions by overseas customers would be the discovery of animal growth hormones in the soils of the valley. The use of such hormones is standard practice in the poultry industry in this country, and hormones are known to travel rapidly through natural systems.

Noseweek's own investigation also established that Crown Chicken's waste products are washed off the slaughterhouse floor and equipment with detergents, and might therefore contain chemicals.

The wastes are apparently delivered by Waste Tech trucks at night and over the weekend. Noseweek was told by neighbouring farmers that the truck drivers had told them this was done to avoid being spotted by health inspectors.

Questioned about this, Mark Hume refused to talk further: "I've spent enough time talking to you at my expense and I'm not going to entertain your

questions any

couple's farm workers whose homes lie alongside the compost site. Apparently, when they complained to their employers that the stink makes it difficult to sleep at night, Mrs Hume simply told them to "fuck off".

But how has Hume managed to circumvent environmental, health and ethical audits put in place by the European Union? Could the audit process be flawed?

The answer may lie in the hands of one Snyman Kritzinger, co-director, with Mark Hume, of Tregaron Citrus cc. Kritzinger also happens to be the local agent for various UK supermarket chains which buy Tregaron Citrus's produce, including Sainsburys a n d

Marks & Spencer. Why have these supermarket chains not asked for more detail about what's in the "organic matters" list-



more. Collect-

### **Devil in the detail**

To avoid cellphone rip-offs you need to know the fine print off pat – if you can find it

HE THIEF IN YOUR POCKET (see nose118) is still there. Huge money is at stake, and cell content providers that piggyback on the networks are creaming it – not least by playing fast and loose with the official code of conduct regulating provision of such services.

Nose118 told the story of Marie Ensink, who found herself being billed for cell content (a porno site link) she hadn't requested. Marie's failure to "opt out" of an unsolicited SMS offer had been taken by SMS aggregator Mira Networks as an "opt in" – though Vodacom at first denied this. When noseweek was able to show that this had indeed happened, Vodacom suspended (or so they say) the UK content

provider concerned.

A couple of months ago *noseweek* reader Mr E Taylor bought a spare phone and a Cell C starter pack, to be kept as an emergency back-up. Taylor didn't use the phone, or give the number to anyone, and it sat in a drawer. Every couple of weeks he took it out to charge the battery – and on one occasion discovered a succession of messages referring to Sundowns (he assumed this was the football club), which he deleted.

One fine day when Taylor did try to use the phone, he discovered it had "insufficient funds". He went back to the shop where he'd acquired the phone, bought R49 of airtime, and asked howcome his airtime had

been used up without making a single call. The sales person did that highly irritating "deny and deflect" thing that shop assistants learn on Day One – and insisted that Taylor *must've* made calls.

Again the phone remained switched off, but for battery checks. Again Taylor deleted SMSs regarding Sundowns. And then, in June, after one short call, Taylor discovered that only 4c remained of the R49 top-up. Taylor is very glad the second call wasn't the emergency for which the phone had been bought – and he's adamant that he won't do business again with Cell C. He wrote an irate letter, but couldn't get an address from Cell C to send it, so he delivered it to the cell shop instead (and





forensic restitution

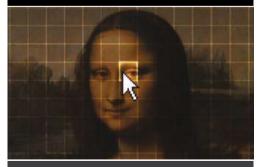
#### Independent leader in:

- Fraud, Theft and Corruption investigation
- Forensic reconstruction of accounts
- Data recovery and user analysis from all PC's and Operating Systems
- Confidential detailed background checks
- Quantification of losses for insurance and legal claims
- Detection and recovery of misappropriated assets
- Collection of evidence for claims
- Excellent working relationship with SAPS Specialised Commercial Crime Unit
- International professional skilled team, confidential reporting, per hour billing

FORENSIC RESTITUTION (PTY) LTD www.restitution.co.za tel. + 27 (0)11 234 2189 email. info@restitution.co.za



#### **PASSWORD 2:**







sent a copy to *noseweek*).

Mr Taylor did a bit of investigating, and concluded that cell users are getting billed up to R15 to receive a first SMS soliciting their interest in content, and up to R15 just to opt out.

Getting comment from Cell C on the matter took some perseverance, but, eventually, *noseweek* received a

Noseweek couldn't find any reference to this in the code of conduct, so we went back to Cell C – no reply

response from Lee-

Ann Harris, Cell C's head of WASP mobile advertising and content. The reply didn't clarify the situation much, beyond telling us what we reported in *nose*118 – that the network provider bills on behalf of the WASP without checking whether the customer

requested the content service.

According to Harris, Cell C "requires all the WASPS it concludes agreements with to comply to the WASPA code of conduct.

"Cell C does not have any input insofar as the nature of the relationship between the WASP and the customer or the content provided to the customer by the WASP is concerned".

So what is Cell C's cut? Come, come *noseweek*, that's "confidential".

What gives Cell C the right to dip into its customer's account? "The terms and conditions agreed to

by the subscriber before purchasing the relevant content from the WASP makes provision for the arrangement between Cell C and the WASP".

A non-answer, to say the least, which presupposes that the customer has entered into an agreement with the WASP.

Does the WASP deem the customer's failure to reply with an opt-out as an opt-in? Certainly not, replied an indignant Harris, "under no circumstances can a WASP send a message to a customer and subscribe the customer to a service if no opt-in was received from the customer... this is governed by the [WASPA] code of conduct."

Noseweek couldn't find where this matter might be dealt with in the code of conduct, so we went back to Harris to help us. No reply from Cell C on this one.

And is it true that the customer is billed for the initial SMS and again for the opt-out reply (as Mr Taylor alleges)? Was this the "reverse billing" that the code seems to provide for in clause 5.1.4? Harris didn't answer this one either, suggesting instead that noseweek contact WASPA.

Raising WASPA was also something of a trial, but, eventually, one Ivan Booth responded on behalf of the association. On the question of whether a WASPA member could treat a failure to opt-out as an opt-in, Booth was quite clear: "definitely not".

Why not? *noseweek* asked. Because, said Mr Booth, "An emergency panel would probably view that as a breach of clause 4.1.1".

But clause 4.1.1 simply says that members must "have honest and fair dealings with their customers", and that "pricing information must be clearly and accurately conveyed to customers and potential customers".

On the issue of whether a customer can be billed for both the introductory SMS and the opt-out reply, Booth replied that "this is technically possible", but unlikely, as "any panel or adjudicator would take a dim view of this".

Take that to mean something like: "Generally, yes – unless the customer goes to the trouble of making a formal written complaint, when we might return what was charged".

What exactly happened with Taylor, noseweek asks? Cell C's Harris replies that the WASP involved was Mira Networks (the same den of iniquity that came up in the Vodacom story), but the content came from a company unknown to Cell C, but which is bound by the WASPA code through its relationship with Mira.

As it happens, said Harris, Taylor was extraordinarily unlucky. "Upon investigation it was discovered that the customer was allocated a recycled sim card" and – would you believe it – "Mira Networks received an opt-in from the previous owner who had the sim before it was recycled and continued billing the new customer with content services after it was reallocated".

This, says Harris, should never have happened: "Cell C provides a list of



# FINE MUSIC RADIO 101.3

Hans Muhlberg unpacks intellectual property

### What's in a name?

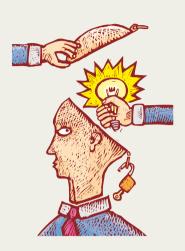
HE APPEAL COURT HAS HAD to deal with a lot of intellectual property (IP) of late. On 30 September the court handed down a judgment in an area considered by some to be the graveyard of IP – company name objections.

In 2003 South African investment services company African Harvest Growth Asset Management changed its name to Polaris Capital. From a branding perspective, this was an excellent move, with the old name saying mealies and naartjies, and the new one saying space and missiles. Unfortunately the change was opposed by US company Polaris Capital Management. Unusually, the US company had no South African company or trade mark registrations to rely on,

but based its objection on the fact that the name Polaris Capital would lead to confusion. Which made it undesirable.

