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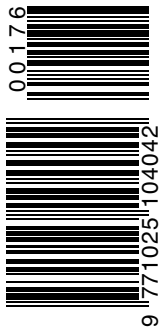
**Boer maak
'n planning
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176 **JUNE** 2014



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Letters

Another Cape Point

I BELIEVE THE “OLD TIMER” (QUOTED IN your *nose175* editorial, “Cape Point for Point”) has the conflict in Noordhoek, summed up perfectly. Neither side is right or wrong... it’s just a life view.

There should be sustainable development allowed, with due consideration to keeping this within reasonably acceptable bounds.

In that same area, about 18 years ago, I had the idea to create a world class golf resort alongside Long Beach, Kommetjie. In fact, to restore and upgrade already stressed wildlife and flora as a core piece of the planning.

Although we would have done this with the WWF stamp of approval, there were immediate threats of legal action from so-called “environmentalists” to stop any development.

It’s a question of balance; where do we start and where do we stop?

Blocking progress, just for the sake of it, serves only to satisfy those who live in the past and see no good in progress, however carefully and perfectly applied.

David Kaye
New Jersey, USA

Still waiting for that listing

THANK YOU FOR PUBLISHING DONWALD Pressly’s report in which he poses the question: “Promises, promises – but where’s the money?” (*nose175*). The very same Messrs K van den Berg and Morrison Smit enmeshed a number of people in Cape Town for a supposed JSE listing that was to have been finalised in 2011.

We are all still waiting for the “imminent” listing.

Van den Berg has made many promises to us but has kept none. When confronted with the *Noseweek* article, he has simply said the facts presented by *Noseweek* are incorrect.

I wish to contact the Howlands, in Pretoria, victims named in your article, to discuss further action – maybe a police investigation.

Joan Andrews
Tamboerskloof, Cape Town

God-fearing and tight-fisted

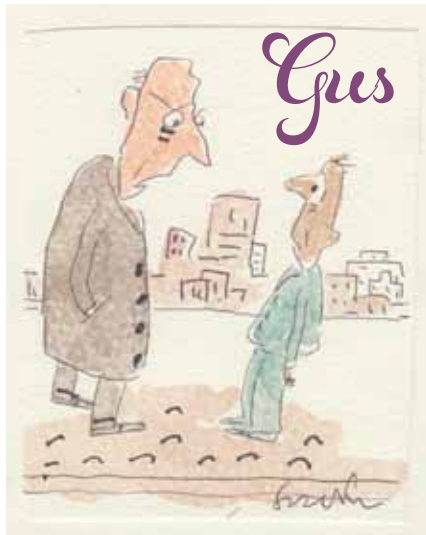
YOUR BUCHAN/WINSHIP UPDATE IN (*nose175*): so it took a publication like often-maligned *Noseweek* to get a man who claims to be God-fearing to pay his long-suffering creditors! And it took only three (naïve) questions from his Lord to get Angus Buchan to give up everything – even his debt. Wish we all could be given that way out of our responsibilities and boring, humdrum lives planting potatoes.

Pam Herr
Sun Valley

PS: Love your verbatim accounts... people make such fools of themselves.

■ RE *NOSEWEEK*’S STORIES ABOUT BRUCE Winship, the Shalom Trust, Angus Buchan and Eric Tocknell, it is because of *Noseweek* that people who have been crooked and cheated and thieved-from are getting back money owed to them that they would not or could not otherwise have done.

In support of *Noseweek* I want to add my tuppence-worth: Angus Buchan came up with this idea/ “proto-type” whereby he gathers together South African men (and now it even extends to overseas countries) to hear how they should treat their wives and children and others.



“At our age, we should confess to everything!”

They braai; eat heartily; sing songs together; pray prayers together... even in the Spirit... all over the World. Praise the good Lord.

It was (still is) the right time in the history of South Africa for such “gatherings” of men. As of old, farmers were being killed; the African Nationalists are busy taking away (“taking back”) from the Afrikaner Nationalists their farms and properties generally. Hence such huge numbers of South African men at these Mighty Men Conferences run by Angus and his team of Christians. Praise the good Lord.

But like many (most, or even all) so-called “Evangelists” Buchan seems to exaggerate. His story about the 5,000 Muslims he claims to have “converted” to Christianity – Wow! It makes one wonder about his tale of curing the wheelchair man and the one about bringing back to life the girl thought to have been struck dead.

I suppose for money, for power, a man will do/say anything? “Dey lika da money, Dey lika da power”, the so-called Evangelists.

Bruce Winship is a rand billionaire, is he not? Or is he “just”, still, only, a multi-millionaire – on his way to becoming another rand billionaire via Shalom/MMC?

He sure is (was) a crook and a cheat and a thief, based on what I read in *Noseweek*. And Eric Tocknell is a “franchise specialist” is he not? So Angus and Eric and Bruce got together to “franchise” this idea: men coming together to hear how they should treat their wives and children, and others. Being men, we are all guilty of not treating our wives and children and others as they should be treated. So men gather together, shed a tear, cry like boys (and some of the men are jolly big boys indeed – I have met some, so this is my witness), hug, some may even “kiss lightly on the cheek”, and have wonderful “fellowship” together there, out in the “bundu”, in the open, which is so refreshing and stimulating... even to the soul... Praise the good Lord.

Michael Harris
Johannesburg



Angus Buchan

Small potatoes... God-fearing and tight-fisted

■ Angus Buchan's reply to Michael Harris:

THANK YOU FOR PASSING ON YOUR concerns. The Winship family as well as the Grid Construction Group have been subject to intense investigation by the media and some of the allegations are true.

As a remedy, we have established a group under the chairmanship of Eric Tocknell, a trustee of the Shalom Trust. The purpose of the group is to practise Galatians: Chapter 6, Verse 1 and 2: "Brothers and sisters, if someone is caught in a sin, you who live by the Spirit should restore that person gently. But watch yourselves, or you also may be tempted. Carry each other's burdens, and in this way you will fulfil the law of Christ."

The group will assess the debt and generously pay all creditors and suppliers and we plan to clear this whole matter by end March 2014.

Please feel free to keep in contact with us at Shalom.

God Bless you and Thank You.

Angus Buchan
Kwa-Zulu-Natal

Car trouble

THANK YOU FOR AN EXCELLENT MAGAZINE. Your January article on Mercedes-Benz (*nose171*) prompts my letter.

I have a 2004 Mercedes C200 Compressor which has done 175,000km. It has always been serviced by Rola Motors, the official Mercedes agent in Somerset West.

Last December I took it for the usual service, which was not well done – I rated it 5/10. What surprised me was that they had done a "health check" on the car and advised me that there was "a leak in the seal between the camshaft and the engine..." (a fault you have identified) plus a number of other items which could be damaged and needed to be replaced. They couldn't see the extent of the problem as "the cylinder head needed to be removed to inspect" ...but they would order all the required parts shown on my printout and use what was required. They said they could fit me in for two days before the Christmas break. Cost envisaged: R56,294.64!

I was advised not to drive very far as there could be a real problem. But given that quote, we decided to take our chances and went on holiday anyway – without mishap.

On our return we read the January *Noseweek*. My thoughts at the time: Why had this health check been done out of the blue at 175,000km? Why was a new battery included at R2,158 when there didn't appear to be anything wrong with the existing one? R5,000 for a cable harness? Oxygen sensors R5,000? Control modem R12,200? Intake adjust and exhaust adjust R10,600?

All their new models have a six-year service plan; mine had expired. Maybe the R56,000 would have helped with their cash-flow prior to Christmas?

Friends advised me to take my car to Disa Motors, Paarl, a private Mercedes-Benz service workshop.

They did their check, had the car for four days and quoted R23,000 – with explanations of what had to be done.

The car is running well. Thank you for keeping your eyes and ears to the ground.

Tessa Scheppening
Somerset West

■ IT IS NOT ONLY MERCEDES-BENZ AGENTS who try to delay repairs until after the maintenance plan expires. I have a Lexus and for the penultimate service under this plan, at Rand Stadium Toyota (now Lexus Glen), I complained that the electronic clock was losing time. (Invoice No. 35R06131 issued by Lexus Glen on 01/09/2011, Point 2 states "Check clock".)

I was then told that it is linked to a satellite and cannot be repaired. At the final service under the plan in 2012, I repeated this complaint and was fed the same satellite story.

My guess: it would have cost the dealership too much to repair while the car was still under the maintenance plan.

More than a year later, the problem persists: every time I look at the clock, I now have to deduct seven minutes, going on eight minutes. Originally, the difference was three minutes.

I'd hate to think how much more all these devious businessmen and their politician friends would get away with, were it not for your magazine.

Thank you for your essential service.

Julian Levin
Emmarentia, Johannesburg

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Editor

Martin Welz
editor@noseweek.co.za

Managing Editor

Donwald Pressly

Designer

Tony Pinchuck

Consultant

Len Ashton

Sub-editor

Fiona Harrison

Contributors

Len Ashton, Mandy de Waal, Jon Pienaar,
Sue Segar, Harold Strachan, Hilary Venables

Cartoons

Gus Ferguson, Stacey Stent

Accounts

Nicci van Doesburgh
accounts@noseweek.co.za

Subscriptions

Maud Petersen
subs@noseweek.co.za

Advertising sales executive

Godfrey Lancellas
godfrey@madhattermedia.co.za

Advertising co-ordinator

Adrienne de Jongh
ads@noseweek.co.za

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Penn State child-abuser Jerry Sandusky goes to prison

A cautionary tale for Bishops

ASEX-ABUSE SCANDAL BROKE IN 2011 AT Pennsylvania State University in the USA, as a result of the sexual molestation of at least eight underage boys by long-time former university football assistant coach Jerry Sandusky, on or near university property, and over alleged actions by some university officials to cover up the incidents or to enable more of them.

Based on an extensive investigation, Sandusky was indicted on 52 counts of child molestation dating from 1994 to 2009, though the abuse may have dated as far back as the 1970s. Several high-level school officials were charged with perjury, while others were suspended, or dismissed for covering up the incidents or failing to notify authorities. Most notably, university president Graham Spanier was forced to resign, and athletic director Tim Curley and head football coach Joe Paterno were fired. Sandusky maintained his innocence.

Sandusky's trial on 48 charges of sexual crimes against children started on June 11, 2012, in Bellefonte, Pennsylvania. Eleven days later he was found guilty on 45 of the 48 counts of sexual abuse. He was sentenced on October 9, 2012 to a minimum of 30 years and maximum of 60 years in prison.

The scandal had far-reaching outcomes for the university. The report of an independent investigation commissioned by the Penn State board and

conducted by former FBI director Louis Freeh and his law firm stated that the university president and its head football coach, along with its athletics director and vice-president, had known about allegations of child abuse on Sandusky's part as early as 1998, and were complicit in failing to disclose them. In so doing, Freeh stated that the most senior leaders at Penn State showed a "total disregard for the safety and welfare of Sandusky's child victims" for 14 years and "empowered" him to continue his abuse. They were subsequently criminally charged for their roles in the cover-up.

A year later two other investigations were still ongoing: a federal criminal probe by the local United States Attorney was launched shortly after the discovery of Sandusky's crimes, and a separate probe from the Department of Education into whether Penn State responded to the incident properly and reported it in accordance with federal law.

On July 30, 2013, Penn State's ex-president Graham Spanier, vice-president Gary Schultz and ex-athletic director Tim Curley were ordered by a judge to stand trial on charges accusing them of a cover-up.

That Wikipedia summary of the so-called Penn State scandal might read as somewhat over-dramatic, but the impact of that trial has reached all the way to South Africa. It was CNN's night-time

reports at the climax of the Sandusky trial in October 2012 and the accompanying on-camera testimony of some of the victims that stirred such strong and disturbing memories in a South African businessman now resident in New York. They were of his own sexual abuse 30 years earlier as a junior at Bishops school in Cape Town by one of his boarding house seniors. He finally decided to tell his family about his childhood trauma and to confront the school and the teacher whom he believed had failed to come to his assistance at the time.

There are many sides to the extraordinary story – which you will find on page 8 – an attempted cover-up (alternately denied or justified) being just one of them.

Bishops has had more reason than that to take note of the Penn State case: as was the case there, the first victim had hardly broken cover when there was talk (and evidence) of more cases at the school that may

have been covered up over the years.

Bishops' Council chairman Mike Bosman notes that, as a seasoned investigative journalist, *Noseweek* is likely to have extensive experience in the difficulties surrounding the gathering of admissible and credible evidence surrounding these types of incidents and allegations. These are amplified when one is dealing with child or young adult complainants, staff members with close bonds and/or the passage of time between commission and disclosure and very often disciplinary proceedings are doomed because of these factors.

"That is not an excuse or a justification for doing nothing – it is merely a difficulty with which one must wrestle," he concludes.

We have tried to do just that.