What confusion, where? The court accepted that the US company – which has traded as a global and international equity manager since 1995 – had by 2003 established a reputation in South Africa, which gave it vested rights. Since 1996 it has made sales presentations to South African banks and other financial types, has attended conferences here, and its name has appeared in the local press. More importantly, the company has actually worked with various South African companies, including a stint as Iscor's pension fund manager.

The court had little difficulty with this one. It said that undesirability is a flexible concept and that a likelihood of confusion is a relevant factor. It said



that Polaris is a distinctive word, and that it was, until 2003, unique to the American crowd in the area of financial services. Furthermore, the companies operate in exactly the same space, and that by 2003 the name Polaris Capital was known to various South Africans involved in equity investment, at least some of whom wondered if there was a connection between the companies. This was enough to make the choice of new name undesirable.

Company name objections are weird – they deal with pretty much the same issues as passing-off cases, yet they do so under the guise of undesirability rather than misrepresentation. Yet the decision follows a general trend of recognising that we live in a global *dorp*, and that this may have important consequences for names and brands.  $\square$ 

recycled sim cards to the WASPS on a weekly basis to ensure that the listed numbers are removed from their respective databases and that all billing to the specific sims are stopped immediately ... this is the first case that has been reported and it is therefore crucial for us to identify the root cause of this particular case.

"The WASP has agreed to refund the customer and Cell C will continue its investigation to determine why this recycled sim was not removed from the list provided to the WASP and action will be taken accordingly."

You don't believe all that crap?

Neither does *noseweek*. There's something really sordid going on here. WASPA's membership includes big names like Exactmobile, Autopage, Clickatell, Grapevine Interactive, Nashua Mobile, banking giants Absa and FNB, and a company called Vodacom Service Provider. Recording those names is a bit like writing down the registration numbers of all the smart cars parked outside the local whorehouse.

And it does make one wonder what sort of cross-ownership there might be between cell network operators and WASPs. 22

### **COACHING FOR LIFE**

Cape Town

Helping you to to reframe the questions in your life. Mining Engineer – lots of corporate and life experience, lots of scar tissue, lots of compassion.

emilr@polka.co.za

### NEED TO CATCH A SNAKE? Africa's premier

snake catchers
(We're not bad at sharks either)

Mercantile Investigation
Litigation support
Recoveries &
resolutions















# Vuyo's leap in the dark

A grade 10 pupil lost his right leg after jumping from a first floor parapet to escape a bullying teacher. Has there been a formal inquiry? No. Has the teacher been disciplined? No, he's been promoted to deputy principal

HAT COULD DRIVE a panicstricken schoolboy to leap from a first floor school parapet and plummet 5.3m to the ground, breaking his right leg so seriously it had to be amputated below the knee?

Two conflicting versions of the event emerged in evidence given during a recent seven-day high court trial in the pupil's R3.5m damages claim against Gauteng's education MEC.

Learner Vuyo Matu: "Mr Maphosa was carrying a stick. He put it down and started rolling up his sleeves. I felt I was facing a lion. He said: 'Hey you, boy, what did I say to you? Now it's you and me!"

Masuku Maphosa is Vuyo's Zulu language teacher and head of the African languages department at Mpontsheng secondary school. He could give no explanation to the court as to why the boy had jumped. He testified that he wasn't even there when it happened – he was up on the second floor. There was no reason for Vuyo to be afraid, the teacher maintained; there was no corporal punishment at Mpontsheng, where the harshest punishment was cleaning the stairs, picking up litter or cleaning the classroom.

Not so, Vuyo tells *noseweek*. "Mr Maphosa was the only teacher who beat us. He's a bully. When we failed

a test he took us to the staff room. We held on to the desk and he hit us with a plastic pipe on the bottom, six or seven times. He did this to me and other children as well. I think the principal was scared of him.

"I was scared. Mr Maphosa was blocking the corridor so I ran the other way, to the parapet. There was nowhere else to go. He was angry, like a tiger, so I just jumped."

Vuyo, whose aunt, Thembsie Matu, is the actress and rollicking grande dame of TV commercials for Cell C, Doom and Joko, lives in the East Rand township of Katlehong. The son of a casual factory worker, Vuyo is now 21 and the eldest of seven children. At the beginning of the 2007 school year, when the story begins, Vuyo had been a pupil at Mpontsheng secondary school for four years, and had been battling with Grade 10 for two years.

At the damages trial in the South Gauteng High Court in September, Vuyo was described as a quiet boy, not a trouble-maker. He was not academically strong – not necessarily a learner's fault in crowded township schools with often indifferent teachers.

He failed Grade 10 in 2005. Then again in 2006, when his end of year marks recorded a dismal performance – 12% for English, 11% for maths, 30% for life orientation, 33% for



Vuyo Matu at the scene of his injury

history, 21% for geography. These were no worse than those of many of his classmates, some of whom had already turned 19.

"I can't explain why I failed Grade 10 twice," Vuyo tells noseweek.

In January 2007, by now 18, Vuyo returned to school for a third attempt. "I didn't like to sit at home and end up doing wrong things. I wanted to study."

But his Zulu teacher Mr Maphosa objected. "None of the other teachers had a problem, but if Mr Maphosa found me in the class he chased me away," says Vuyo now. "He told me I'm not wanted at this school because

I'd failed twice and was now 18. But there were others in the class who had failed three times and they were allowed in."

The teacher told Vuyo that he needed a special letter from the department of education to repeat Grade 10 a third time.

On 15 February 2007 Vuyo was in Mr Ndou's English class when Mr Maphosa stormed in, grabbed him and, hauling him along by his belt, ejected him through the school gates. In a final warning, says Vuyo, the teacher told him: "If you come back here it will be me and you".

It must also be said that Vuyo is slight, weighing in at a mere 45kg, while Mr Maphosa weighs in at a brute 112kg.

The next day, 16 February, Vuyo returned to Mpontsheng. "I had assignments to submit for other subjects," he tells *noseweek*.

"And I liked school. After morning assembly Mr Maphosa pointed at me. He called me, grabbed me and said: 'Why don't you listen?'"

Vuyo attended morning classes as usual and after the lunch break turned up for Mr Maphosa's Zulu class. "Mr Maphosa chased me away. I went to the toilet on the first floor," says Vuyo. There he found a grade 11 friend, Tau Mokoena, who was the

school's chairman of Cosas (Congress of South African Students).

In his evidence, Vuyo said they saw Mr Maphosa come out of his class-room and approach them. The learners raced up the stairs to the second floor, but at the top of the stairs, their way was blocked by another teacher, Mr Moeta, wielding a plastic stick.

Vuyo returned to the first floor. Mr Maphosa was blocking the corridor, rolling up his sleeves. Terrified, Vuyo went the only other route – and leapt over the parapet.

His friend Tau Mokoena told the court that Mr Maphosa regularly meted out corporal punishment to pupils who did not do their homework, who failed tests or arrived late for school. He himself had been beaten, and he and the other students were afraid of Mr Maphosa. On that 16 February he had been in Mr Lebone's Sotho class

and was given permission to go to the first floor toilet.

"At the toilet Vuyo told me that Mr Maphosa had ordered him out of his classroom," said Tau in evidence. They saw Mr Maphosa emerge from his classroom and head towards them along the corridor. They ran up the stairs to the second floor, and Vuyo then went back to the first floor. Tau said he heard Mr Maphosa say loudly to Vuyo: "Hey, boy, what did I say to you!"

Mr Maphosa then came up to the second floor. "He said that Vuyo had jumped." Tau said that Mr Maphosa and Mr Moeta then beat him, and two other boys who were up there, on the buttocks with plastic rods.

Tau also testified that on the Friday before the trial began he was telephoned by Mpontsheng's principal, Mr Ngogodo, who told him to say that

The learners raced up, but at the top of the stairs, their way was blocked by a teacher, Mr Moeta, wielding a plastic stick

he warned Vuyo not to jump. Tau reported this to Vuyo's legal team.

Mr Maphosa's evidence was that, on the day of the incident, he had not seen Vuyo at all until after he had fallen. He, Maphosa, had been up on the second floor. He had never had problems with Vuyo or Tau and could not say why they claimed that he meted out corporal punishment, or why Vuyo should be afraid of him.

Mr Maphosa's version was supported by fellow teacher Mr Motaung. However, Mr Motaung said that at a staff meeting on the Monday following the incident the principal had told staff that Vuyo was injured "as he was fleeing from Maphosa".

Mr Maphosa told the court that there had been no formal inquiry into the incident. Mr Motaung could not explain why there had not been an inquiry. He conceded that the education









Vuyo Matu

department should have held one.

Clinical psychologist Ruth Weiner's report to the court read: "It is clear that at the time Vuyo fell, his fear of being hurt by the teacher concerned was so profound that he did whatever he could to escape from what he perceived as an immediate threat to his safety. His instinct to flee from the danger can be understood in the context of the flight or fight syndrome."

In her opinion, based on 20 years' experience working with children who have experienced problems at school, including bullying and abuse by teachers, Vuyo was not fabricating his evidence.

When Vuyo fell he suffered an open fracture of the right tibia and fibula. An ambulance took him to Natalspruit hospital, and from there he went to Chris Hani Baragwanath hospital, where his right leg was amputated below the knee.

In a report written 15 days after the incident principal GM Ngogodo and deputy principal TK Ramochela wrote: "Vuyisile (Vuyo) Matu broke his leg while avoiding Mr Maphosa and Mr Moeta. The two gentlemen were doing ground duty in their blocks. The learner was not registered with the school during the current academic year. Despite this the child came to school."

Four days later district director BM Nkonyane wrote to the MEC's office: "Vuyisile jumped from the first floor of the school building and broke his leg in such a way that his leg had to be amputated. The school assisted and supported Vuyisile by taking him to hospital. I am not aware of any letter from the district given to Vuyisile. The child was not registered at the school."

Conspicuous by his absence at September's trial was Mpontsheng's principal, Mr Ngogodo. Certainly, the principal would have faced close questioning - not only about allegedly ordering Tau Mokoena to give false evidence, but over corporal punishment at Mpontsheng. Although Mr Maphosa had testified that there was none, Tau's evidence was that during a school assembly Mr Ngogodo told pupils: "Although the law says that teachers cannot beat learners, this will never be the case at Mpontsheng school". Tau said he had reported this to both Cosas and the district education office for Ekurhuleni.

Vuyo Matu is claiming damages of R3.49m: R1m for future medical and related expenses; R1.89m for loss of income; and R600,000 in general damages for pain and suffering. At the close of the trial, acting Judge Dan Bregman said that he was finding Gauteng's education MEC liable for damages. While the actual amount or "quantum" is still to be established at a hearing next month, the judge's finding on liability leads to the inescapable conclusion that he accepts the pupils' version of events – and rejects the teachers'.

None of which is much comfort to sad-faced Vuyo, who, when asked in evidence how he felt about Mr Maphosa, replied: "I'm angry with him. First he took away my leg and then he took away my future."

Today Vuyo has an artificial leg, but it was fitted more than two years ago and badly needs attention. "If I grow more, what will happen to this artificial leg? – it's loose at the knee," he tells *noseweek*.

Vuyo's famous actress aunt, Thembsie Matu, is angry. "Vuyo only wanted an education — and that is any child's right," she says. "The teacher didn't want him to be at school. I went to the district education office and told them about the child losing a leg. They said they'd tell the inspector and promised to contact me. But they never did. I went back twice. Now they're avoiding me."

■ Vuyo's nemesis, Masuku Samuel Maphosa, is 46 and has taught at Mpontsheng secondary school for 22 years. In 1993 he was appointed head of department (African languages). On 1 January 2008, 11 months after young Vuyo Matu leapt from a school parapet to escape his wrath, Maphosa was promoted to deputy principal at Mpontsheng. 

☐ Mature Mature Mature Masuku Samuel Maphosa was promoted to deputy principal at Mpontsheng. ☐

### The ethical face of SA banking

Cathy's R4,800 loan will cost her R41,780

EDBANK'S 11-PAGE CODE of ethics says all the right things—the bank's declared values include respect, integrity, observance of the law, and being "people centred". Johanna (Cathy) Brinkhuis (48), a sausage maker from Strand, Western Cape, may be forgiven for thinking this is a load of pious crap.

In 2005 Cathy needed a loan so she could pay off a some debts (she was basically looking to consolidate her debt). She didn't need much, mind you, just a few grand. So she went to Nedbank, the bank "that makes things happen" And on 15 August 2005 Cathy signed an agreement that granted her an aptly named "classic loan", of R4,800, repayable over 24 months, taking her through to August 2007. The interest rate would be 82.5% (no that's not an error), and the monthly payments would be R466. This meant that Cathy would receive R4,800 and pay back R11,183 over two years.

Her first repayment of R466 went through on 30 September 2005, but some seven months later, Cathy lost her job. She went in to the Nedbank branch and was told to keep paying what she could. Although the bank's financial history document shows that a number of Cathy's payments were reversed, by May 2007 she had nevertheless paid R6,824, by which time the outstanding balance stood at R5,814.

Payments became more erratic after that, although Cathy did manage to pay a further R3,040 over the next two years. This meant that by June 2009 she'd paid Nedbank R9,865 – R1,319 short of the original amount. But the outstanding balance had by that time risen to a nasty R16,664.

It was then that Nedbank ran out of patience. On 19 June 2009, Nedbank obtained a judgment against Cathy for payment of the sum of R16,664. The bank also obtained a garnishee (emoluments) order. For those of you who live in the rarefied world where words

like this don't exist – a garnishee order requires the debtor's employer to take an amount off the debtor's salary and pay it directly to the creditor. So Kwikspar, Cathy's employer in Strand, is obliged to deduct an amount off her salary until the debt is paid in full. As for her debt: the R16,664 is the startiust ing point. There's also interest R10,692. of MAKETHIR GS HAPPEN Then there's the attornev's

commission of R3,214 (10% on each instalment paid), as well as further legal costs of R1,334 – making a total of R31,915. This is repayable by way of 77 instalments of R443 per month, ending on 17 December 2015, with a final instalment of R218.

Which means that a low-paid worker who borrowed R4,800 in 2005 will have paid R41,780 (the R9,865 already paid plus the R31,915 now due) when she finishes paying Nedbank in 2015.

There's been considerable publicity concerning the recent judgment by Judge Ben du Plessis, who held that the total of the interest and costs cannot exceed the amount that the debtor owed when they defaulted. As we understand it, this rule only applies to agreements signed after June 2007, when the National Credit Act came into operation.

Noseweek was particularly keen to hear something from Nedbank on the morality of this situation, and asked the bank for comment. Communications officer Tamara Matsoyiyane reported that Nedbank was investigating, but when *noseweek* went to press, over two weeks later, nothing had yet been heard.

Nedbank may make things happen for its shareholders and senior executives, but in the process it also ruins the lives of some of its clients.

Conan Doyle, owner of the Kwikspar in Strand and Cathy's employer, who brought this matter to our attention, was outraged to see a bank put an unsophisticated shop-worker, who earns R735 per week, through the wringer. (Yes, our reporter did think it was a wind-up when he received a message to say that Conan Doyle had a lead).

Doyle also made it clear that garnishee orders are bad news for employers. In his experience, garnishee orders typically lead to the particular employee leaving in order to win another few months' grace – and the employer has to find a new worker.