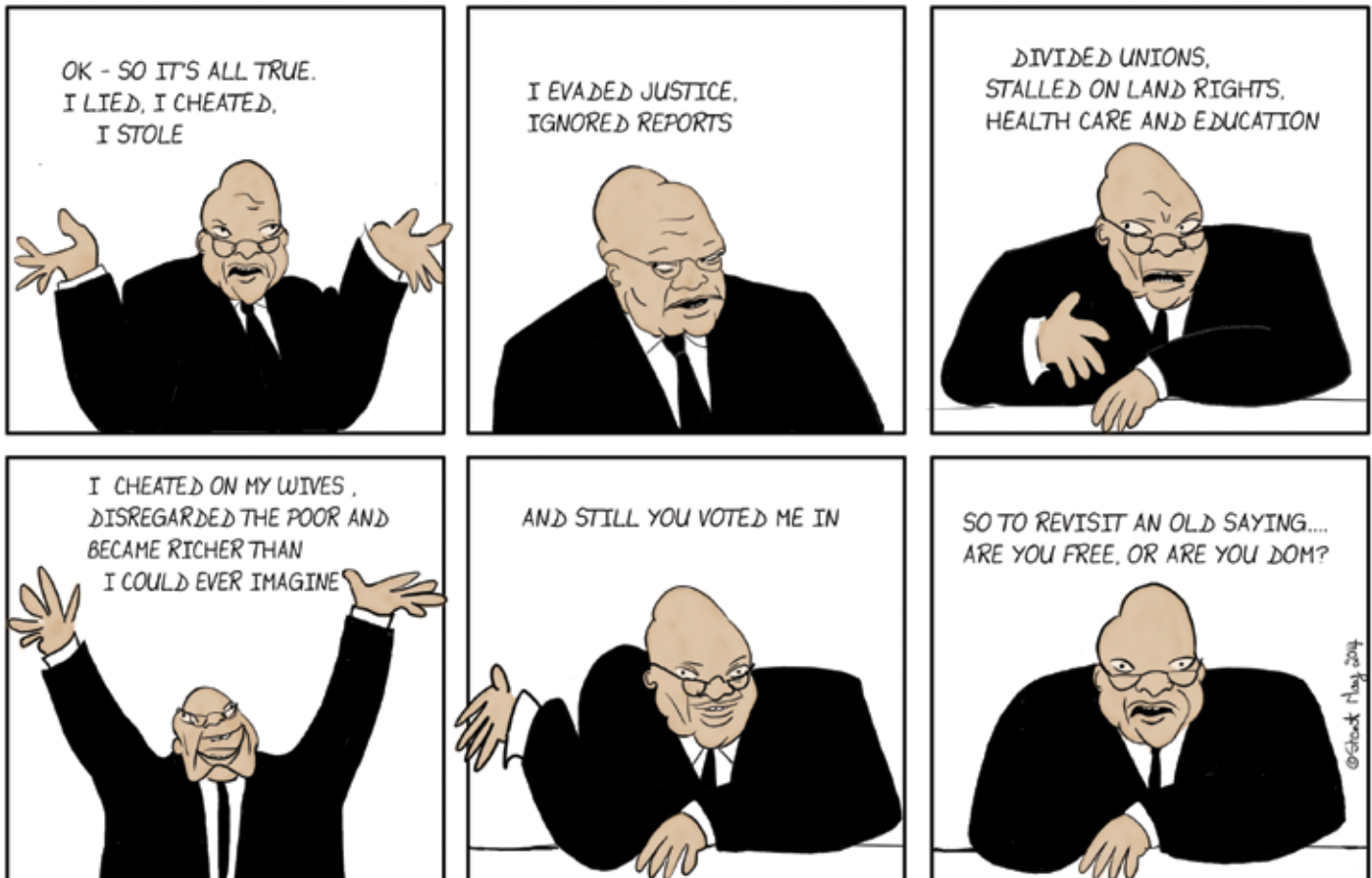
Readers will note that, unusual for *Noseweek*, we have not named all those in the story – the victim, we felt, deserved all the anonymity we could offer without detracting from the merits of the story.

The perpetrator, too, remains anonymous, but for a different reason: he is "Doug" in our story, because we have been unable to reach him to put the victim's accusations to him for his response.

But shortly before going to press we came upon disturbing evidence which simply reaffirms that these cases must not remain secret: a cutting from a nearby small-town newspaper, dated 25 June 2010, in which it is reported that our "Doug" had been arrested after it was found that his laptop computer, now, more than 25 years after he allegedly was sexually abusing a junior at Bishops, was loaded with child pornography. Court records of the case appear to have since disappeared. We are on the case.

Meanwhile we trust that Bishops, too, is on to the cases they have now been told about. Silence makes us all complicit in further crimes that are not only possible but probable.

The Editor



Stent

Row over sex abuse cover-up at Bishops

Highly respected teacher scapegoated over 40-year-old incident – to save school’s reputation

BY END OF THIS SCHOOL TERM, Bishops – formally Cape Town’s (Anglican) Diocesan School for Boys – and its powerful old boys union will ever so quietly have cut all ties with Tim Hamilton-Smith, who for 40 years has been an admired and beloved master, housemaster, vice-principal and rugby coach at South Africa’s oldest private school.

The school authorities had every reason to hope the event would pass unremarked-upon by most old boys, let alone the public, because it is intended to be the final stage of a protracted cover-up; and the school chairman has said (in a confidential email) that he has received information which tells of a “long and sorry history” of such cover-ups, devised to ensure the school’s reputation remained untarnished by sexual scandal.

In Hamilton-Smith’s case, there is absolutely no reason to believe the worthy old schoolmaster and coach, who has lived on campus with his wife and two daughters for most of his working life, has been guilty of any sexual impropriety.

The school authorities confirm this, but have nevertheless found it necessary to pressure him into signing a confidentiality agreement, before informing him that they would not be renewing his contract as Secretary of the Old Diocesan Union, a prestigious post he has held since he retired from active teaching in 2007.

His few friends in the know are outraged. They believe that Hamilton-Smith is a scapegoat to protect the

institution from having to “pay for its own sins”; in this case, one that dates back more than 30 years.

Noseweek put all the substantial elements of this story to the chairman of the Bishops council, Mike Bosman, and the chairman of the Old Diocesan Union, Brian Robertson. Their responses are included in the text, where appropriate, or where they differ from *Noseweek’s* take on the story.

Covering up incidents of sexual impropriety has long been as much part of boys’ school tradition as chapel and rugby. Winston Churchill’s famous dismissal of those appealing to naval tradition to justify the unjustifiable – “Naval tradition? Naval tradition? Monstrous. Nothing but rum, sodomy, prayers and the lash” – has long since been more usually applied to boys’ boarding schools that are modelled on Harrow, Eton and Cheltenham College.

What is better for esprit de corps

Covering up sexual impropriety has long been part of school tradition

than sharing a dirty little secret?

Many suspect that the Bishops authorities’s real fear is that what has happened to the Roman Catholic church in recent years, and more recently and particularly at Penn State University in the USA, will happen at Bishops: when one victim of sexual

abuse breaks cover, many more will be encouraged to follow suit. As will emerge later in this story, they could have reason to fear such an outcome.

True to pattern, the case that lies behind the silent but determined ditching of Hamilton-Smith harks back to 1982. The victim, now a middle-aged man resident in the United States, was moved, after all those years of private, humiliating memory, finally to tell his family – and then to angrily confront his old school – by a television programme about the Penn State scandal broadcast by CNN in 2012.

What follows is *Noseweek’s* reconstruction of what Keith (not his real name), now a senior executive of a major financial institution in New York, told a bewildered Grant Nupen, the incumbent Bishops principal, in that fateful first telephone call in late 2012:

Keith related how, in 1982 he had been a new junior boarder resident in one of the school’s boarding houses

called Founders. As was the custom then (and still was two decades later), he was chosen to be “fag” to a senior pupil whom we shall call Doug (also not his real name). As unkind fate would have it, Keith’s “fagmaster”, Doug, had a secret predilection: in addition to being summoned to read his fagmaster



The playing fields of Bishops (above); Mike Bosman (far left) with friends; and (below) ousted ex-teacher Tim Hamilton-Smith



a bedtime story, shine his boots and in the mornings make his bed, young Keith was occasionally, shockingly, required to give his fagmaster a “blow job”.

Distressed and obviously extremely embarrassed and humiliated, Keith eventually approached his housemaster, who happened to be a much younger Tim Hamilton-Smith. Without explaining why, Keith simply told Hamilton-Smith that he did not like fagging for Doug and could he please fag for someone else. Without inquiring about the reason for the request, Hamilton-Smith refused.

(According to Bosman it was addi-

tionally alleged by [Keith] that after he had begged for a change of fagmaster, it was made clear to him by Hamilton-Smith that “you will do what you are told to do”. “He says that he was then punished for speaking up against a matric boy and his subsequent stay in the boarding house was made incredibly unhappy,” Bosman told *Noseweek*.)

Had Keith then had the courage to speak the unspeakable, or had Hamilton-Smith then had the insight and sensitivity to ask for an explanation, the outcome would no doubt have been entirely different. Neither did so; each, arguably for his own, historically understandable reasons.

Ever since Keith has harboured a rage and hatred for the housemaster who let him down. An OD member, he now demanded that the Union sack Hamilton-Smith as its secretary and sever ties with him.

(Bosman: “The complainant felt that under the circumstances it was inappropriate for Mr Hamilton-Smith to serve as the Secretary of the OD Union (the old boys’ association).”)

Bishops’ principal, Nupen, since retired, flew to New York to see Keith and returned to report this demand. He also reported that Keith had threatened that if Hamilton-Smith were not removed from office, his wife had the connections to ensure that CNN made a follow-up to its programmes on Penn State, this time, on Bishops. (Keith has now, via Mike Bosman, denied having made such a threat.)

At Keith’s side, adding fuel to the flames, is his father who, as it happens, had also not been told about the incident by his son at the time. In 1982 it was as much taboo to speak to your parents as it was to your school housemaster about your sexual experiences, let alone such humiliating ones. Now, clearly not seeing these parallels, Keith’s dad, still resident in Cape Town, is making up for lost time in supporting his son.

By contrast – infuriating father and son even more – when confronted, Hamilton-Smith could not even recall the incident. According to Keith’s father, an incredulous Hamilton-Smith

ForSight

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went as far as to suggest Keith must be delusional.

(“He refused to show any understanding or compassion for the situation. He could not bring himself to say how sorry he was to hear of the allegations,” Bosman tells *Noseweek*.)

But Hamilton-Smith was emphatic that, had he been told of the circumstances at the time, he would have immediately taken the appropriate action.

Not good enough, say the chairman of the school governing body, Mike Bosman and his close friend, OD chairman Brian Robertson. (With a weather eye on that once-reported CNN threat?) Bosman: “I don’t know what house-masters did in 1982, but one would expect house-masters to exercise high levels of compassion and understanding, especially when dealing with 13-year-old boys in a new and daunting boarding house environment. In my mind, any deviation from this would be a failure on the housemaster’s part. As housemaster, you are in loco parentis – in the place of the parent – and any good parent would have asked the question: why?”

Really? Maybe he is technically in loco parentis, but ask yourself: what parent has responsibility for 70 teenage boys at once?

Also to be remembered: the accepted wisdom of the time at Bishops was that fagging was a treasured tradition that boys’ fathers’ fathers had endured before them. It helped “make a man of you” and, to the extent that such initiation rituals were almost invariably also humiliating, was intended to inculcate subservience to authority and deference to those of higher status. In short, to cultivate an apprecia-

tion of social hierarchy. It was part of a housemaster’s duty to sustain that tradition.

Bosman: “Yes those were all elements of the fagging system. In my view, fagging is a primitive and archaic system which has no place in a modern school. Luckily fagging had ceased at Bishops by the time I became Chairman of Council in 2011.”

The fact that it might have created an open season for paedophiles and sadists was dealt with by that other age-old tradition: the cover-up.

The Hon. Timothy Hamilton-Smith, 69, is the second son of the 2nd Baron Colwyn and younger brother of the 3rd Baron Colwyn, one of the hereditary peers who remains a member of the House of Lords, the upper house of the British parliament. (Lord Colwyn, a medical doctor, serves on the boards of numerous professional and charitable bodies and was knighted in 1989.) Tim attended one of England’s oldest schools, Cheltenham College and graduated from Oxford with an MA and a diploma in Education. He has been a much loved and admired geography teacher and rugby coach – known to generations of Bishops boys as “Tank” – at Bishops since 1968. The newly built stadium, opened in 2009, at the Bishops rugby ground is named in his honour. When he retired from his teaching post in 2007, the Bishops newspaper described him as “this giant of a man who has straddled the Bishops property for the past 40 years”.

He stayed on at the school as secretary of the Old Diocesan Union, a position previously held by Brian Bamford QC. It is from this position of honour that Keith, a member of the OD Union, now demanded Hamilton-Smith



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be removed forthwith – an outcome the school management surreptitiously sought to achieve in the hope of not alerting the world – and particularly the large body of ODs loyal to their admired old schoolmaster and coach, and who might not quietly accept the ODU committee’s demand that their old hero fall on his sword as part of yet another cover-up.

Bosman: “Mr Hamilton-Smith was removed from his position as OD secretary because the Union and the Council agreed it would not be appropriate for him to continue to serve the OD Union in that capacity. Because of the confidential nature of the complaint, neither Hamilton-Smith nor the OD Union felt that the disclosure of any further detail was necessary.”

Lending some credence to the suggestion that the Bishops authorities

bers allegedly involved in abuse.

(“There is a long list of alleged cases and I know that Tim knows about some of these, and, in most cases nothing was done by the school leadership.) It was a shameful and disgraceful period in the school’s history.

“Please tell Tim this, as I don’t want it to come as a surprise if it happens. And it will surely happen if ODs stand up at the meeting and say that Tim has been badly treated.”

Noseweek asked Bosman: “Does this not amount to your blackmailing the Hamilton-Smiths – to achieve a further cover-up of a sex scandal at the school, in the tradition that you, yourself purport so roundly to condemn – a mere continuance of what you yourself describe as “that shameful and disgraceful period in the school’s history”?”

Noseweek also asked Kaplan for his

Bosman wrote to Mrs Hamilton-Smith in the hope of persuading her to get her husband to go quietly

feared that publication of Keith’s complaint might “open the floodgates” to many more similar complaints are the following startling paragraphs from a confidential letter Bosman wrote to Mrs Carolyn Hamilton-Smith only days before the OD AGM in March last year – in the hope of persuading her to get her husband to go quietly:

“Just so you know, it has become apparent to me over the past couple of months that some ODs feel that Tim [and fellow old Bishops teachers; names withheld] and [name withheld] (and others) were involved in not getting rid of [long-serving Afrikaans teacher and rugby coach] Leonard Kaplan, when they had good reason to believe – and solid evidence to support – claims that he was allegedly (and repeatedly) behaving inappropriately with boys at Bishops.

“The point being made by these ODs is that it is quite likely the school (possibly including Tim) would not have got rid of [Doug in our story], just as they’d not get rid of Mr Kaplan or all the other boys, stooges and staff mem-

bers allegedly involved in abuse. comment on Bosman’s email, and on information from other sources who claimed that he was asked to “step down” as assistant housemaster of School House and take up residence off-campus by then-Bishops principal, John Gardiner, after an incident involving an alleged “improperly familiar” relationship with a schoolboy; and that he was subsequently asked to “retire” as teacher and coach in 2009 by then-principal Vernon Wood, allegedly following a similar incident involving a boy [name withheld].

We asked Kaplan: had he ever been given a formal hearing and opportunity to defend himself on these charges by the school authorities? Or was he simply “persuaded” to retire with the threat that such charges might be brought? (Leonard Kaplan, described by ODs as “a jolly bachelor who loves to hang out with the boys watching rugby” coached players at Bishops for several decades and is the author of a history of rugby at Bishops. Until recently the school still fielded a “Leonard Kaplan XV”.)

Kaplan’s reply: “I

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Pringle Bay dream drowns in flood of contradictions



REMEMBER THE BIBLICAL REFERENCE to the sins of the forefathers? The experiences of some Western Cape property owners hark back to the days nearly 50 years ago when the once-rampant ruling National Party, in an attempt to make a fast buck, ignored all environmental constraints and declared lagoons, coastal sand dunes and swathes of swampland in the province suitable for sale as residential plots.