So everyone suffers. Except the bank. And its attorneys. **Z** 

their dog a publisher. Liberating, yes; but the net provides a very broad canvas on which to scribble one's stories — and to set traps for the unwary. In case of the society for professional engineers, one would have to be drunk and unwary to miss the clues that something is not quite right.

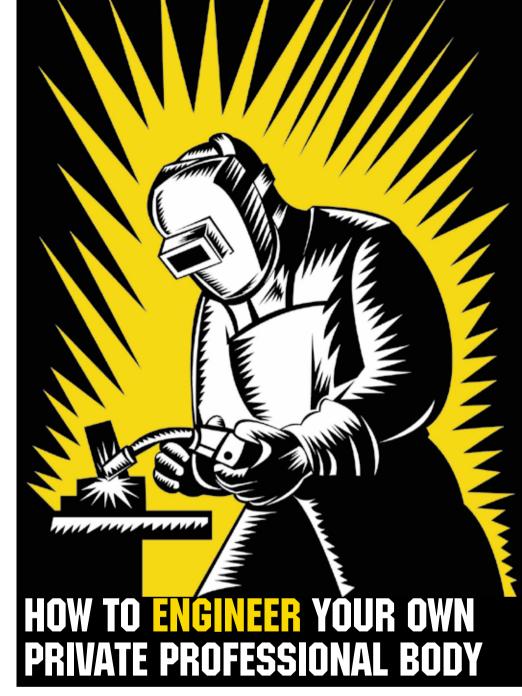
The website (www.professionalengineers.co.za) of the Society for Professional Engineers (SPE) makes the society look like a United Nations for local engineers. Flags and global endorsements adorn the site – but scratch beyond the landing page and you're heading into what turns out to be the playground of one "Ing.P.Eur Michael Douglas Hosking B.Ing P.Eng LMSAIF".

The SPE offers local membership (R498) and international affiliation (R192), which entails "professional certification" and support and advice. Pay Mike Hosking R1450 and he'll "check qualifications" – just in case you're not sure what yours are. For around R300 he'll list you on the "international database of professional engineers".

According to Hosking the SPE is endorsed by, and has ongoing contact with, a legion of international engineering societies and organisations. A quick Google search shows that the bodies mentioned either don't exist, have no official contact with the SPE or were set up by Hosking himself. The International Society of Professional Engineers website (Hosking claims strong connections with this "parent body") carries a picture of a building in a tree-lined street (who knows where), with "ISPE" in large letters over its entrance. A second glance reveals that this logo has been rather obviously superimposed - and the website turns out to be registered to Michael Hosking of Sandton, South Africa.

The SPE also runs a rogues' gallery of engineers blacklisted, discredited and suspended, for crimes like not paying membership fees. Defaulters are urged to contact the legal department of the International Society for Professional Engineers in New York – whose website is registered to Hosking.

All rather amusing – but not to the Engineering Council of South Africa (ECSA), which is on the verge of issuing a legal cease-and-desist letter to the SPE. "The certificates that Hosking issues are ... not legitimate," says Professor Hugh Hanrahan, CEO of ECSA. "ECSA



is the only statutory body for professional engineers in this country and the only regulating body that can accredit or recognise professional engineering qualifications, in terms of the Engineers Profession Act of 2000," says Hanrahan. He says that before the Act was promulgated the SPE had a level of legitimacy, but once the engineering council became the only entity that could legally confer a professional status on engineers. SPE's certificates lost their validity.

Hosking also runs a placement firm, Professional Engineer Placements (PEP) that claims to be the "only professional engineering placement company recognised by the professional engineers." PEP boasts alliances with a host of international engineering bodies, like the "World Engineers Board" and the "United Kingdom Society of Professional Engineers" (neither of which exist). The multiple endorsements provided appear to have been generated by Hosking himself.

Mike Hosking can't match Mervyn King for title of "man with the longest professional profile", but he's made an energetic go of it but *noseweek* won't burden readers with the list of organisations and societies that depend on the man for leadership and guidance.

Called for comment, Hosking refused to talk to *noseweek*. One of his phones answers (in what may well be his own voice): "Our agents are busy – please leave your number and the SPE will call back."

30 noseweek November 2009

### Subscribe NOW and SAVEL



Subscribe to

### noseweek

and SAVE OVER 20% on the cover price.

### It's easy ...

Choose one of these straightforward options to get your **noseweek** now!



Subscribe **ON LINE** at www.noseweek.co.za or email subs@noseweek.co.za



**CALL** 021 686 0570 with your credit card details





Complete the form and **FAX** to: 021 686 0573 **or** email proof of payment to: subs@noseweek.co.za

PERSON TO RECEIVE SUBSCRIPTION (in block letters, please):
TitleInitialsSurname
Postal address
CityPostcode
Profession/BusinessYear of birth
Tel.()
THIS IS A GIFT FROM (if applicable):
TitleInitialsSurname
CityTel/email
THIS IS A \( \text{New subscription} \) Renewal  RATE \( \text{Local @ R336   SADC @ R446   Foreign @ R530   Internet edition @ R273   Online+print combined: add R132 to the cost of your print edition  PAYMENT METHOD \( \text{Cheque enclosed made out to Noseweek Holdings (Pty) Ltd} \) Direct deposit to First National Bank; Vineyard Branch; Code 204 209;  Acc: Mag Marketing; No: 620 2477 9623. (Fax deposit slip with this form.) \( \text{Credit card: Master Card } \text{Visa } \) Diners Club \( \text{Card number} \)  Last three digits on reverse of card  Cardholder's signature
Issue 121



### **Burning anger**

H OH OH. THAT OLD SAYING "When chickens come home to roost" is sure being enacted horribly in our land of the rising sun, Mpumalanga.

During October, as I am sure you are aware from media coverage of the events, the Mpumalanga community of Sakhile township, in Standerton, waged war on its municipal councillors.

War is the only word for it: the main road connecting Standerton with the rest of our beloved South Africa was blocked for over a week (you know – burning tyres, rocks, and drunken youths doing the toyi toyi).

I wrote in a previous column in these pages that such protests tend to be organised against the party by the party comrades themselves. Yes — in Standerton too. They also seem to be becoming a trend. In my own Umjindi/Barberton municipality a couple of what I've come to call "restless natives" recently physically attacked our mayor, Mr Richard Lukhele, at one of the council's community *Imbizos*.

When they proudly reported the incident to me, the restless ones were surprised to find that I was not particularly amused. I told them: "There are other ways to deal with your anger at the lack of service delivery. Violence is not the way." Call me Obama and give me a Nobel peace prize.

My words had absolutely no effect. I found myself dealing with what

32

I have dubbed the Ekasi mentality: you try and reason with a township "home boy" ... and he says "voetsek". I was still trying to convince these "restless natives" that violent protests are simply destructive all round, when they showed me two 25-litre containers of petrol.

"Hey guys! What's this for?" I asked – only to learn they were about to follow Standerton's example and burn down the municipal council chamber, SMME centre and local economic development (LED) office.

OK, I admit there's logic to their choice of targets. The SMME centre that was built for youth development has seen no action, and the LED office has so far only benefited municipality officials, who go on all-expenses-paid fact-finding missions to nice seaside places, like Durban and parts of the Western Cape. The travel allowances are massive.

It's insane. What the hell are you going to find in a coastal town as an example of, say, tourism development, that's of any use to a land-locked, mountainous place like Barberton?

Allow me to be quite clear on this: while I understand the motives for selecting those targets for attack, I certainly do not agree with their methods or support their objectives in any way.

It is quite clear that we here in the land of the rising sun are currently living under very stressful conditions.

Which brings me back to those chick-

ens coming home. It was our current premier, DD Mabuza, who deployed the current crop of ANC councillors, municipal managers and mayors. Now it seems the "good" premier is having difficulty, as the saying goes, keeping his "dogs" on a leash. Or his chickens in the air. The community is rising up against his "die-hard loyalists".

I truly fear that Barberton, my Jewel of the Lowveld, will eventually experience the same destruction as Standerton and other such centres of unrest. Making matters worse is that the Umjindi council recently resolved to eliminate free basic services. They've used up the budget. When the people find out about this – via my little *Umjindi Guardian* newspaper, naturally – they will surely revolt.

OK, Mr DD Mabuza succeeded in securing the premiership; now we're going to find out how good he is at doghandling and poultry farming.

I simply can't understand why our leadership is incapable of doing damage control when the people express unhappiness about the performance of utterly useless "deployed" councillors. Umjindi is a lovely place to live and to raise a family. We certainly don't want to go up in flames the way Standerton and other towns in the land of the rising sun have done. But unless Mr Mabuza does something to deal with these protests, Umjindi will follow suit. Fifty litres of petrol have already been bought. Scary stuff!

noseweek November 2009

### The aid malaise

HY IS IT THAT AFRICA seems to be locked into a cycle of dysfunction? What is it about Africa that holds it back, leaving much of the continent mired in corruption, disease and poverty?

Dambisa Moyo suggests, paradoxically, that we should seek the answers in the \$300bn of development aid which has poured into Africa from the West. It is these billions, she says, that have hampered, stifled and retarded Africa's development.

DAMBISA MOYO

THERE IS ANOTHER WAY FOR AFRICA

There are a number of causes which have been suggested as responsible for Africa's failure - geographical, historical, cultural, tribal and institutional. While each may be part of the explanation, says Moyo, most sub-Saharan African countries have one thing in common - they depend on aid.

The West has got it wrong, she argues. Aid is not a good

thing. After nearly half a century of aid, many African countries are as poor today as they were in 1970. The average African is actually poorer to-

day than two decades ago, Moyo suggests.

Aid, then, is an unmitigated political, economic and humanitarian disaster for most parts of the developing world. It is argued in both these books that provision of loans and grants on easy terms has encouraged corruption and filled the pockets of the continent's tyrants. Aid is usually provided directly to African governments and it is easy to steal.

The aid malaise had its origins, in part at least, in the Cold War, when the United States pumped millions of dollars into Mobutu Sese Seko's Zaire, to keep him on the West's side. An egregious tyrant, Mobutu is said to have filched \$5bn of development

#### **GERALD SHAW REVIEWS**

Dead Aid: Why aid is not working and how there is another way for Africa

> by Dambisa Moyo (Allen Lane) and

#### The Trouble with Africa: Why foreign aid isn't working

by Robert Calderisi (Yale University Press)

aid for himself while his citizens suffered.

Mobutu's fellow tyrant, Robert Mugabe of Zimbabwe, would have been long gone without foreign aid.

In his foreword to Moyo's book, the historian Niall Ferguson commends it as an African answer to Africa's problems, suggesting that she sees development aid as a kind of curse which has encouraged corruption and conflict, at the same time discouraging free enterprise.

The book, based on a PhD the-



noseweek November 2009

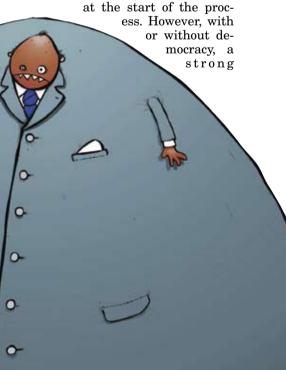
governments, rather than emergency and humanitarian aid in disaster situations, and charity-based aid, which are commended.

Moyo's thesis has been both acclaimed and strongly attacked. She excludes South Africa, Botswana and Mauritius from her strictures, suggesting that these countries have not relied significantly on aid from the developed world and have done very

Her credentials entitle her to a hearing: Zambian-born Moyo is a Harvardand Oxford-trained merchant banker who also had a spell at the World

In *Dead Aid* Moyo offers a blueprint or road map for Africa to wean itself of addiction to aid, proposing a gradual reduction in systematic aid over a five- to 10-year period. She advocates, in place of aid, recourse to the bond markets and measures to attract fixed direct investment, as well as steps to generate capital locally and boost trade.

Institutions would need to be strengthened and those in authority would need to be held accountable, although Moyo - controversially - does not advocate multi-party democracy



33

will to reform, she agrees, will be imperative.

Robert Calderisi, also well qualified, spent many years at the World Bank, both on the ground in Africa and at headquarters in Washington. *The Trouble With Africa*, published in 2007, is a lively, highly personal account, which reads effortlessly and often entertainingly and is more accessible than Moyo's dry, clinical and statistic-packed thesis.

Calderisi concludes that aid is ineffective and wasted if the conditions for development are not present. And if such conditions are present, the capital required will be generated locally anyway – or be available commercially from abroad.

He agrees with Moyo that, on the whole, aid has not worked. Most African countries have not returned to the income levels of the 1960s. Most of Africa, he says, was worse off in 2000 than when it threw off the shackles of colonialism.

He discusses the various factors which are given for Africa's failure: the slave trade, colonialism, the Cold War, high debt, geography etc. None of these, he says, can explain why the continent has been going backward for the past 30 years.

Dead Aid and The Trouble with Africa are available from Loot.co.za for R148 and R144 respectively. Buy both now and get delivery for free!



34

ROBERT CALDERISI In a chapter headed "Thugs in power" Calderisi says the simplest answer is that much of Africa has never known good governance. It has had to endure prolonged dictatorships, with men spending their entire careers enriching themselves and intimidating political opponents. Corruption, binding elites together, has been brazen and readily accepted. He points out that only Botswana and Mauritius have enjoyed political freedom and economic progress from the start.

And no other developing economy, says Calderisi, has grown as fast as that of Botswana, with its open political system, stable government and encouragement of private investment. While Botswana, Mauritius and South Africa are reminders that Africa can do much better, the writer cautions against too rosy a view of South Africa where "immense pressures are building up behind the scenes".

"After Brazil," he writes, "South Africa has the worst income distribution in the world. [...] The ruling party is a magnet for the corrupt, not just for the talented." Yet South Africa has been the "sterling exception" in a region where judicial independence has often gone by the board.

Calderisi, a seasoned Africa hand, is also critical of Africa's failure to develop effective regional organisations. With a great fanfare, then President Mbeki and his fellow signatories of the New Partnership for Africa's Development (NEPAD), solemnly pledged to police each other's progress towards greater integrity, democracy and respect for human rights. But NEPAD immediately failed the test on Zimbabwe, he says, refusing to rein in Mugabe.

The author asks why so many people in Africa accept bad government. He concludes that the answer lies in culture, corruption and political correctness. There is great respect for elders, and Africans accept dictatorship and high-handed officials as their lot. There is a culture of fatalism, acceptance of hardship and long-suffering patience.

He is sharply critical of Western sensitivities which have allowed Africans

to shift the responsibility for their problems to others. "In trying to be generous, Africa's friends perpetuate confusion about the roots of the problems and the limits to which outsiders can help."

Noting the Hutu slaughter of 800,000 Tutsis in 100 days, in 1984, Calderisi comments: "Since

the slave trade, no people – white, yellow or brown – have been as vile towards Africans as Africans themselves." Our own recent plague of xenophobia certainly suggests as much.

Throughout this book the author's love of Africa and his deep affection for its peoples is evident. He passionately wants to see Africa succeed and desperately hopes for a breakthrough within the next 10 years.

Those who may be inclined to dismiss his views as those of a non-African outsider, might reflect that the main thrust of his argument is not very different from the thesis of Dambisa Moyo, an African who has spent many years thinking about Africa's problems.