People living in the 150-year flood plain of the Lourens River at Somerset West recently got a taste of the wrath of God visiting them, when retirement complexes and a hospital had to be hastily evacuated as the long-predicted flood came down, wreaking tens of millions-worth of damage.

The University of Stellenbosch's hydrological department had been warning the local authority of such an eventuality – in formal written reports – since 1981. They were ignored by the politicians. Why deprive their developer friends of a wonderful profit opportunity? They were allowed to build “secure” villages for retirees and a hospital in the path of the flood.

Not far away, down the coast at Pringle Bay, a Cape Town artist who dreamt of having a straw-bale house built has felt the wrath of what Deuteronomy 5:9 described as “...a jealous God, visiting the iniquity of the fathers upon the children unto the third and fourth generation of them that hate me...”

Jeannette Unite wanted a bolt hole to do her artwork, mainly focused in recent years on mining themes. Her abstract mining headgear adorns the

head offices of several mining companies and one provides the canvas for Jade Davenport's new history of mining in South Africa, *Digging Deep*.

In 2004 Unite spent about R150,000 buying a seemingly prized plot at Pringle Bay, a popular weekend getaway spot for Cape Town's rich and famous. Within two years she had had plans drawn up for her mini-mansion complete with drawing studio. Seven years ago, she submitted her plans to the Overstrand Municipality – headquartered in Hermanus – and, much to her surprise, the plans were rejected.

Little did she know that in the 1960s Bill Mitchell, an unscrupulous property developer, had persuaded the Cape National Party establishment that various pieces of land, including Unite's land in Pringle Bay, should be developed as fashionable seaside holiday townships for the rich of Gauteng. In her case, the township was built on what is effectively a swamp and flood-path. Mitchell died in the 1990s with his fortune intact.

In contrast to land along the Lourens River at Somerset West where developers were allowed to build retirement complexes and a hospital below the floodline (with disastrous consequences), within three years of purchasing the property, Unite found herself with the opposite problem; she was prevented by the municipality from developing the plot because the municipal authorities had decided belatedly, first, that it was “below the floodline” (they had noticed) and a structure should not be erected on the site and then, three years after that, mystified everyone by declaring it a wetland that had been

designated a “public place” and which must have been transferred into her name “in error”.

The municipality informed her summarily that the land was simply unsuitable for development. The offending document, dated 14 December 2007, clearly states (in Afrikaans) that the land is not developable: “1:50 jaar vloedlyn moet gewys word - geen struktuur onder vloedlyn opgerig te word nie (1-in-50-year floodline must be indicated – no structure may be erected below floodline).” That document, from a building management official of the then Kleinmond Municipality, referred to building plan number 15347 and erf no 1163 – Unite's building plans for a double-storey house with three bedrooms on the site, which had been put before the “*beplanningsadvieskomitee vergadering*” (planning advice committee meeting) on the same day. She had bought Erf 1163 from estate agents Carit, which then operated in the area, with the obvious understanding that the land could be developed. There were already other houses in the area.

However, a stream of communication with the Overstrand Municipality failed to overcome the problem that the property was “not developable”. As recently as 13 July 2010, Unite was told: “This is to confirm that Erf 1163, Pringle Bay was supposed to remain municipality property since there is a natural stream running across the



Floodwaters surge down Pringle Bay's aptly named Stream Road

property and [*it is*] therefore not developable.”

It went on: “According to the general plan of the area and information at the Surveyor General’s office, the property is in fact Public Place. The fact that it was transferred to a private person [*being Unite*] is considered an error; it was most probably Erf 1164, Pringle Bay, being a Single Residential situated directly adjacent (to) Erf 1163 that should have been registered in your name.”

It so happens that Unite now also owns Erf 1164 which was ceded to her by the original developer, Glen Anil who were persuaded that Erf 1163 could not be built upon.

Back in the 1960s, Mitchell, a Cockney immigrant, developed a nose for taking the National Party establishment for a ride. He had cheaply acquired several struggling seaside farms along the southern Cape coast and planned, with the help of his political connections, to get them rezoned as expensive seaside resort townships. (Hangklip which was to become the township Pringle Bay was one of them, although Wavecrest was by far the most notorious.) See box.

Mitchell had bought the derelict Hangklip farm from the then NP Speaker of the old Assembly. He hired a bulldozer to gouge out a farm dam on the hillside, drew hundreds of un-serviced seaside and riverside plots on

the map – with bare regard for the actual topography – then turned a quick R1m profit by selling Pringle Bay to Glen Anil, another property company equally notorious at the time for its un-seemly ties to Nat politicians.

Over the years, holiday house owners at Pringle Bay have had to discover that large parts of the village are regularly flooded or transformed into a swamp, as happened at the end of last year, when most of the area was under water and roads were transformed into dongas overnight. The Overstrand official who so harshly dashed Unite’s dream was right on that score, even if it did raise many questions such as: how come her plot was zoned (and had been sold and transferred) as “residential”? And, how come the municipality had been charging her rates and taxes on that basis?

So the sins of the National Party in the 1960s have come back to bite Unite and scores of other unfortunate victims. Cape Town advocate Natalie Lawrenson, in an opinion for Unite, noted that Erf 1164 (first suggested as a swap) appeared “to suffer similar signs of being a wetland, albeit situated slightly higher than 1163”. The plot which the municipality had offered in exchange for 1164, plot 1522, was the driest of the three properties, according to Lawrenson, “and... would appear to be best-suited for building purposes”.

Attorneys Adrian Louw & Associates

wrote on 7 October 2008, that the Overstrand Municipality “has instructed us to correct the erroneous transfer of the Erf 1163 Pringle Bay to your name and to transfer Erf 1522 Pringle Bay to your name instead. In order to do this we require the original of deed R1124, 2004. Should this be in your possession kindly forward it to us by registered mail, if not, kindly inform us who has it.” They noted that there was a bond registered against the property (Erf 1163) and that that would also have to be changed. “If this bond is still an open account, the bank will most likely hold the title deed,” said the attorney. All very promising – except none of it came about. Unite said the municipality and the bank never got together to sort out the transaction although she’d been more than willing to do the swap.

As though things weren’t enough of a mess already, Lionel Wallace, the legal officer for Overstrand chipped in to tell *Noseweek* that any decision in this regard taken by an official would still have to be vetted by a sitting of the council. “That exchange (of properties) never went through (council). It was never approved.”

Two years went by before the office of the municipal manager of Overstrand reported that it had already appointed a conveyancer attorney to ensure that ownership of Erf 1163, along with the other properties on the same title deed which are also Public Places “are transferred to the Overstrand Municipality in terms of Section 28 of Land Use and Planning Ordinance No 15 of 1985 and Section 16 of the Registration of Deeds Act, No 47 of 1957”.

In terms of Section 28, “the ownership of all public streets and public places over or on land indicated as such at the granting of an application for subdivision under section 25 shall, after the confirmation of such subdivision or part thereof, vest in the local authority in whose area of jurisdiction that land is situated”.

The municipal manager wrote that his office took note of the arrangement “between yourself and Glen Anil Development Corp Ltd to have ownership of (the neighbouring) Erf 1164 transferred in your name in return.”

Noseweek approached Anja Kotze, township manager for Overstrand Municipality, who said that as the dispute had been transferred to the municipi-

pality's attorneys, Fairbridges of Cape Town – in particular Deirdre Olivier – she would not comment further. However, she now argued that Unite had never been told that the land was not developable.

The Pringle Bay property saga has become “a nightmare” for Unite. After years of shunting between law firms and obtaining legal advice from attorneys and advocates, she believes she has spent about R100,000 on legal fees alone. In the meantime she has not been able to build on the two plots she now has in the area. She did not build on the land transferred to her as compensation by Glen Anil – plot 1164 – because she had been advised by Lawrenson that that plot, too, appeared “to suffer similar signs of being a wetland, albeit situated slightly higher than 1163”.

Come April this year, responding to her complaints that she had been shipped from pillar to post by the municipality, it's attorneys, Fairbridges, did another about-face. Repeated requests by Unite in letters to the mayor of the DA-controlled municipality, senior municipal officials and Councillor Nicolette Guthrie-Botha – underscored by the intervention of DA MP Pieter van Dalen – to break the impasse had all come to naught.

The Fairbridges opinion – which appears to be the position the municipality is now taking – entirely reversed the earlier positions by the municipality.

“There is nothing to suggest that the property should have been designated

as a public place or that there was an error in this regard,” the municipality's lawyers now baldly declared. “It was designated and sold correctly as a residential erf (in 2004). We understand that you [Unite] are the sixth successive owner of the property.”

It also said that the Department of Rural Development had confirmed in a letter dated 6 December 2013, which was attached, that erven 1163, 1164 and 1522 – the latter owned by the municipality – “are not public places”.

Fairbridges also noted that they understood that “there were various discussions between yourself and the officials of the municipality about the exchange of Erf 1163 for Erf 1164 Pringle Bay”.

“It was however, then established that the original developers, Glen Anil, were the owners of Erf 1164. Without any reference to the municipality, we understand that you managed somehow to have Erf 1164 transferred into your name for the nominal payment of R1.00.”

Unite was therefore the registered owner of Erf 1163 and Erf 1164 Pringle Bay, each of which had a municipal valuation of R400,000 in 2008 and FNB valued Erf 1163 at R480,000 in 2008.

(2008 BTF – *Before the Flood* – Ed.)

Over the years Unite, raised about R480,000 in mortgage loans on the property to pay for architects, all the soil, hydrological and environmental impact studies demanded by the council – and last but by far not least

– for legal fees. For the past year-or-so she has not kept up her bond repayments and the loan now stands at around R500,000 and the bank is in the process of foreclosing on the property. While the municipality would not provide amounts owed in outstanding rates – which Unite also stopped paying about a year ago – her outstanding rates bill is understood now to amount to around R20,000.

Her legal adviser, Advocate Lawrenson, suggested that “it could be argued that the consultant [Unite] should never originally have become the owner of Erf 1163, and [on] that basis, she should therefore not be held liable for rates and taxes on the property. She was effectively unable to use the property to build on... and in terms of the agreement, is now required to transfer the property to the Overstrand Municipality. It is suggested that Unite be reimbursed for any rates and taxes paid to the municipality to date”.

Unite, at the suggestion of the municipality, attempted to cede the property back to the municipality, as it had originally claimed that it was a “public place”.

Despite the fact that the issue was raised by the municipality, no action was ever taken to carry out the recommendation of the building management official responsible.

Overstrand's attorneys, Fairbridges, note that there had been “discussions” between Unite and municipal officials about a swop of Erf 1163 and/or 1164 for Erf 1522 (another adjacent plot) which is owned by the municipality. But, Fairbridges wrote, Unite “should be advised that there will be a process” that would have to be followed to obtain authority to dispose of Erf 1522” prior to the full-council resolution approving such a transfer. As previously mentioned, an advertisement would have to have been placed asking for public comment on the proposed disposal of municipal property.

In any event, Fairbridges noted, these processes had never been followed through and (in their view) “there is now no underlying reason why the municipality could motivate the exchange of your erf for their property”.

Except, perhaps, that the municipality had been making her life a misery for seven years and costing her a fortune – for just such a supposed reason. ■

Plots thicken

BILL MITCHELL MARKETED HIS thousands of seaside plots in full-page Sunday newspaper advertisements, lavishly illustrated with fake pictures of seaside idylls. He bribed all the branch managers of Trust Bank (with the promise of free overseas holidays for the top salesmen) to help market the plots by offering any client an instant overdraft for enough to fund the purchase of a seaside plot.

Within months, thousands of plots were sold in this way. Most buyers were civil servants who were unlikely to be able to maintain the repay-

ments, but had been persuaded they would be able to sell their plots on to “the rich of Sandton” within months – at a huge quick profit.

Needless to say, the promised demand from Sandton for seaside plots did not materialise (there had been a glut of seaside plots on the market even before Bill Mitchell launched his brazen scheme) and the bank was effectively bankrupted as most buyers quickly defaulted on their mortgages within a year. To avoid a National Party scandal, it was bailed out by Sanlam, but that story you can find on *Noseweek's* website.

A reader's letter.*

My brother and I were introduced to POPULAR MECHANICS by my father when we were no more than six or seven years old. It was the American edition, and by then the magazines were at least 20 years old – taken from the collection he had built up as a child. I remember plans for building your own go-kart, a pedal-powered boat, a rocket and a helicopter – the stuff of boy-hood dreams.

When the South African edition first appeared, my father loyally booked it out at the library – frugal as ever. Eventually, he started buying it, and soon afterwards took out a subscription. As soon as the latest edition arrived, he would pass on the previous month's issue to me. This would be accompanied by long conversations and discussions on the content – so much so that when I subscribed myself, I couldn't bring myself to tell him to stop passing on his own copy. Those moments were just too precious.

My father passed away on 15 December 2010 at the age of 72. Having been a maths, physics and chemistry teacher and lecturer his entire life, PM made manifest everything he so passionately stood for, bringing science into the realm of everyday life and breaking down the perceived barriers that often make science so inaccessible to the average child.

His entire life was devoted to inspiring those around him to obtain knowledge, learn, think, share and seek out the facts – something that made him appreciate your magazine immensely. He is fondly remembered for this by the hundreds of scholars and students who passed through his classrooms and lecture halls over the years. As well as by his own children.

In January this year, my sister's eldest son, William – eldest of my father's seven grandchildren – went to boarding school for the first time at St Andrew's School in Bloemfontein. Having to spend his first week away from home, he was treated to a magazine of his choice by his mother. He chose PM – the January 2011 issue.

The first evening spent at boarding school came with the expected awkwardness and strained conversations about how and where you spent your December holidays. William's was spent saying goodbye to his much-loved Oupa, with whom he shared a very special bond – not really the type of story that helps you connect with your new fellow boarders. The next evening, as he went to bed, he opened his PM and on page 8 – the Letters page – he saw his Oupa's name, Pierre le Roux. My father had written to PM before he was admitted to hospital without any of us knowing. Had it not been for William, none of us would have seen it.

Showing the letter about the Chrysler Airflow/De Soto to his fellow boarders soon broke the ice, and the conversation flowed. Amazement was shared and friends were made. And so an Oupa reaches out from the hereafter to help his grandson settle into this new chapter of his life.

With a little help from POPULAR MECHANICS.