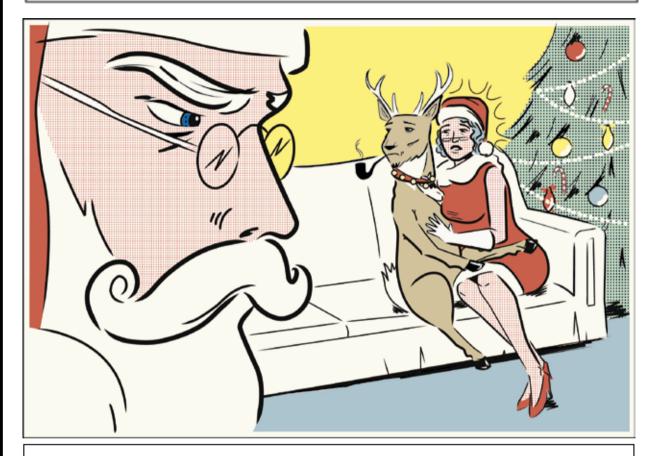
Both these books have prompted widespread debate and discussion, which we may hope will be joined by more and more voices throughout the sub-continent. But it is hard to avoid the conclusion that, in the absence of good governance, Africa's problems will remain intractable.

Calderisi disagrees with Moyo's assertion that multi-party democracy is not an essential prerequisite of economic success, at least in the early stages. China's success supports her view. Yet without good governance, and all this implies, it is hard to see better times ahead for sub-Saharan Africa.

Calderisi suggests that effective mechanisms are needed for tracing and recovering public funds, stopping the illegal amassing of fortunes in foreign banks.

Only Africans themselves, he concludes, can break the cycle of terror and poverty.

### DON'T LET YOUR FRIENDS BE THE LAST TO KNOW...



SANTA COMES HOME A LITTLE EARLY FROM THE FACTORY AND DISCOVERS A DIRTY SECRET...

(Turn page for details.)

#### PLEASE SEND A GIFT SUBSCRIPTION FOR PLEASE SEND A GIFT SUBSCRIPTION FOR: (TICK YOUR CHOICE (TICK YOUR CHOICE) ☐ 6 issues for R160 (RSA) or ☐ 12 issues for R310 (RSA) ☐ 6 issues for R160 (RSA) or ☐ 12 issues for R310 (RSA) ☐ 12 issues (international airmail) for R495 ☐ 12 issues (international airmail) for R495 TO: TO: Title: Title: First name: First name: Year of birth: **Surname:** Year of birth: **Surname: Profession/Business: Profession/Business: Address:** Address: **Town/City: Postal code: Town/City: Postal code:** Tel: Tel: **Email: Email:** Offer expires on 31 December 2009 Offer expires on 31 December 2009 Conditions Apply: Gifts may not be purchased or renewed for yourself. They are for delivery to **someone else only**. HE\_GIFT\_IS\_FROM YOUR DETAILS: I OWE YOU: **First name:** x 6 issue subscription **Surname:** x 12 issue subscription Fax: ( **Email:** x 12 issue overseas METHOD OF PAYMENT (TICK ONE): subscription @ R495 CHEQUE ENCLOSED (IMPORTANT NOTE: CHEQUE MUST BE MADE OUT TO **NOSEWEEK HOLDINGS (PTY) LTD) TOTAL** DIRECT DEPOSIT to FNB; Vineyard Branch; Code 204 209; Acc: Mag Marketing; No: 620 2477 9623. (Fax deposit slip with this form.) (For method of payment see left) CREDIT CARD (Diners, Visa or Mastercard) number: ☎ (021) 686 0570 Fax: (021) 686 0573 Email: subs@noseweek.co.za Expiry date: Web: www.noseweek.co.za CVC: Signature:



### **Last Word**

### Strachan

### That's art

babe. I'd hate even more to be called a babe. I'd hate even more to be called a chick. A reasonably dof babe stands a chance of becoming a reasonably dof woman, I suppose, but a chick can become somebody's din-dins or an ingredient

in a tin of catfood, and that's it. And if I were a full-grown female H sapiens of purpose in this life I'd hate like anything to be called a girl – like my brain had got stuck at the age of ten or something, and the only parts of my person to develop into adulthood were my you-

knows. Then even in this day and age, as they say, there's this bloke called Fihlokwake Mkize who is employed as flatboy round here to clean the twelfth floor windows without falling to his doom, and he says to me from outside one day, he says, I am now fifty years old, do I have to wait 'til a hundred before I get called a man?

Well, it's all very complicated, see. I mean there's this mystique about being one of the boys (++ male) or a window boy (- gender) or a girl (hominid dishwasher in pink PnP maid's uniform) or a girl as visually defined in that telly advert for some machissimo poker paradise where all this mindless crumpet stalks round and round a swimming pool clad in naught but three samoosa-shape minimal bits of cloth with strings and fifteen centimetre stiletti under their heels, and smile with all 64 teeth all day. And what cause do they have to smile? Why, there's this ou with sufficient IQ to breathe and take nourishment and he's in a sort of gym where he declares that he wins his friends, and demonstrates this by seriously thumping around with his fists a number of great big men. Also he wins his girls, which he demonstrates by sitting at the above pool clad in but one minimal samoosa with strings plus a white vest, and he's covered almost entirely by wriggling giggling pink female flesh until you start to feel maybe you wouldn't mind seeing somebody with some clothes on. Finally he declares he wins his poker too, and there you see him with some clothes on scooping up a huge mound of chips with his huge hands in this gambling hell, most other men being still unconscious. End of



The model agency phones to say they have a very sturdy suntanned and oiled bodybuilder signed on, and would we like a male model for a change?

advertisement.

Every showing brings to mind a similar ou I knew, name of Buks, back in the days when I taught figure drawing to senior graphics and fine art students, three hours a day, five days a week. Fifteen hours. A lot of studying the human body, that, and I

always stressed good drawing is more what you do with your eyes than what you do with your pencil. Then one day the model agency phones to say they have a very sturdy suntanned and oiled bodybuilder signed on, and would we like a male model for a change? Why not? chorus

the students, why do we always have females? Because in my experience men like talking big about all the babes they shag, say I, but when it comes to standing revealed in every detail with people studying every detail they go all kind of silly and get... well sort of... you know... out of shape. As it were.

Never to worry! cry all, we'll let him wear his underpants! And anyway, say I, body-builders don't know how to look graceful, they're always pumping up their monstrous muscles for the cameras. We'll relax him! they cry, we'll tell him to shut his eyes and go dreamy!

So okay, we sign him on if the agency tells him he mustn't oil himself all over to make his muscles shiny and

he must wear his underpants. Two pairs, just to make sure, because of the majestic musculature. The students explain to him he is here to show the human side of things, he should just close his eyes and relax as when sleepy. So he does that, he's doing fine, but then quite slowly at first, he... he ...starts showing the animal side of things, I mean he slowly gets... gets... he gets... OUT OF SHAPE. All drawing stops. All fall quiet, all are motionless, as hypnotised. I fear some sort of Hindenburg crisis pretty soon.

Okay all, I declare, break for a cuppa.

No no! cry all, we've just had one! Further hypnotism. Then after a bit a lad called Billy says to his partner: I don't know, Baz, says he, I'd have expected better than that, and other side of Basil a wild flame-headed creature called Daisy Pegg declares Yes, I've seen better in my time, and ou Buks slowly slowly gets back in shape and the drawing resumes as if nothing has happened.

Bi-m-by Buks comes for his money. Hey sorry man, says he. That red-hair babe was undresseen me wif her eyes. Yes, say I, that's what I teach them. That's art? says Buks. That's art, say I.

### **Smalls**

#### **PAYMENT & TERMS FOR SMALLS**

**Deadline** for smalls is the 1st of the month prior to publication.

**Smalls ads** are prepaid at R120 for up to 15 words, thereafter R15 per word.

**Boxed ads** are R200 per column cm ex VAT (min 3cm deep).

**Payment by cheque** should be made to Chaucer Publications, PO Box 44538, Claremont 7735.

Payment by direct transfer should be made to Chaucer Publications; Account 591 7001 7966; First National Bank; Vineyard Branch; Branch code 204 209.

Payment online at www.noseweek.co.za.
Email ads to ads@noseweek.co.za.
Further info Adrienne 021 686 0570.

#### PERSONAL

**Timothy Edward** (3 and a half) and Andrew Charles (2) Scott-White are very "nosey" already. Beware!

**Peter,** we "nose" Bob still awaits a fabulous offer! Edwin and Pat.

**Moenie vergeet** om hierdie week jou *Weslander* of *Swartlander* te koop nie.

**Patricia Alexander** sends best wishes to all her friends.

**Geoff,** enjoy the copies in the Helderberg Village sun. Paul.

#### LEGAL, INSURANCE & FINANCIAL

Legal services in Kenya? Wanam Associates specialise in IP, Trade Mark, Corporate Law, Conveyancing/Property Law, ICT Law, Litigation, Legal Support/Resources; www.wanam.com

**Debtor Management** Manage your debtors. Maximise cash flow. Phone Dale at Alcrest Outsourcing (Pty) Ltd on 086 100 0239.

Malan Lourens Arendse Inc, Attorneys, Conveyancers and Notaries for all legal services in Helderberg. www.mlalaw.co.za Van Wyk Auditors For tax issues, audit and accounting solutions, forensic investigations and other financial matters,

visit www.vanwykauditors.com **Cheaper premiums** with greater scope of cover. SSICC (Pty) Ltd. Trustworthy Insurance solutions. Jason 0825618417 or jasonfivaz@ iburst.co.za

### Attorneys Francois Medalie & Company

Tender unsuccessful? Contract repudiated? Require redress or advice? Consult us, we may be able to help. Tel: 031 701 5912; fax: 031 702 4302; dgfrancois@fmilegal.com

Financial Planning For life and other risk assurances or investment advice, contact Johan Beukman. 021 712 4352; 083 448 2512; jbeukman@netactive.co.za

Insurance Commercial, industrial, marine, domestic, motor, life, pensions. Vaal Central Insurance Brokers. Ryan 011 485 1124.

**Are you selling** your life brokerage? Call 083 226 2005; grumpy@global.co.za

#### **FOR SALE**

Tinus & Gabriel de Jongh paintings bought, sold and valued for estates and insurance. Art prints sold. Gallery open by appointment; 021 686 4141; dejongh@yebo.co.za; www.tinusdejongh.co.za

**Unique, one-off patchwork** heirlooms for the people you love – all ages, genders and styles. 083 300 7558.

**Secondhand plastic pallets** bought and sold. www.premierpallets.co.za or 083 756 6897.

#### **MISCELLANEOUS SERVICES**

Flying Dutchman Graphic design – logos, adverts, print, packaging, corporate ID. Mich 072 141 8854.

**Silver Spoon Function Hire** Hiring of cutlery, crockery, linen, glasses, marquees, heaters etc. For your hiring requirements 011 262 2227; www.silverspoonhire.co.za **Websites designed** or revamped at reason-

able prices. Give your corporate image a facelift. Dale: 084 249 9710;

**Property in Port Elizabeth?** 15 years of honesty and success for all; pixie.pringle@hatcout5.com

**Spam? Viruses? Internet Abuse?** For all IT-related security issues, go to www.sekureit.co.za

**Permanent Trust** for management and rentals of all types of property: william@permanenttrust.com

#### THE OLDE ENGLISH SHAVING SHOP

Cutthroat razors Badger shaving brushes Imported shoe trees

V & A Waterfront (Upper Floor)

021 4188068

and

### HOT TOWEL SHAVES AT MR COBBS THE BARBER

Gentlemens Hair Cutting in an Olde World Victorian Salon

021 418 2427

www.englishshaving shop.com mcraft@mweb.co.za

**Business procedures** and systems in question? For investigation and practical solutions; Stephanie 082 446 8595.

**Castle Automations** Your security and access control specialists;

info@castleautomations.co.za or Graham 083 478 4950.

**Technology now available** in Middelburg. Visit our new lifestyle store Computer & Digital World. 013 283 3050.

**Back at work again** Need your business. Bruce Taylor at Formax Computer Forms. 021 505 9801.

Active Plumbers for all your plumbing requirements. Phone 021 465 8178.

**CD/DVD duplication** and replication- for all your requirements and fast service, contact: Media on Demand. 021 975 2088.

The Mineral Corporation – your mining investment advisors. Call 011 463 4867.
Relocating to the Free State? Looking to pur-

**Relocating to the Free State?** Looking to purchase residential property? Contact Peter Harrington, Remax. 082 568 0167.

**Lutz Refrigeration:** Like *noseweek*, we deliver. We, however, have been doing so for 61 years.

**PEST-X** We kill all bugs, reasonable charge! Johan. Cell: 082 432 9637.

**Organisations using** Contract Cleaning Services! Are their employees receiving the basic minimum wage with benefits?

**University-trained** copy-editing, proofreading, also plain English writing. Professional Editors' Group member. Norman at nhblight@iafrica.com

**Professional writing services** priced for the recession: prowrite@mweb.co.za; 082 491 0699; www.prowrite.co.za

#### **HEALTH & FITNESS**

**Chiropractor** Dr David Dyson (USA). Specialising in back, neck pain and wellness. 031 469 4192.

Hearing problems? Beltone hearing aids guarantee better hearing – or your money back! Call 0800 001 639 today! Get fit, lose weight, meet people, have fun. Join Run/Walk for life, Sandton. Penny 083 266 4232.

**First aid kits** and refills - standard or custom. Kendon Medical Supplies. Tel 031 579 4870 or 011 608 1170.

Paddy Rice Bran Oil preservative, cholesterol free kosher halaal Heart Stroke Foundation approved. 021 511 0806; info@ricetic.co.za

#### **BUSINESS/WORK OPPORTUNITIES**

**For IT-related work,** e-mail CV to: kim.hen-dricks@dlkgroup.com; 021 531 9403.

#### COURSES

**Art Classes, Muizenberg** General art & drawing skills. Meg 021 788 5974 or 082 926 7666. jordi@telkomsa.net

#### TRAVEL, FOOD & LEISURE

**Guided casual walking** in beautiful southwest France. Be our house guests, enjoying excellent cuisine. www.frenchcooks.com; +44 208 776 2045.

#### **PUBLICATIONS, CDS & DVDS**

**The Book of Jacob** by Lisa Lazarus and Greg Fried: "A startlingly honest, superbly adult and intelligent insight into the existential earthquake that is the arrival of a first child." – Tom Eaton.

#### FOR SALE

**Khoisan Trading** For a wide range of Natural Seasalt products, made on the West Coast; www.khoisantrading.co.za

**Plastic Liner Bags** For all plastic bags, tubing and sheeting. Call 011 334 3450: Fax 011 334 2939.

Air rifle for sale Jhb. Like new, ideal for learner. Call Ken 082 892 5423.

Levtex cc Manufacturers of "Iris" percale

cotton linen X 220 thread counts. www.curtains-linens.co.za

38 noseweek November 2009

### Property & Leisure

#### **PROPERTY TO BUY, SELL OR RENT**

Philippolis Karoo dream house with art studio, swimming dam and lush 2200 sq.m garden. R690,000. 082 687 3248; jmcarthur@telkomsa.net

Mauritius, Trou-Aux-Biches 3 bedroom units for sale. 14 fully furnished units on the beach.www.plagebleue.mu; 083 236 8091.

**Eastern Cape** 38ha prime land with mountain views, 22km west of Port Elizabeth. Large Home Eskom/Muncp water. Sub Divisable. R4.9m Tel Eric 082 442 9109.