CHRISTIAAN LE ROUX

Blushing KWW tries to silence revelation of BEE trickery



By Donwald Pressly

THE BLACK ECONOMIC EMPOWERMENT leg of South Africa's premier wine and spirits company, KVV Holdings Limited, remains embroiled in conflict; the latest being the rearrangement of deck chairs of Phetogo Investment Holdings, which holds a big chunk of the business.

The mystery is how a British-born white man, Rob Dow, has managed to snatch an influential interest in the BEE leg of KVV, apparently with the assistance of his business mate Khutso Mampeule.

Dow is a past master at identifying a good deal. He was head of corporate finance and private equity at the Standard Bank Group from 1980 to 1990. He then founded the African Merchant Bank. Now retired, he nevertheless retains a directorate at Kensani Capital, which specialises in "active long-term" infrastructure investment with a BEE bent. Kensani's website states that it has equity in KVV. This interest is well hidden however, as, when asked by a shareholder about the Kensani interest, Albert Eksteen – KVV's director of legal & risk management – replied: "The name Kensani Capital does not appear on our shareholder register and is therefore, not a direct shareholder. There is, of course, the possibility that they hold shares via another company, or via a nominee. This I can, unfortunately, not confirm, but if this is the case; the shareholding will be insignificant."

The shareholder had also reported to Marcel Golding, KVV Holdings chairman, that he had read "with much interest that Kensani Capital has listed KVV as one of its equity investments".

He wrote: "My suspicion is that this is through Fourdec Advisory (an initial black empowerment shareholder in the BEE grouping which falls under Phetogo Investment Holdings) rather than a direct holding. This would then explain why a director of Kensani Capital, Indiran Pillay became a director of Fourdec Advisory and attended a meeting with the Phetogo Investment Holdings shareholders regarding the unbundling."

It is a complex tale, the unbundling process, but Dow's detractors believe he has hijacked most of the power of the BEE grouping, which owned 18.3% of KVV Holdings before the unbundling commenced. This was worth about R210 million ten years ago. The shareholding, because of the unbundling of recent years, has dropped slightly, but by now it is, with little doubt, worth significantly more than that figure.

The dispute relating to the controversial "hijacking" of Phetogo Investment Holdings (PIH) has been on the go for about three years. A new company, Dandine Trading – run by Mampeule, who once ran South Africa's Post Office but left under a cloud – has been created. It appointed Dow, Mampeule and Anzill Adams, a Paarl businessman, as directors. It effectively became the vehicle used to buy out shareholders in Phetogo Investment Holdings, which in turn is a shareholder of Phetogo Investments, the BEE leg of KVV, the Paarl liquor business.

His detractors say Dow, as a white man and a foreigner to boot, has "hi-

jack" what is supposed to be a "broad-based" black economic empowerment interest. And the detractors say he has done it by contravening the rules of engagement contained in Phetogo's shareholder agreements.

Even before Dow was approached for comment, he sent a letter to certain Phetogo Investment Holdings directors: "I have been informed from a source I consider reliable that there is the possibility of an article which has been described as negative for either PIH or its affiliates and/or shareholders." It goes on: "I am concerned for group shareholders that this may impact negatively on the unbundling process at this late stage. I believe that it may [be] worthwhile bringing this to the attention of group directors and considering what other steps may be necessary. I will be available should you require to call an urgent meeting of group directors." One of the directors included in the email of 11 April was Mampeule.

Hurriedly Mampeule sent a long email the following day to all the directors of the empowerment leg of KVV. It read: "It has recently come to my attention that one of the shareholders within our group of companies has either approached or is about to approach a journalist working for the local press with a view to compiling and publishing a negative article about one or more aspects of the companies within our group. As I have very little information available to me, I am not sure precisely as to the



KWV in Paarl

content or nature of the proposed story.”

He issued a stern warning to fellow directors: “In our capacities as directors of one or more companies within the group, each one of us owes a fiduciary duty to the company of which we are a director. If we fail to take steps to portray the relevant company in the best possible light, or if we collaborate with those who wish to portray our companies in the press in a negative light, we breach those fiduciary duties and we could be held liable for any damages (including reputational damages) that a company suffers.”

Mampeule goes on: “The scrutiny of the press, as well as the time and effort which it will take to deal with allegations in the press, could potentially delay or even derail the process on which we have embarked of unbundling, firstly, Withmore and, thereafter, PIH, PI (Phetogo Investments), and Rowmoor (all companies in the BEE grouping of KWV). Much effort and expense has been invested in commencing these unbundling processes and it will be a pity indeed to see any more time delays or cost increases.”

He implored directors on the board to appoint a spokesperson who would ask the journalist to direct inquiries in writing. “Only written responses should be provided,” said Mampeule. “The spokesperson should also secure an undertaking from the journalist that the article will be provided in draft form for our comment before it is published.”

Email, SMS and telephone calls to mobiles and work phones failed to get any response from Dow. Mampeule did answer his mobile phone, but did not respond to a written email of questions.

Astonishingly Mampeule, Withmore Investments chairman (Withmore is one of the elements of the KWV’s BEE building blocks) gave directors careful instructions to thwart investigations into Phetogo’s affairs: “The auditors, the company secretaries, the companies’ attorneys, and any other public officer who holds company records should only provide sight of such documents to any person requesting same at an agreed location (such as the offices of the attorneys) and in terms of an agreement that the documents will be viewed but not copied.”

“My suggestion is that in this way we can best protect our different companies, and the shareholders whom we represent, against unwanted delays in the unbundling process. With this in mind, I also believe that we should convene meetings of the respective boards so that we can debate these issues in more detail and have a proper and full conversation about our fiduciary duties, extended as they have been in terms of the 2008 Companies Act.”

Detractors say that Dandine Trading, which now trades under the name Dandine Investments, has effectively acquired an influential interest in Phetogo Investment Holdings. In a June 2011 letter to Mampeule, also chairman of Phetogo Investment Holdings, from the trustee of The Kabo Freeman Mocwapung Trust, Masedi Molosiwa, objected to the removal of five of 12 shareholders of Phetogo Investment Holdings (PIH) – including Anzill Adams, Adv. Tshepiso Mphahlane, Bobo Pemba, Lefty Mogorosi and Morena Business Trust. They had somehow “disappeared from the shareholders’ list”.

To the Kabo Trust, which has a shareholding in Phetogo Investment Holdings, he claimed this had been done without the knowledge and written consent required of the other shareholders. In addition, the trust objected to the appointment of Rob Dow in the place of Victor Christian and Pogiso Mogorosi in the place of Choakadevan Moodley as directors of Phetogo Investment Holdings during the 2010 financial year. Kabo Trust also objected to the sale of over seven million shares by

Phetogo Investments in Capevin Holdings – an indirect shareholding in Distell – realising R13.6m. This was used, in part, to buy the South African Wine Industry Trust’s interest in Withmore Investments company in October 2010, raising its stake by 16.37% to 42.7%.

Masedi Molosiwa said in the letter: “We seek a comprehensive explanation as to the basis upon which the Board of Phetogo Investment Holdings (Pty) Ltd entered into such transactions without referral to the Shareholders of Phetogo Investment Holdings (Pty) Ltd, for consideration pursuant to clause 10 of the shareholders’ agreement.” Molosiwa also objected to the spending of R24.1m on legal fees by Phetogo during the financial year 2010.

At the June 2011 annual general meeting of Phetogo Investment Holdings, former director Choakadevan Moodley expressed the opinion that he thought the company was “not well run”, according to the AGM minutes. According to those minutes Molosiwa questioned why there was a need to form Rowmoor Investments 899 (Pty) Ltd and Withmore Investment 1 (Pty) Ltd, why PIH shares were placed in Rowmoor and why Fourdec received shares in Withmore in contravention of the shareholders’ agreement.

An enraged Molosiwa has tried to remedy what he views as the hijacking of the BEE component of KWV – which ironically became a fully black empowered company when HCI under Goldin and colleague Johnny Copelyn became the majority shareholders three years ago. Molosiwa said they had followed a mediation and arbitration route within the company. When they failed to overturn the “unbundling” deal – which Molosiwa says has put about R20m in the pockets of Dow and Mampeule – he took it to the equivalent of the CCMA for bosses, the Arbitration Foundation of South Africa.

The case is still before the foundation and could take from six months to a year to be completed. One of the outcomes of the arbitration could be that Dandine may have to roll back the unbundling process and pay back all monies owed to parties who were bought out.

Molosiwa says the Kabo Trust has been deprived of making about R1.2m through the unbundling transaction, because it had not been informed of the opportunity at the time. ■

• The sounds of silence

Officialdom remains tight-lipped about the violent death of a good man who knew too much. By Mandy de Waal and Jon Pienaar

MAY 11 MARKED THE FIRST anniversary of the death of Moses Tshake, a whistleblower in the employ of the Free State government. He had been asking questions about millions of rands paid out on agricultural projects by the provincial government and probing municipal maladministration when he was hijacked in Bloemfontein, brutally assaulted and left for dead on 22 February last year.

Tshake died in May after lingering for three months in hospital.

“My son died for fuck-all. It is heart-breaking,” says Tshake’s father, David Chaka. His anguish is compounded by frustration that nothing is being done about his son’s murder.

Because of a Home Affairs bungle, the two don’t share the same surname: Moses’s surname was incorrectly recorded as “Tshake” on his birth certificate – something he’d been trying to resolve at the time of his death.

Chaka says: “The police don’t phone us. We get nothing from them. The investigating officer doesn’t let us know what’s going on. My son was a good man. He was in the service of this country. He did good work for the people of South Africa. And now? What now?”

“We opened a case with the police and they just don’t find his murderers. We keep on phoning the investigating officer but nothing happens. We just sit and we wait. Please help me get the police to do something,” he pleads.

Tshake was an auditor, employed by the Free State government and tasked with helping to manage financial ethics and adherence to good governance. *Volksblad* reported that he had been overseeing audits for the provincial department of agriculture, probing pay-

ments on controversial projects.

But Tshake was also “working with the municipalities, lots of municipalities” says his sister Joyce Chaka. “After he died we went to his flat. There was a letter there that said he had to appear in a court case for his work. I don’t know where that letter went. The police must have it now,” she says.

Numerous calls to Investigating Officer Domkrag Mathibela, elicited only a referral to SAPS’s PR department.

In 2012 Tshake headed the audit committee tasked with trying to restore financial order at the Setsoto Municipality, which had been thrust into the global spotlight after the death of service-delivery activist, Andries Tatane a year earlier. He had been shot with rubber bullets while pleading with police not to turn their water cannon on the elderly.

Seven policemen charged with Tatane’s murder were subsequently acquitted by the Ficksburg Regional Court. But the public outcry prompted former Free State MEC for Cooperative Governance, Mamike Qabathe, to commission a confidential report. Subsequently the Setsoto Municipality, under which Ficksburg falls, was found to be riddled with corruption.

Tshake, who was the Audit and Performance Audit Committee chairperson for the Setsoto Municipality, had been responsible for helping restore fiscal discipline. But he was not only involved in trying to contain corruption at local municipalities. He was also employed as internal auditor in the Free State department of agriculture. One of his colleagues, who did not wish to be named, said Tshake was “a good guy, one of the few, an exceptional person”.

A source who plays a senior oversight role in agriculture in the province, told

Noseweek: “Another official in the [provincial] department of agriculture was also seriously assaulted last year. They are all too terrified to talk. It appears that nobody has been appointed to Tshake’s post and no progress has been made with the investigations he had been pursuing.”

Tshake wasn’t the only person at the provincial agricultural department to have been hijacked. In April last year, when Tshake was in hospital, a departmental manager, Vuyisile Mlambo, was hijacked as well. *Noseweek* called Mlambo a couple of times to discuss the incident, but he refused even to acknowledge the occurrence. *Noseweek* heard from a Free State government source, who also asked to remain anonymous, that yet another member of the agriculture department had been beaten up earlier this year.

Tshake had been investigating projects of the province’s “revitalisation” campaign, called Mohoma Mobung, when he was attacked.

Free State Premier, Ace Magashule, has a penchant for setting up massive private-public partnerships with grand names. Mohoma Mobung is supposed to revitalise agriculture.

But Mohoma Mobung, is being used to siphon hundreds of millions of rands from the treasury and get a big flow of funds from the private sector too.

The sales schpiel for Mohoma Mobung? The Free State would use the project to fight poverty by creating jobs and improving food security. But the stinking truth about Mohoma Mobung was revealed in a series of *Mail & Guardian* exposés about a R570m dairy project in the town of Vrede that had ties to the Gupta family.

Foreign funds were also earmarked

for Mohoma Mobung. In April 2010 Premier Magashule led a delegation on a trip to China and in 2012 a Chinese delegation visited the Free State to discuss investment. At the time Mosebenzi Zwane, then MEC of Agriculture, told the local news site, *Public Eye Online*: “The Chinese are very interested in investing in agricultural projects in the province.” He added that they hoped to raise from R1.2bn to R5bn from China for Mohoma Mobung.

What happened to the hundreds of millions of rands from local taxpayers, businesses and China for Mohoma Mobung? The *Mail & Guardian’s* investigative division, AmaBhungane, reported that, in December 2012, a South African-registered company, Estina (Pty) Ltd, was given the 4,400ha farm Krynaauwslust outside Vrede on a 99-year, rent-free lease. By May last year the Free State agriculture department had financed the dairy project to the tune of R30m – a figure set to rise to R342m over three years.

In October, a national Treasury forensic team questioned Free State agriculture officials after several irregularities were discovered, including that the deal flouted Treasury rules.

“Approval for the project was rushed through despite... no budget, no feasibility study and no urgency,” the *M&G’s* AmaBhungane reported.

AmaBhungane found several links to the Gupta family, and that Atul Gupta was involved in negotiations to buy a home in Vrede for use by the dairy’s coordinator – previously special secretary to Shivpal Singh Yadav, chief minister of Uttar Pradesh in India, which is the Guptas’ former home state. Yadav was also embroiled in the Guptagate wedding saga.

Die Volksblad reported that Atul Gupta visited the farm regularly. The newspaper pegs the Guptas as major players in the project, but said people on the ground had been instructed not to disclose the family’s involvement.

AmaBhungane found that the company’s registered address was the same as that of several other Gupta businesses. The only director of Estina was an IT sales manager with links to the Gupta family: Kamal Vasram.

Estina acquired a 49% share in this project, and 51% was earmarked for small-scale farmers, “only identified recently and the official could not explain

how they were chosen”, says the *M&G*.

The Free State agriculture department denied the Guptas’ involvement. But Gupta spokesperson Gary Naidoo admitted that a Gupta subsidiary, Linkway, was involved with the dairy.

Die Volksblad reported that Linkway had consulted on the project and that its two directors, Ashok Narayan and Ronica Govender, were also directors of other Gupta companies: JIC Mining and Sahara Systems.

Following the media fallout, and while the Treasury team was investigating the dairy in October, Vasram left Estina and created another company for the agricultural project. This private firm was registered as the Mohoma Mobung Dairy Project, the same name as the Mohoma Mobung Project used by the Free State to milk its taxpayers and to try to get foreign billions.

In a written answer to questions raised by the DA about the project, former Cooperative Governance MEC, Mamike Qabathe, now MEC of agriculture, said R2.6m had been spent on a security gate and guardhouse; R1.2m on a 2km gravel road; over R2.5m for tools and implements; R30m for the dairy and processing plant; and R6.2m for 351 cows. In February, AmaBhungane discovered the carcasses of 30 of the cows in a ditch near a river used by locals for drinking water.

Another controversial Free State agricultural initiative is the Gariiep fish hatchery in which China has injected R45m. But when Magashule, national agriculture minister Tina Joemat-Pettersson and a Chinese delegation returned to the project in November, more than R100m was missing. The *Free State Times* reported that the province had launched a probe into what had become of the missing millions spent on the project.

In August last year the DA directed questions about Tshake’s murder to Minister of Police Nathi Mthethwa. His written response stated: “The victim was visited several times in hospital but could not shed light on what happened because he could not speak... leads are being followed up... it is hoped that, through the investigation... the motive will be determined.”

But Tshake’s sister says police did take a statement: “Moses said he didn’t



Moses Tshake

know these people, but that they speak Sotho or are Basotho. On the day of the hijacking Moses was able to talk and gave a statement to the police,” says Joyce Chaka, explaining that only after Tshake had had an operation on his throat was he unable to talk. Following that, he was sedated for three months.

“When he woke up, he just cried. He wanted to talk, but after some weeks he started to write,” says Chaka. After the sedation, her brother stopped talking. “Now he’s dead and the police don’t get back to us.”

During *Noseweek’s* investigation, it came to light that a man called Sello Moses Mthethwa was a director of Sahara Holdings, the holding company for the Gupta family’s IT businesses.

Free State agricultural MEC Qabathe has asked Zuma to help the province fight those who are trying to impede the Gupta-linked dairy project.

In Mahikeng a dejected David Chaka says the Public Protector may be his only hope, but Chaka’s other son, Johnson, has been turned away from the protector’s office. “They want proof of what I have done about the police, and I am being sent to Ipid (Independent Police Investigative Directorate). But what help will I get from Ipid?” ■

Boer maak'n planning permission

Defying numerous obstacles, Durbanville landowner Boetie Louw has his way with a distinctly dicey development on a Cape Town wetland

WEALTHY LANDOWNER, BOETIE Louw is a determined man. Though well into his eighties, he has long planned to convert one of his farms, Uitkamp, near Durbanville, into a 700-unit housing estate with a retirement facility, a school, a conference centre, and even a game reserve. It's not the first time Louw has tried to pull this off, (see *nose168*) and there's a great deal of money at stake.

Noseweek reported then that local residents, grouped as the Durbanville Community Forum (DCF), had approached the high court for a judicial review of the approval given by Western Cape Minister of Environmental Affairs Anton Bredell. The residents were concerned that:

- much of the farm is a wetland that should be protected;
- the land has high potential for agriculture, despite Louw's best efforts to degrade it by engaging in gravel farming and operating a game reserve;
- an unfavourable wetland delineation report was omitted from the application and replaced with a more favourable one;
- a soil survey report was blatantly misrepresented; and one of the "independent" professional companies involved in the approval process was in fact owned by Louw's nephew.

● Louw seemed to have well-connected people on his side, like consultant Alwyn Laubscher, a man close to Bredell's head of department, Piet van Zyl, which meant Louw's application had received special treatment: "red carpet instead of red tape".

A development like this requires multiple approvals. Whereas the environmental approval is processed at provincial level, more mundane issues

like "extending the urban edge", town planning approval and re-zoning are done at city or town level. In the case of Durbanville, this means the City of Cape Town. Again, Alwyn Laubscher had a role to play because it was left to him to persuade opposing officials to look for "soft solutions".

With the province's environmental authorisation under review, it's likely to be some time before the matter is heard, so the obvious thing would be to put it on hold, pending the court's decision which could put an end to the matter. That was the advice that the City of Cape Town's legal department gave the Spatial Planning, Environmental, Land Use Management Committee (Spelum), the delegated authority in matters of this nature.

The legal department has been cited as a respondent in the proceedings. And just in case the Spelum Committee wasn't aware of the environmental issue, the DCF submitted a report to Spelum showing that there are natural resources on the farm that warrant protection, namely a wetland and high-potential agricultural soil.

The advice that the Spelum Committee received from the city's lawyer, Sue Mosdell, refers to "very cogent environmental issues at stake"; the fact that the "DCF would have cogent grounds for a challenge of the committee's decision"; and the need for "a risk-averse and cautious approach".

Having received this advice, the Spelum Committee passed a resolution on 12 February which was unambiguous. It read: "Resolved that consideration of the matter be adjourned pending the outcome of the high court review of the environmental authorisation."

So that's that then; the relevant committee was advised to park this matter

until the conclusion of the court proceedings, and it accepted the advice.

So why was Louw's application for the various approvals he needs from the city suddenly taken away from Spelum and put before a full meeting of the council on 24 April? Particularly strange when you consider that matters can only be removed from Spelum in very specific circumstances, such as Spelum's declining to deal with the matter.

The application was taken to the council meeting by the Mayoral Committee (Mayco) Member for Economic, Environment and Spatial Planning, Garreth Bloor, who recommended that the application be approved. Bloor even created the impression that this was in fact the suggestion of Spelum, and that there were no outstanding environmental issues. It's recorded like this: "Mayco Member for Economic, Environment & Spatial Planning proposed that, in view of all the environmental, as well as other issues having been satisfactorily addressed, the application... be recommended to Council for approval."

Louw's application was indeed approved at the council meeting. The fact that the ANC councillors weren't there – they'd been locked out of the chamber that day for being naughty – made matters a little easier.

Noseweek learnt they had been planning to oppose the application as there is no low-cost housing involved.

The urgent but detailed letter which the DCF's Daniel St Dare sent to the Speaker when he heard that the application had been placed on the council's agenda – in which he explained in some detail why this was totally wrong – was ignored.

After the council meeting, Bloor an-



Friends in Louw places: Councillor Garreth Bloor

nounced to the world that the application had been approved, adding that Cape Town needed development, that the wetland would be protected, and that the litigation had nothing to do with the city (despite the fact that it is a respondent).

The good people of Durbanville are not taking this lying down. The DCF has asked the Public Protector to investigate and it's asked Bredell to conduct a forensic investigation.

A few days after the council meeting, on 29 April, the DCF filed a "Complaint and Petition" with the city. The document is addressed to the mayor, Patricia De Lille, and it demands a rescission of Louw's authorisation on the basis of misrepresentations and procedural wrongdoings. It also argues that, despite Councillor Bloor's claim that the wetland will be conserved, it clearly won't be, because the plans show that the entrance to the estate is over the wetland, as are the school grounds and some of the housing.

Meantime, the people of Durbanville are left wondering what on earth is going on. Even if Alwyn Laubscher did manage to get the city people on side,

why the great haste? It's almost as though they felt that Louw's application needed to be finalised before the election!

The DCF obviously don't know what Louw's next move will be, and whether he plans to wait for the decision of the judge. But they do know that they'll be rushing to court for an interdict at the first sight of a bulldozer.

Noseweek managed to get comment from Councillor Bloor shortly before going to press. It was an odd response: he said that the council could only decide on the basis of what was before it.

"The facts before council were that (although it was being reviewed) environmental authorisations were in place. The pending decision by the high court is a provincial matter, the outcome of which will be considered if and when it comes.

"Council cannot hold back a decision on the basis of the possibility of a court decision, when the law requires it to make decisions within specific time-frames."

Bloor insisted that the wetland would be protected, and he made it clear that the city did not share the DCF's view that the land had agricultural potential. He denied that the matter had been taken away from Spelum, but said Spelum had decided "in their own right" to refer the matter to the Mayco a month after the resolution of 12 February – in other words, on 12 March, by way of a resolution that "superseded" the earlier one.

He didn't explain why it had taken this decision, nor who asked it to do so. He also did not explain why the council had chosen to ignore Spelum's advice.

Spelum's decision of 12 March reads: "Since the 12 February 2014 meeting, a request was put to Spelum to make a formal recommendation. The committee made the following recommendation to the Mayco – To recommend that consideration of the matter be adjourned pending the outcome of the High Court review of the environmental authorisation."

Bloor ended by saying that, as the Louw application had been submitted in September 2007, the city could hardly be accused of indecent haste. And he promised that the Complaint and Petition would be dealt with and that the DCF would get a response in due course. ■

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Health care probe turns into chess game

Netcare and KPMG accuse each other of delaying tactics over Competition Commission investigation into medical costs.

By Chris Bateman

THE COMPETITION COMMISSION inquiry into what is driving up hospital and doctors' fees has turned into a riddle in a thicket of deceit and finger-pointing.

The trouble started when the commission began its two-year inquiry late last year into why medical costs in South Africa are going into orbit, well above the inflation rate year-on-year.

The private hospital giant, Netcare – which describes itself as the largest private hospital group in South Africa and enjoyed revenue of R27.8 billion (up 10.4%) in 2013 – has been accused by the commission of deliberately delaying its inquiry into rocketing medical fees, according to the *TimesLive* website.

Netcare took auditors KPMG to the

South Gauteng High Court in October to stop it working for the commission. It argued that there was a conflict of interest because KPMG – which is doing much of the legwork for the commission's inquiry – had previously worked on its accounts.

Netcare runs 57 hospitals nationwide: 31 in Gauteng, including the Rosebank Hospital; the Union Hospital in Alberton; the Bell Street Hospital in Krugersdorp; and the Jakaranda Hospital in Pretoria, and five in the Western Cape, among them, the Christiana Barnard Memorial Hospital and the prestigious UCT Private Academic Hospital.

The hospital group says it has nothing to hide. What it objects to is that KPMG, its former audit firm which had unfettered access to all its financial records, is carrying out an investigation on behalf of the commission.

This was simply a conflict of interest and KPMG had cynically breached Netcare's privilege as its former client.

Melanie da Costa, Netcare's strategy and policy director, said a KPMG team spent three years helping Netcare prepare itself for the commission's inquiry. It had been privy to its strategy, planning, competitive positioning and detailed business data.

Netcare alleged that the data collected by this KPMG team was secretly handed over to another KPMG team, which just so happened to be carrying out the Competition Commission probe.

Da Costa said the wrangle was between Netcare and KPMG, not the commission. Its objections about KPMG

was not a delaying tactic as alleged by Olaff Abraham van Niekerk, KPMG's head of legal services. Da Costa said: "We have nothing to hide – I can tell you that, hand on heart – KPMG are disingenuously trying to portray that, but it's most definitely not the issue".

In an affidavit Van Niekerk poked fun at Netcare's court action alleging that it was part of its "Project Kotov" (a chess move designed to delay the opponent – in this case the commission – thus forcing them into making a hurried blunder). But Da Costa said that when KPMG refused to provide Netcare with assurances that it would abide by accepted confidentiality rules, it took KPMG to court.

On October 29, the high court ordered all KPMG staff assisting the commission to provide "affidavits of assurance" that KPMG's internal "Chinese walls" had not been breached. In other words, they should swear under oath that they had not breached confidence by obtaining privileged information from their colleagues who worked for Netcare.

Da Costa eventually provided Netcare with these affidavits in December – revealing that its staff had in fact breached the court order. She claims KPMG still had up to 50,000 Netcare documents, which KPMG refused to hand over. Far from Netcare's stalling any commission probe, it had been KPMG who on January 6 had requested a court postponement to May 20.

In court papers the commission said it believed Netcare was hiding information. "Netcare... fears that information provided to the inquiry may lead



Netcare's Melanie da Costa



The Competition Commission's Trudi Makhaya

the commission to initiate a complaint against it or refer it to the tribunal.”

But Netcare says it proposed that independent attorneys be given access to the Netcare information held by KPMG “to ensure that the matter is speedily resolved... but (they) have chosen not to”. It has also been suggested that KPMG should cease all work for the commission until their issues are resolved.

KPMG, however, wants none of this. Van Niekerk believes that Netcare has adopted a “broad strategy” to force the commission to delay its inquiry for as long as possible. He said: “Project Kotov – a very apt name [*for the Netcare strategy*]. Kotov is a Russian surname, the most famous bearer of which was one Alexander Kotov, a chess Grandmaster... He describes a situation when a player thinks very hard for a long time [*about*] a complicated position but does not find a clear path, then, running low on time, quickly makes a poor move, often a blunder.”

The commission believes that Netcare feared the information provided to the inquiry might lead to the commission referring the matter to the Competition Tribunal. This body has the power to subpoena evidence and fine companies 10% of their annual turnover.

Trudi Makhaya, the Competition Commission spokesperson, said any fines would be a by-product of a wider investigation aimed at “bigger competition policy problems”.

“If we suspect price-fixing we can open a new probe and run with it [*via the tribunal*],” she warned. Penalties could be imposed but this was “not our primary purpose”.

Explaining the Kotov reference, Da Costa told *Noseweek* that in 2011 Netcare engaged a professional external

The Competition Tribunal has the power to subpoena evidence and fine companies 10 percent of their annual turnover

company to work with its management to assess strategy in the context of various possible future South African healthcare scenarios. They had used chess board analogies to depict these scenarios, named Kotov, Stalemate, Gambit and Grandmaster.

In Britain, where Netcare provides substantial services to the country's National Health Service, this scenario planning was analysed in the context of the then London-hosted Olympics (scenario analogies being Gold, Silver, Bronze and Off the Podium).

“The local Kotov scenario was not a response to the more recently announced market inquiry in South Africa. KPMG are simply seeking to deflect attention from their own inappropriate

behaviour by making unfounded allegations,” said Da Costa.

“The name ‘Project Kotov’ arose from Netcare’s constructive engagement with various external stakeholders, including senior government officials, politicians, academics, opinion formers and business executives, with the aim of stimulating ideas on how to increase access to quality healthcare in South Africa. The ‘Kotov Scenario’ was intended to reflect a potential narrative of economic growth, but low social cohesion – with the likelihood of additional regulation perceived to be relatively high.”