**Houghton/ Oaklands** Lovely secure modern one bedroom double storey, granite kitchen and bathroom, fully furnished, equipped, dstv R4950 pm 082 604 5219

Greyton Comfy house and lapa in fairytale Greyton for sale, 130 km from Cape Town. Call Wessel 028 254 9588.
George Warehouse: 550 m square. 2 large rollup doors, offices, kitchen, bathroom, 3-phase power. George Industria. Western Cape 082 554 2949.

**Property in Port Elizabeth?** Fifteen years of honesty and success for all; pixie.pringle@harcourt.com

#### **HOLIDAY ACCOMMODATION**

**Arniston** Stunning seafront home perched on clifftop overlooking beach. Breathtaking position and panoramic sea views. 5 bedrooms, 3 en-suite, serviced. 082 706 5902.

**Clarens** Near Golden Gate in the beautiful eastern Free State: Rosewood Corner B&B offers all you want for a break from it all. 058 256 1252.

Plettenberg Bay Anlin Beach House B&B/Self-Catering. Affordable four-star luxury, 100m from Robberg Beach. 044 533 3694; See our website for special offers: www.anlinbeachhouse.co.za; stay@anlinbeachhouse.co.za

**Umhlanga** 2 bed/2 bath stunning, serviced sea-facing apartment with DSTV. putz@icon.co.za; 082 900 1202.

**Hermanus** Luxury home sleeps 10; ideal for two families; walking distance to village/cliff path. 083 564 8162.

**Provence** Cotignac, village house, stunning views, pool, sleeps 4–6; rbsaunders@cwgsy.net

**Plettenberg Bay** Fynbos Ridge B&B/ self-catering. Fragrant fynbos. Spectacular mountain views. Abundant birdlife.

All the smalls ads on these pages are included in the online edition of noseweek at no extra cost Relax and unwind. 5-star; 044 532 7862; www.fynbosridge.co.za

Hermanus Baleens Hotel. Near beach, lagoon. 22 rooms. Sea views. Excellent value. R250 B&B; 028 314 0006; baleens@hermanus.co.za

**Upper Newlands** Friston Lodge B&B, near Kirstenbosch, UCT and Waterfront. Comfortable affordable accommodation, garden setting. Solar-heated pool, DSTV. Contact Sabine: Sabine@stay-in-cape.com; 076 156 2381.

#### **PARIS - FRANCE**

Sunny, spacious apartment Fully equipped kitchen 5 mins from Champs Elysees, shops, restaurants, airport shuttle & metro English TV, free internet and phone

#### €110 per day

25 Rue Paul Valery, 16th Metro Victor Hugo anne@pvalery.com sms 082 900 1202 www.pvalery.com

Wilderness/Garden Route Self-catering cottages sleeping 4, on 29ha estate bordering Rondevlei, a bird-watching paradise, great walks, very peaceful. Tim: 071 683 4133;

www.reflectionsreserve.com

**Arniston** Luxury seaview home 6 bedrooms all en-suite available Dec/ Jan DSTV serviced R2500 pd. Ian 083 233 4840.

Rondebosch Upmarket house, 4dbl bedrooms, 3 bathrooms, snooker room, treble garage. 18 Dec-12 Jan. Call 083 252 4557; jdickinson@eject.co.za

Kruger National Park border Timeshare for sale: Ngwenya Lodge, on Crocodile River, 8 km from Komatipoort Gate, week N 20 (end July). River chalet in lower section of lodge, sleeps 6. All levies and renovation contributions paid up. Contact: icarus@icon.co.za

**Piketberg** Mountain Farmhouse, Western Cape. Trophy bass fishing, cliff diving, bouldering, fynbos walks. 4 bedrooms, 2 ensuite. Self-catering, serviced on request. 082 554 9944.

**Cape Town** Burgundy Estate,1 Bedroom Apartment,abuts the vineyards of the Durbanville Hills and De Grendel wine estates. Gary 082 410 6442

Sandton, Hydropark Two-bedroom suites, panoramic views Furnished, Unfurnished, From R11,000 P.M.079 879 4548;

**Hermanus** Luxury home on Cliff Pass with panoramic sea view includes house keeper. Accommodates 8 – R3000 p/n. Sharon 082 563 9400; www.nirwana.co.za

kanat40@vahoo.com

Kalk Bay/St James, Cape Town Self-catering accommodation, 2 bedrooms, spectacular sea view, DSTV, braai. Available 1 Oct-5 Dec R700/day. Min. 2 days, 10% discount for 7+ days; 082 472 0722; smiff@global.co.za

**Herolds Bay** Luxury 1 bedrm holiday apartm. Self-catering. Secure parking.

### For specialised Property ads contact Adrienne: ads@noseweek.co.za

021 686 0570 (mornings)

100 m from beach. Ben 083 3888 566. **Gordon's Bay** 3 bedroom, 2 bathroom home, 1km from sea, sleeps 6-8 comfortably, dstv. Tel: 072 831 5493 or karenbaumker@yahoo.com

**KZN Lower South Coast** A range of lovely self-catering holiday homes to choose from: www.wavecresthomes.co.za

Melkbosstrand (near Blouberg, Cape Town), 6th house from beach; golf! 4-bedroom; pool; indoors braai. greta@wam.co.za; 083 491 7236.

Cape Town Spectacular villa in golf estate, 50m to beach, 4 double bedrooms, R32,000 p/w available from 28 Dec; giuliana@italcotto.co.za

Guest house accommodation Instant availability online. Go to www.ghasa.co.za; guest house accommodation of South Africa.

Malkerns, Swaziland Superb B&B;

umdoni@posix.co.sz

Vredelust B&B/self-catering. Come and enjoy. 2 Van Riebeeck Street, Villiersdorp for bookings. Call 082 372 5076.

Riebeeck Valley Bartholomeus Klip, near Cape Town: wonderful for weddings, winelands and weekends. See

Mthatha Country Lodge Guest House 047 532 5730. Business or convenient stop. Over three star.

**Green Point, Cape Town** Hotel Graeme offers boutique accommodation at low prices from R275 including breakfast. Close to Waterfront. 021 434 9282; www.hotelgraeme.co.za

**Upper Gardens, Cape Town** 2-bedroom apartment with superb views. Quiet block. Secure parking. Close to everything. Contact 083 631 9796; zulurob@iafrica.com

Darling Kilindini Farm, self-catering cottage. Farmstyle living at its best. Contact Immo 083 336 5530.

Simon's Town(Seaforth/Boulders) just above Water's Edge beach and 5m walk to Boulders; comfortable family holiday home with glorious sea views; 3 bedrooms 3 bathrooms; sleeps 6. Billy 082 650 7743; wjdct@yahoo.com

#### LEISURE

Vic Falls is hot and happening! The adventure capital of Africa, Victoria Falls is a must-see – and do – for all.

Fancy rafting through the rapids? Visit The Stanley and Livingstone at Victoria Falls, Zimbabwe, where you can see and do it all. www.raniresorts.com; info@raniresorts.com; 011 658 0633.

## INTEGR8ED INNOVATION



Integr8 IT is recognised as an HP Preferred Partner and is focused on innovative, integr8ed and managed services which add value to all spheres of business operation and give clients genuine peace of mind. If you need assistance, advice and support when buying ICT products and solutions, look no further than Intergr8 IT!

Being one of HP's most experienced and proven partners in the ICT business who are authorized to consult, sell and support HP products and solutions. Integr8 IT are guaranteed to ensure you receive the best possible level of business engagement you expect from HP.

Integr8 IT is the largest privately owned BEE information and communication and telecommunications company on the African continent. The company houses in excess of 450 full time professionals throughout its multiple offices. The company is the innovator and operator of the only South African based Nerve Centre®, providing a digital hub to manage, maintain and regulate the ICT environment of many of the country's leading corporation.

EMAIL: info@integr8it.com

VISIT: www.integr8it.com



2009 Preferred Partner