The Project Kotov matter had, however, nothing to do with the Competition Commission enquiry.

“It’s actually about a professional services firm (KPMG) and its client. It’s about the breach of good faith and the duty of care a professional services firm has to its client. It’s unacceptable behaviour and we’ll protect our proprietary information and intellectual capital in the interests of Netcare and its shareholders,” she added.

Meanwhile, amended legislation for the first time gives the commission powers of subpoena with attendant fines for non-cooperation – unlike the probe into the banking sector in 2008 which depended entirely on companies’ voluntary participation and which resulted in some impact on bank charges but little change to the way they do business.

The health sector probe is a long-awaited response to a “law of the jungle” situation that has evolved in the unevenly regulated private sector where, among other things, specialists can charge up to 500% of medical aid prices and patients cough up the payment shortfall, in addition to their ever-rising medical aid subscriptions. ■

Right on!

Right2Know national coordinator Mark Weinberg is ready for action at the helm of a movement that features increasingly in public-interest campaigns – and it’s poised to pounce on the Secrecy Bill. By Sue Segar

THE SECRECY BILL IS ON PRESIDENT Jacob Zuma’s desk, seconds from being signed... The minute he does, the Right2Know campaign will swing into action: “We’ve briefed a legal team, drawn up our papers and we are ready to take it right to the Constitutional Court to have it declared illegal.”

That’s Mark Weinberg, national coordinator of the Right2Know campaign (R2K), who says the Secrecy Bill has top priority, but in the greater quest for freedom of information in South Africa, it is by no means the only one. Also on R2K’s agenda in the coming months is the cost of communication.

“For the vast majority of South Africans, the shortest route to people’s right to know is going to be through access to a free internet, especially via cellphones. And the biggest barrier to that, is the profiteering of the cellphone companies.”

We meet at the R2K head office in Salt River, Cape Town. Weinberg is at pains to point out that the work of R2K is by no means limited to the widely-publicised issues, but also focuses on a broad spectrum of citizen concerns relating to access to information.

“It would be generous to say that this government is preparing to rule by any means necessary... We believe that this democracy is under historical pressure. We are witnessing a slide towards authoritarianism and the

only way our democracy will survive is if it is defended by a majority of South Africans.

“What South Africa needs is a mass-based movement for freedom of expression and access to information – and the R2K is emerging as that movement that defends and in fact deepens the democracy,” says Weinberg.

“It’s hard to cover everything we do... as we practise a democracy where things bubble up from below. Our structure means that any activist who wants to pursue an issue can do so.”

Weinberg gives a few examples of recent R2K projects: “We have written to the political parties asking them to disclose who funds them; asking whether politicians are accountable to us, the people, or to their donors.”

Another R2K concern is the plight of whistleblowers. “We recently had a successful meeting in Stellenbosch, attended by the deputy Minister of Justice, the Public Protector and other stakeholders, where we outlined the problems with the Protected Disclosures Act.

“Other people are extremely concerned about the migration from analogue to digital terrestrial television... so R2K will hold a workshop in Gauteng, which will be rolled out in other provinces, to explain to community activists what the migration is about, its advantages and disadvantages... The big advantage is that it will un-

lock more TV channels... but the potentially bad news is, who is going to own and control these new stations?”

At the R2K offices, a framed photograph of Intelligence Minister Siyabonga Cwele lords it over the desk where most of the work takes place – presumably a reminder that Big Brother is watching.

R2K was launched in August 2010 as a coalition of organisations and activists responding to the Protection of State Information Bill (dubbed the Secrecy Bill). At the core of its mission is the conviction that “free expression and access to information are the building blocks of an accountable democracy that is able to deliver on the basic needs of its people”.

R2K operates through four provincial working groups – in the Eastern Cape, Gauteng, KwaZulu-Natal and the Western Cape – as well as through an elected national committee made up of representatives from key civil society organisations.

R2K employs as few people as possible and relies on volunteers to do most of its work. A national working group is selected at its national summit every year, when resolutions are adopted and a strategic framework is set out for the year ahead. National focus groups take on specific issues, while provincial working groups drive much of the activities of the campaign.

Today the campaign mobilises on four legs. In its own words:



Picture: Kate Stegeman

In full cry: Mark Weinberg

The biggest barrier is the profiteering of the cellphone companies

- **Stop Secrecy:** Ongoing mobilisation and advocacy against secrecy in law and practice – including the Secrecy Bill, and lingering apartheid secrecy laws such as the National Key Points Act;

- **InfoAccessNow!** Supporting communities and groups in our coalition to access existing information that is critical to their broader struggles for social justice;

- **Media freedom for All:** Promoting a free and diverse media sector by monitoring and responding to legislative developments, educating and organising activist organisations on the ground on these issues, and advocating for more support for community media organisations;

- **Justice for Whistleblowers:** Linking whistleblowers to appropriate partner organisations for legal support and advocacy.

Weinberg is at pains to stress that, while the high-profile cases are important, a range of low-level, grassroots issues around people's right to access information are as important to the campaign.

"We went into the townships very worried, knowing people were busy organising to meet their very basic needs... we were talking about the classification of documents. But, meeting after meeting, we got the same response: 'why do they need a law like this?' People were saying, 'at our local police station they already keep everything secret. We can't get any information.' So that's the spirit that drives the R2K from below. It's a coalition of people actively engaged mostly in issues besides the Secrecy Bill. Most R2K activists are involved in struggles around environmental issues, health, water, energy and community safety."

R2K has been growing dramatically for the past three-and-a-half years, says Weinberg. "And the factors driving that growth are still there, so we are likely to continue growing. There is a growing realisation that the status quo cannot deliver on its promises. Confrontation with the state leads to greater politicisation – and it is in that context that people are drawn to the R2K."

"People want to explore democratic solutions... and are increasingly seeing the link between their struggle for housing and the struggle against the Secrecy Bill because they see the same authoritarianism in their local government and housing authority as they see in the Presidency. They see the same evidence of corruption and injustice in the housing authority or their local municipality that they see with the President and his ministers." ■



Child of the struggle

Mark Weinberg is descended from generations of social protest. By Sue Segar



MARK WEINBERG IS A THIRD-generation activist from a family whose contribution to fighting apartheid and building democracy in South Africa has been considerable.

Weinberg, 40, was born in 1974 in Johannesburg to activist Sheila Weinberg, a single parent. Her father, Mark's grandfather, was the trade unionist and renowned photographer Eli Weinberg who with his wife, Violet, was a founding member of the South African Communist Party. He died in exile in Dar es Salaam, Tanzania, in 1981.

"My mother was, in many ways, a ground-breaker. That must have influenced my life," says Weinberg. "My mother became an activist at an extremely difficult time in South Africa's history; in the 1960s and 70s. At one point, aged 19, she was the youngest-ever detainee in South Africa.

"My mother fell pregnant and decided to keep the child and not get married – which in itself was ground-breaking. My mom wanted to protect the identity of my father, so I would rather not say who he is. I know who he is but have never had any contact from him and I have not met him.

"I went to a white middle-class school, where I was the only child in my standard who didn't have a functioning nuclear family..."

Weinberg attributes his middle name, Thabo, to the fact that his mother "wanted me to identify and be identified as a South African – a tradition we have continued in our family. My partner Celeste Fortuin and I have three children: Liam Thando, 7, and three-year-old twins Luke Themba and Sasha Thandi."

The young Weinberg and his mother lived in his grandparents' house at

11 Plantation Road, Norwood, Johannesburg. Earlier this year it was proclaimed a provincial heritage site because of the family's history.

Sheila Weinberg worked as a bookkeeper and, during the state of emergency, as a paralegal assistant.

An active member of the ANC and the SACP, she was also secretary of the Human Rights Committee and a leading member of the Johannesburg Democratic Action Committee (Jodac), as well as the Black Sash and the Five Freedoms foundation – all dedicated to building middle-class support for the liberation movement and mobilising whites against apartheid.

She was also a founder and board member of the Administrative Training Project that provided training and support to civic groups, trade unions and the UDF.

"My mother was at meetings almost every other night of the week and was placed under house arrest for her activities, right up until a month before the UDF was formed in 1983," says Weinberg.

After the ANC was unbanned in 1991, Sheila Weinberg served as a member of the Gauteng Legislature from 1994 to 2004 and took particular interest in emerging farmers in her constituency of Westonaria, and in the rights of the disabled.

She died in 2004, aged 59, after suffering a brain aneurysm.

Fellow activist Raymond Suttner said of Sheila Weinberg in an obituary: "Sheila never... sought or expected to be rewarded or offered any particular position. All she wanted was to work for the movement to which her life was devoted and she was prepared to do so in the most difficult conditions..."

"Until the 1990s Sheila's life was al-

ways marked by bannings and police visits and attacks on her home. She bore all of this cheerfully and with humour. In the tense periods of repression during which Mark spent his boyhood, Sheila was both intensely involved and simultaneously able to relax and provide an environment of warmth, love and tranquility."

Weinberg says that what he learnt from his mother – and which has informed his own parenting – "is that children learn by what you do and from the subtext of what you do. My mom was laid-back, humble, disciplined and committed. Those are some of the qualities I have in my DNA..."

Weinberg's grandfather left South Africa illegally during the Soweto upheavals in 1976, on the instructions of the ANC, and was granted political asylum in Tanzania. Mark "was barely two years old when he left South Africa and I didn't ever see him again". But it is clear Eli Weinberg's history and political connections played a key role in the lives of his daughter and grandson.

Born in 1908 in Latvia, Eli Weinberg was a child during the First World War and the 1917 October Revolution, which helped shape his socialist convictions. He was separated from his family and effectively lived "like a waii" before joining a group of Cossack soldiers.

Having been involved in trade unions since the age of 16, when Weinberg arrived in Cape Town in 1929, he immediately became involved in trade union and Communist Party activities around South Africa.



Right2Know demonstration in Cape Town

“Then I got another job as media liaison officer for the Rural Development Initiative in the run-up to the 1999 national election... We held a big conference in Bloemfontein bringing rural communities together from around the country and we adopted the Rural People’s Charter.”

Weinberg’s work with this National Land Committee project led to his working for the National NGO Coalition as national communications coordinator for a few years.

He moved to Cape Town and between 2008 and 2011 worked at the Alternative Information Development Centre (AIDC), set up in 1996 to strengthen social justice by giving a voice to poor and marginalised people.

Children learn from what you do and the subtext of what you do

Though he considered himself South African, he was consistently refused citizenship because of his trade union and political activities.

Known also as a “people’s photographer”, Eli Weinberg published the acclaimed book, *A Portrait of The People* and devoted many hours to training young South African photographers.

By 1948, the South African government had restricted his trade union work and by 1950 he was listed in terms of the Suppression of Communism Act. From 1953, he was placed under a succession of banning orders.

He was arrested along with Bram Fischer in 1964. Later he was found guilty of being a member of the Central Committee of the South African Communist Party and sentenced to five years’ imprisonment. On his release in 1970, he was banned for five years.

During the 1976 Soweto riots, Eli Weinberg was instructed by the ANC to leave South Africa. He moved to Dar es Salaam where he was granted political asylum. He died there in 1981.

His wife, Violet, was also subjected to periods of detention – and at these times their young daughter was looked after by fellow activist Helen Joseph.

After high school, Mark Weinberg “hung out in Joburg... and spent most

weekends in nightclubs round Hillbrow and driving across the Transvaal from party to party”.

He went to Wits University for “a number of years but attended very few lectures”. As a result, he did not complete his degree as he was “too caught up in student life and what was happening in the country”. But, to his credit, Weinberg’s academic record showed firsts for the exams he wrote – and zeros for those he didn’t.

“I got my education in the South African Students’ Congress (Sasco) office, through discussions with other activists and my technical training at the student newspaper and radio station.”

He spent time on the Wits SRC and in the SA Students’ Press Union (Saspu), a network of all the campus radio broadcasters and newspapers.

“The student movement also started forming links with processes off campus, mostly in Braamfontein: Jubilee 2000; Freedom of Expression Institute; and an institute at the Wits Business School called the Link Centre. A chap called Peter Benjamin, who I work with closely today, started organising computer training for trade unionists and invited me to help him with Saturday training courses, which led to my first paid job...”

AIDC played a key role in a number of civil society responses to inequality, including helping launch the Jubilee 2000 debt cancellation campaign as well as the Right to Work campaign.

When the Right2Know campaign was launched in 2010, AIDC seconded Weinberg there as national co-ordinator for a few months.

The respected Murray Hunter was later employed as national coordinator, and, on his resignation, Weinberg was appointed to the position full-time.

Hunter, who was awarded a Bertha Foundation Fellowship, works as secrecy convenor – focusing on all secrecy issues in South Africa – and the R2K campaign is hosting the fellowship.

In 1993, Weinberg “bumped into” a young woman, Celeste Fortuin, at the Golden Acre shopping centre in Cape Town. The two were 18 and 16 at the time. They kept up a long-distance relationship and then broke up for a decade before getting back together. Today they have three children. Fortuin works as a gender activist for micro-grant NGO, the Wheat Trust, and is completing a PhD.

“My hobbies? Playing with my children. My life is incredibly full. I move between the office, child-rearing and sleeping!” ■

Neighbourhood news

THE INVESTIGATION BY KENYA'S security agencies of the Somali community for links to terrorism is meeting growing criticism. It forms part of the Jubilee Alliance government's response to the attack by Somalia's Al Haraka al Shabaab al Mujahideen on the Westgate Mall. Critics say the authorities have dusted off tactics from their old counter-insurgency handbook and some also suspect the business elite is taking advantage of the campaign.

Since 4 April, the government has been conducting Operation Usalama (Security) Watch. The police have detained, screened and sometimes arrested over 4,000 suspected illegal immigrants. The main criterion for detention is not having valid documents or being unable to speak either Swahili or English. The majority – but not all – of those detained have been Somali, most of them resident in the Eastleigh district of Nairobi, also known as Little Mogadishu.

After a string of terrorist attacks, President Uhuru Kenyatta directed his security mandarins to take decisive action. Eastleigh was cordoned off and 6,100 security officers searched door-to-door for illegal aliens. Operations are expected to intensify after the 23 April suicide-bomb attack on a police station in Pangani, near Eastleigh, that claimed the lives of two police officers as well as those of two bombers.

Detainees are taken to Safaricom Kasarani Sports Stadium (branding rights were only recently acquired by the Vodafone subsidiary), officially gazetted as a detention centre. So far, well over 2,000 people have been screened there, with the security dragnet extending to other areas of the country with a high Somali presence, notably Mombasa, which has borne the brunt of the most recent suspected terrorist attacks.

Human rights groups have raised a red flag over the operation. The detainees have reportedly been subject to horrendous conditions, including overcrowding, men and women sharing the same cell and police beatings. In Eastleigh there have been reports of beatings and rapes, all of which the government has dismissed. The government recently claimed that bomb-making materials had been found in



Nairobi's Eastleigh district, known locally as Little Mogadishu

Kenya. Somalis screened and confined to camps

a madrassa (Islamic school) in Eastleigh, which turned out to be incorrect.

In March the government ordered all Somali refugees to be confined in the Dabaab or Kakuma refugee camps in Kenya's east and north-east. About 100 Somalis have been deported and a group of 62 Ethiopians. Many more deportations are expected. Human Rights Watch has condemned the refugee deportations as contrary to Kenya's international obligations.

The government denies targeting Somalis but the campaign has been greeted with approval by a public driven to near-hysteria by the growing number of suspected al-Shabaab attacks. Local media have mainly backed the initiative and taken the government at its word.

Since independence in 1963, the Somali population has been the most consistent target of state wrath. The Shifta War of 1963 to 1967 followed a referendum in which the Somali com-



The reports on these three pages are reproduced from UK-based **Africa Confidential** (www.africa-confidential.com), the authoritative fortnightly bulletin on Africa.

munity voted to opt out of the Kenyan state and join the newly independent Somalia. Colonial-era emergency laws

applied in the Northern Frontier District were lifted only in 1992. The collapse of the Barre regime in Somalia in 1991 brought an influx of refugees, many to Eastleigh; some, flush with cash looted from banks in Mogadishu.

Since October 2011, when the Kenya Defence Forces entered Somalia, at least 46 terrorist-related attacks have taken place around the country.

Criticism of the security agencies increased in March when agents of the US FBI discovered a vehicle parked near a Mombasa police station stuffed with 141kg of TNT explosive. The Toyota Hilux had come from the southern

impression that the state was responsible. In an op-ed article published in the *Daily Nation*, Eric Ng'eno, the president's chief speechwriter, suggested that Makaburi deserved to die for his hate-filled invective.

Other Islamists suspected of having been assassinated by secret state operatives in the past two years include Sameer Khan, who was abducted in April 2012 by men believed to be police officers in Mombasa. In August 2012, the Shabaab-linked Sheikh Aboud Rogo Mohammed was shot dead, and Ibrahim "Rogo" Omar, who had taken the *nom de guerre* in honour of his

tion of Somali businesses. For years, the Somali malls of Eastleigh, stacked with Chinese electronics and textiles from all over Asia, have attracted the region's petty traders with their low prices.

Over a decade, Somali traders replaced East Africa's Indians as the dominant ethnic group trading in the region. Part of the reason for this was Kismayo, which was to all intents and purposes a free port when it was under al-Shabaab's control. Through it, entered all manner of finished imports – legitimate or counterfeit – at hugely discounted prices that filtered through

Since 2011, forty six terrorist-related attacks have taken place

Somali port of Kismayo and had been stopped only at the last roadblock, on suspicion of having fake licence plates. While the vehicle's occupants were held, police, awaiting orders from above, failed to search the car.

The lead agency against terrorism, the Anti-Terrorist Police Unit (ATPU), finds itself having to contend with inertia from the national police who are demoralised, on a starvation budget, and dogged by systemic corruption.

Over the past two years, most observers have seen the hand of the ATPU in some assassinations of Islamists in Mombasa. The killing of Abubaker Shariff Ahmed (aka Makaburi) on 2 April was the latest in a long line of what many believe is a campaign to eliminate radical Islamists. Gunmen on motorcycles dressed in *kanzus* (long white robes) shot Makaburi outside the Shanzu Law Courts.

The attack had the hallmarks of a revenge operation. It came as surgeons were removing a bullet from the head of an 11-month-old boy who had survived an attack on a church in Mombasa's Likoni district in which six people died, including his mother, who was trying to shield him from the gunmen. Police claimed they had tracked down and shot two of the terrorist attackers. Some reports say the violence could have been the result of rivalry between church pastors.

The official response to Makaburi's killing bordered on glee, almost suggesting the authorities were inviting

friend, was himself murdered in October that year.

Since 2011, the UN Monitoring Group of Somalia and Eritrea has consistently named two mosques associated with the clerics, Masjid Musa, and the Pumwani Riyadhha mosque in Nairobi, as recruitment centres for al-Shabaab. Al-Shabaab has found ample recruits among Mombasa's restless, dispossessed youth, attracted by the money on offer, the adventure of jihad and a belief that they are doing God's will.

In the background, however, there is talk that there are other benefits – and possibly motivations – to the security swoops, in particular the disrupt

to the markets of Nairobi, until the Kenya army and its local allies took the port from al-Shabaab in October 2012. Southern Kenyan communities grew jealous of the Somalis' thriving business networks, accusing them of profiting from piracy and stirring xenophobia. Somali inroads into Nairobi's burgeoning property sector prompted a panic in local business circles.

Seen through this prism, the takeover of Kismayo by the Kenya army could be seen as a gambit by Kenyan business interests – the Mount Kenya elite – to supplant the Somalis and use the port as their own tax-free enterprise zone, blurring the role of counter-terrorism. ■

Disappointed. Mugabe keeps 'em guessing

PRESIDENT ROBERT MUGABE'S continued stonewalling on the leadership succession threatens chaos as increasing numbers of politicians from the ruling Zanu-PF throw their hats into the ring, or at least appear to do so.

The rival senior factions of Vice-President Joice Mujuru and Justice Minister Emmerson Mnangagwa are unable to operate openly and have to rely on proxies to gain advantage

before the Zanu-PF elective congress in December. Some have spotted an opportunity and are setting out their stalls for the 2018 election in the hope the leadership will skip a generation.

In a BBC interview on the eve of Independence Day on 18 April, Mugabe repeated that any leadership change would be driven by the party grassroots only once he had announced his departure. Until then, he warned, anyone who fostered

To next page



Favoured by Grace: Gideon Gono

factionalism could be disbarred from senior elected office.

This has led to confusion as observers attempt to work out whether politicians are secretly acting for a faction or speaking on their own behalf.

foolish for its reaction to Belgium's refusal to grant a visa to Grace Mugabe. Mutsvangwa blames his colleagues for the fiasco of Mugabe's call to boycott the summit, which was largely ignored, and for their failure to respond positively to the reduction in sanctions.

Mutsvangwa, who leans towards Mnangagwa, went further by revealing that China was irritated that a loan of US\$70 million before last year's elections had somehow been siphoned off by Zimbabwe's Central Intelligence Organisation. Such a public lack of respect for secrecy and seniority is almost unheard of in Zanu-PF, especially on matters so close to the presidency.

Open sniping by senior Zanu-PF figures is becoming more frequent. The Speaker of Parliament, Jacob Muedenda, and Parliamentary Clerk Austin Zvoma are both trying to muzzle backbench debate on the Salarygate scandal – that of huge salaries in the public sector – with threats of lifting parliamentary privilege on criminal defamation actions.

The Information Minister, Professor Jonathan Moyo, who has led the charge against those implicated by Salarygate, claims the courts will find the draconian defamation law unconstitutional and that the gagging is inappropriate.

life conservancies in Masvingo, which he believes has favoured the Mnangagwa faction and the army.

Kasukuwere was the architect of the Indigenisation and Empowerment programme and is alarmed by signs that it is being dismantled.

Moyo began fulminating against any watering down of the Indigenisation Programme, claiming it was a manifesto commitment which had won last year's elections. Yet on Independence Day, Mugabe tried to clarify the confusion over indigenisation and empowerment policies, saying they applied only to operations dependent on Zimbabwe's own raw materials and resources. The clarification was so confusing that the state media didn't dare to report it till 23 April.

Increasingly, the government has as much coherence, direction and credibility as a flock of headless chickens. As if in emulation, the Movement for Democratic Change resolutely marches off into the political wilderness in search of more feet to shoot itself in. At rallies, its leader Morgan Tsvangirai promotes himself as the saviour of the nation, without being able to say why or how. Public confidence in the politicians' ability to lead Zimbabwe out of the morass could scarcely be lower. It did

The government has as much coherence, direction and credibility as a flock of headless chickens

Mugabe had not, he said, been able to endorse any of his lieutenants as having the requisite leadership potential to succeed him. This dismissal of the talents of Mujuru and Mnangagwa is another factor that encourages other heads to appear above the parapet.

One example was the attack by Deputy Minister of Foreign Affairs, Chris Mutsvangwa, on Foreign Minister Simbarashe Mumbengegwi and his permanent secretary, Joey Bimha. Mutsvangwa accused them of diplomatic incompetence over the European Union-African Union summit. The EU, keen on re-engagement with Zimbabwe and in response to AU pressure, has lifted all sanctions apart from those on military equipment and the Mugabes. Yet Zimbabwe looked

Yet for the moment, the move has been effective as no MP wants to be incarcerated while the courts ponder.

At the recent inaugural Accountants' Conference, Moyo claimed that since 2009, over \$600m in unjustified payouts and perks had been gobbled up by 3,000 individuals sitting on public sector boards and authorities. Finance Minister Patrick Chinamasa announced a \$6,000-a-month cap on pay packages but then backtracked by saying the cap was flexible and would be applied on a case-by-case basis.

Environment Minister Saviour Kasukuwere clashed with one of the few effective ministers, Walter Mzembe of Tourism and Hospitality. Mzembe, who leans towards Mujuru, has called for restraint on the indigenisation of wild-

not improve when MDC "rebel leader" Tendai Biti, the MDC Secretary General and former Finance Minister, and Tsvangirai each "suspended" the membership of the other.

Mugabe may seem sanguine about soldiering on into 2020 and beyond but Grace is not taking any chances. According to the mischievous independent media, she could emerge as a kingmaker and the former Governor of the Reserve Bank of Zimbabwe, Gideon Gono, might be top of her list.

This does chime with an otherwise unlikely scenario being punted by some Young Turks who lean towards Mnangagwa. This involves Mugabe's becoming increasingly ceremonial, with Mnangagwa in the driving seat and Gono as economic supremo. ■



Divine right. Mind what you say

THE ANC HAS A PENCHANT FOR assuming it has a divine right to rule. President Jacob Zuma has stated this on several occasions. In 2008 he told a May Day rally in Cape Town: “Even God expects us to rule this country because we [*the ANC*] are the only organisation that was blessed by pastors when it was formed. It is even blessed in heaven. That is why we will rule until Jesus comes back.”

In January this year Zuma made a similar claim while handing over a new school at Libode in the Eastern Cape: “We want to eradicate all mud schools. We are already doing so. We are not in a hurry because no one is going to rule but the ANC.” This assumption that the fate of the ANC and South Africa are as one has a long pedigree – one that I experienced at first hand.

In 1973, the United Nations, fed up with South Africa’s prevarications over South West Africa, conferred on Swapo the title of “the authentic representative of the people of Namibia”. Soon it was being described as “the sole legitimate representative of the people of Namibia”. It was an extraordinary decision for the UN, since it left all other Namibian political movements “illegitimate”. It was a response to the highly unusual situation in which the South African government would not accept the International Court of Justice ruling that its mandate over Namibia, established after the First World War, was at an end.

All this seemed pretty academic when I became Africa Secretary for the British Labour Party in 1979. I was delighted to have been given the post. My own history had been of working with the Nusas Wages Commissions at the University of Cape Town and Wits University between 1973 and 1976. My friends had been banned for attempting to revive the non-racial union movement. My car was being followed and my phone bugged.

I had a place at Warwick University to read Industrial Relations. I decided to leave for the UK immediately – planning to come back – but as it happened, I fell in love, married and did not return to live in South Africa. In 1979 Craig Williamson had just been exposed as an apartheid agent at the International University Exchange Fund and it was not an easy time for a white South African to get a job with a “progressive” organisation. I worked for Mobil Oil for a year before getting the position with the Labour Party.

As I read through the documents and dossiers left by my predecessor, Michael Wolfers, I came across a resolution passed by the party’s Africa Committee, to be considered by the International Committee in a few days’ time. It was a proposal to recognise the ANC as “the sole legitimate representative of the people of South Africa”. Based on the Swapo decision, it was a first step towards winning similar recognition from the Organisation of African Unity and the UN.

At first it seemed entirely appropriate. After all, the ANC was clearly the major liberation movement; where was the harm? But as I thought about it, I realised its importance. Labour would be giving the ANC a veto over all future relations with South African organisations. If, say, Labour wanted to speak to the Black Consciousness Movement or Helen Suzman, we would have to get the ANC’s blessing. It could block links with the non-racial unions, which its trade union allies in Sactu had attacked as “yellow unions” and – most important of all – it would mean withdrawing the Labour Party’s recognition of the PAC. This was no decision for a British democratic party to take: it smacked of the worst form of Stalinism.

I thought a letter to the International Committee spelling this out would end

the matter. But my boss (Jenny Little, a former Foreign Office apparatchik and Labour’s International Secretary) was horrified that I would question the Africa Committee’s decision. Joan Lester, a left-wing MP of independent mind, was more sympathetic. It was decided to convene a meeting with the ANC to consider the matter.

The ANC was clearly furious and sent a high-level delegation, led by Abdul Minty. I was required to explain my position. I said there was no suggestion that the ANC was not the most important South African liberation movement – and that the Labour Party should acknowledge this – but the ANC did not have exclusive ownership of the title of “liberation movement”. For the Labour Party to pass the resolution would put us at odds with the OAU and the UN, since both recognised the PAC. I argued that the decision of who represented the people of South Africa was one that only South Africans themselves could take, in a free election, after liberation.

A rather awkward silence followed, since the case was pretty unanswerable. The ANC said it was not at all happy, but left it at that. The resolution was withdrawn from the International Committee, but the fallout continued. Soon dark rumours began circulating about me. This was very uncomfortable for me, since white South Africans were not exactly flavour of the month.

I continued to work with the ANC and to represent the Labour Party on the Anti-Apartheid Movement but henceforth the relationship was cold and sour. I got on with individuals in the exile community (including the Pahad brothers) but henceforth I was regarded with suspicion by the ANC and its allies. It was only revealed years later that it was Solly Smith, the ANC official London representative (and not I) who was the South African spy in Britain. ■

School for scandal

From page 11

am not going to make any comment at all. If there is to be a response, it would come from Mr Bosman as Chairman of Council.”

So, then, Bosman’s response: “As a result of the complaint received from [Keith] and the subsequent removal of Mr Hamilton-Smith from his post, we became aware of various other allegations from other old boys, relating to incidents many years ago, which we found to be repulsive and very distressing. As you can clearly see from the general tone, the purpose of the email was simply to give Mr and Mrs Hamilton-Smith advance warning of what might be raised by other old boys at the AGM so that he might prepare for such a situation.

“There was most certainly no attempt to blackmail anyone!”

No mention of Kaplan’s response to his allegations.

ODU chairman Robertson: “The OD Union called a special meeting of the committee after being asked to do so by the College Council. Mr Hamilton-Smith was asked to address the meeting. He felt that he had done nothing wrong. The committee informed him

that... it was not our intention to judge the validity of either his or [Keith’s] allegations. However if he wanted to clear his name, he would need to follow a formal legal process. He said that he did not want to do this. He then offered to step down, if the committee believed it was in the best interests of Bishops. The committee accepted his offer and mandated the chairman to draft an agreement with him, together with an announcement. Mr Hamilton-Smith then subsequently acted in bad faith by claiming that he had been dismissed.”

Noseweek asked Hamilton-Smith for his comment on our story, he appeared taken aback (as were most ODs we called!) and declared: “We don’t want that sort of thing to get out.”

When told it would be getting out anyway, he added: “All sorts of things are going on at the moment that I can’t talk about it. But thanks for your interest.”

Many ODs are particularly angered by the – as they see it – OD committee’s “surreptitious intimidation” of Hamilton-Smith into “falling on his sword” for the sake of the school and his subsequent silencing. An OD close to one of the teachers fingered by Bosman in his email as having covered up for Kaplan’s alleged misdemeanours

told *Noseweek*: “These old guys are just schoolteachers. They didn’t buy into all this.”

Wealthy British businessman Dominic Sylvester (owner of Saracens Rugby Club, among his many interests) who had a son at Bishops and was a major funder of the school, has employed law firm Werksmans to demand an open and independent investigation of exactly what happened and whether the way the ODU dealt with the matter (and with Hamilton-Smith in particular) was fair and appropriate.

Bosman’s response: “Both the OD Union Committee and the School Council accept there will be old boys and past parents who support Mr Hamilton-Smith, albeit without necessarily having access to all the facts.”

Bosman’s general comment: “I have responded to your questions to the fullest extent possible – mindful that any reluctance to do so would probably be negatively interpreted – but, at the same time, I wish to guard against any suggestion that Bishops or I are in favour of your publication putting this saga into the public domain.

● In April the ODU announced that Raymond Ackerman was elected its new president, succeeding Brian Robertson. ■



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No island. The other side of Madiba's prison years

THE MANDELA ADULATION TSUNAMI MAY trigger alarms in the minds of suspicious readers contemplating *Doing Life with Mandela*. Is it one of those I-knew-a-girl-who-danced-with-a-man-who-danced-with-a-girl-who-danced-with-the-Prince-of-Wales yawns? More hagiographics? Do not be afraid; it's an honest and straightforward account of a significant relationship between two very different men in an impossibly difficult situation. Nelson Mandela and prison warder Christo Brand lived in each others' pockets for those long and painful Robben Island years, and on to Pollsmoor and Victor Verster prisons.

South Africa's gratitude to Mandela for being his indomitable self is the stuff of legend. But Mr Brand (Madiba insisted on the courtly formalities, adjusted periodically as Brand ascended the promotional ladder) is also owed more than a mite of national respect. The decent, naive 19-year-old warder must have been balm to the lonely mature man who spent so many vital years behind bars.

Somehow, in that harsh world, they quietly built trust. Within the maniacally rigid rules designed to destroy self-respect, the two men created a subtle understanding which educated the white youth morally and soothed the political prisoner. Clearly, Brand's humane presence helped Mandela to maintain courage and resolution in a brutal situation. And South Africa benefited thereby.

Christo Brand's memoir of his long acquaintance with the distinguished prisoner is an unpretentious record of a momentous process. The value of these memories is historic. There is no grandstanding. Life was reduced to humiliating basics, as the regime went to endless lengths to grind down the minds and bodies of the political prisoners.

Miseries included the insults of food rationing, with miserably inadequate dollops of mysterious origin doled out in graduated amounts according to racial classification. Naturally, black people received least, Coloured/Asians a daub more. Children of the island prison staff were forbidden to play

within earshot of the prisoners, lest cheerful shouts quicken their spirits.

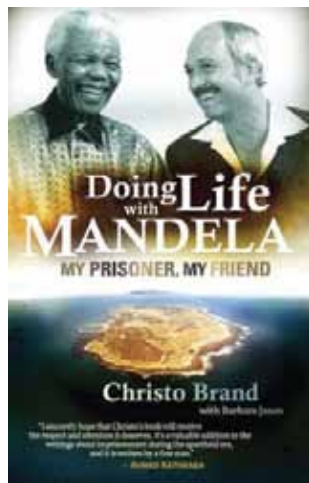
Brand took a great risk one day, when he took pity on Madiba during a non-contact visit by the formidable Winnie Mandela. She had daringly and illegally smuggled the prisoner's new grandson into the waiting room, wrapped in a blanket. Brand persuaded her to hand the child to him, and then sneaked the baby to Madiba on the other side of the barrier. All Madiba could say was "Oh!", as he kissed the baby. Which was just as well, as the room was bugged.

So the young white man, who had been warned that he would be guarding monstrous villains, gradually formed an understanding not only with the future president, but also some of his fellow political convicts. And this was accomplished under the noses of the authorities, despite ubiquitous bugging equipment. Of course, all that surveillance came to nothing in the end. It would be interesting to have an accountant assess the cost of that mindlessly costly exercise. It certainly failed to break the spirits of the prisoners, and in particular of one heroically stoical party.

To this day, the remaining members of the Robben Island political prisoner group remember Warrant Officer Brand (retd.) with affection, confirmed by regular social invitations.

It is interesting to muse on the degree of indirect influence that a single exemplary white prison officer has had on certain black leaders of the new South Africa. ■

**DOING LIFE WITH
MANDELA:
MY PRISONER,
MY FRIEND**
by Christo Brand
with Barbara Jones
(Jonathan Ball)



Christo Brand



Future shock. Messi destiny

HIS NAME WAS OLIVER CURRY, AN unlikely one for a prophet. But, for about a week, he was the most famous soothsayer in the world. It was 2006, and Dr Curry, an evolutionary theorist working at the London School of Economics, had just revealed the future of humankind. Ten thousand years from now, he said, our species would have split into two sub-groups. The one, presumably the descendants of today's elite, would be tall, intelligent and creative. Even better, they would be sexually delicious: men would evolve symmetrical faces, square jaws, and, of course, large penises. Women, said Curry, would evolve away their body hair and develop naturally perky breasts.

If only our future could be a schoolboy daydream of wonder-bosoms bouncing in the sunshine towards obelisk-like cocks; but the ugly people always have to ruin it for everyone else. Enter Curry's second sub-group. This tribe, a kind of global underclass apparently brought low by millennia of neglect and menial labour, would be short, squat, "goblin-like" morons.

At first glance it read a bit like Tolkien fan fiction, a magical world inhabited by elves and orcs, but no doubt Curry didn't suck it entirely out of his thumb and probably ran it through the steam-powered Theory-O-Matic machine down in the laundry room. Still, it is difficult to take seriously the prophecies of someone working at the LSE in 2006: peering 10,000 years into the future is one thing, but the LSE failed spectacularly to see a global financial crisis just 12 months away.

The picture he painted of the underclass had a powerful whiff of Oxbridge elitism about it, but it didn't seem entirely outlandish. Indeed, you could argue that we don't have to wait 10,000

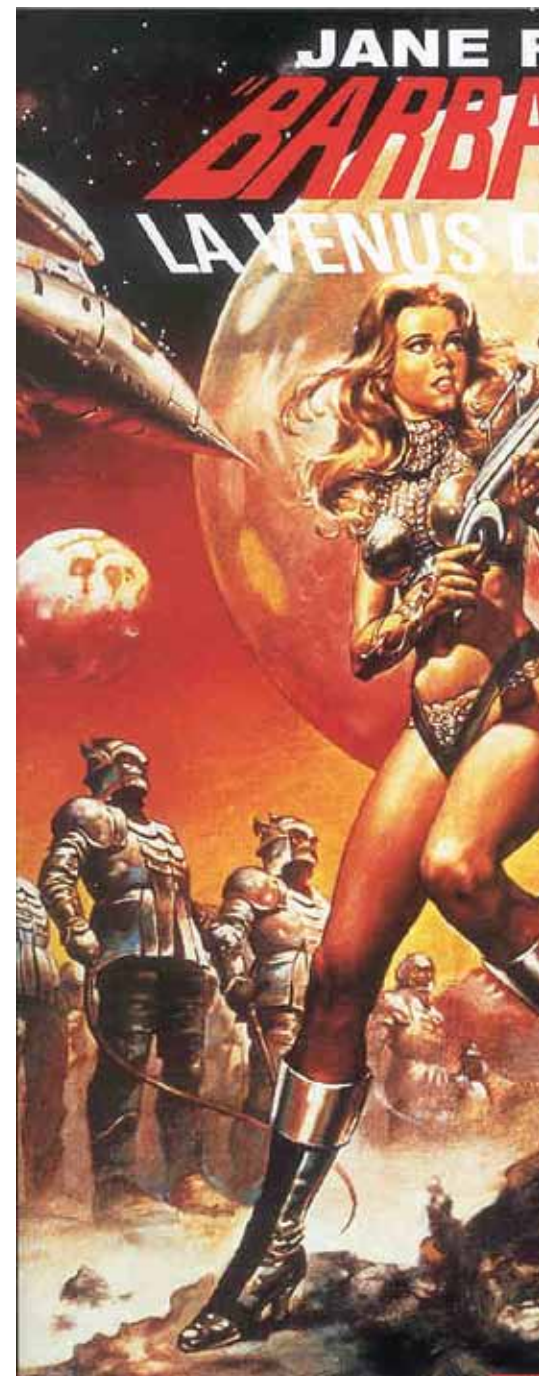
years; that there is already a tribe of miserable, ignorant, violent trolls alive and well in 2014 and living in the comments section of News24 stories. But what really made me doubt the whole idea was his description of the other group, the pneumatic hotties.

Was Curry really suggesting that the off-spring of today's bankers, internet tycoons, oligarchs and footballers would be tall, intelligent and creative? Surely that wasn't science but science fiction? Having said that, I agree with him about the evolutionary split into two human species; but where he sees our future peopled by gods and clods, I think it's far more likely that our world will belong to two tribes I can only describe as bankers and wankers.

The first group we already know well. They are the rulers of empires, the gluttons on whose crumbs we all survive, and they will rule us for millennia to come. This subspecies, Homo Madoff, is already slithering off down its evolutionary branch. The second subspecies has yet to split off on its own, and is still gestating in our midst. But when it goes, it will be unlike anything the planet has seen before because it will consist entirely of footballers. Footballers, footballers' mothers, footballers' wives and footballers' mistresses. Homo Madoff will share the future with Homo Messi.

The rise of the bankers is self-explanatory. But where will the footballing tribe come from? From wherever people are poor and hopeful.

I am sure that many hundreds of millions of fans follow football because they find it beautiful or uplifting. But I suspect that the billions who obsess over it, who come to blows over it, who spend money they don't have buying replica jerseys of multi-millionaires, do so because the game gives them hope. Not since Medieval peasants touched the hems of bejewelled bishops have





poor people come so close to unimaginably wealthy people, and I believe that a similar exchange is happening; that contact is fuelling a belief in ultimate salvation – that I, or my son, or my son’s son, might one day play for Real Madrid or Liverpool and lift my entire extended family out of hell and into heaven.

Hope is a powerful drug. As long as he is watching his team, the downtrodden realist stuck in his dead-end job allows himself to believe that anything is possible; allows himself to believe in God and angels and a million pounds a week. He wouldn’t quit that job, he wouldn’t sell his car to buy training gear and gamble everything on a shot at a footballing career. His brain knows that that would be stupid. But his soul yearns for it to be true.

Five hundred years ago, parents wanted their sons to join the clergy. Soon, they will want their boys to serve the new religion of football. The breeding programme will begin in earnest. Mothers will let a feather

the genes of their giraffe-like mothers, bred from infancy to be trophy wives. Unfortunately, selective breeding will take a terrible toll on these women. Desired for their thinness and blondeness, after 8,000 years they will simply be an eight-foot-long shin bone with large breasts near the middle and a tuft of platinum-white hair on top. The bones and the lard-balls will no longer be able to get it on, and the bankers will become extinct.

The footballers, meanwhile, will refine themselves even more as evolution sloughs off the parts they no longer need. After 10,000 years they will be stringy running machines, unable to sit or stand still, with massive bone plates in their heads to deflect footballs into goals or asteroids into the sea. Their feet will be large and flipper-like, perfect for curling in crosses from the box, and their hands will be rudimentary nubbins, only used for clutching at their shins or stirring their pots full of trillion-Euro banknotes.

Soon, they will want their boys to serve the new religion of football

drift down on to their infant sons. If he begins to howl in pain, clutching the point of impact while pointing accusingly at the feather, her heart will swell with pride and hope. If he shows a penchant for kicking things, whether little toy footballs or his father’s testicles, she will allow herself to dream. Of course, should he ask for a book, she will pop him through the baby flap of the nearest nunnery and curse her luck, whispering Hail Marys over a portrait of Cristiano Ronaldo.

The bankers, meanwhile, will also be specialising. Five thousand years from now there will only be one class of asset on the planet: football clubs. And they will compete viciously to own the best ones. They will grow shorter and fatter, and the only thing that will keep them from becoming spheres of lard will be

Humankind will not destroy itself with nuclear weapons. By the time we get angry enough to use them we’ll have forgotten how to read the launch codes. We will survive climate change, floating on vast islands of litter, fuelled by burning the world’s libraries, eating the squid that have become more intelligent than us and which pop round like worried social workers to check if we are OK. No, in the end what will destroy us is football.

The last player, jogging up and down the ragged edge of the island, will see a ball floating past, and he will dive after it, flicking it up with his flipper and heading it away into the distance. He will croak the last word ever spoken by a human – “Gooooaaal!” – and then his bonehead will drag him into the deeps, and all will be silent. At last. ■



Red peril. If the cap fits ...

MY POOR EFF DOCTOR'S FUTURE does not look bright. *Noseweek* readers will notice that my monthly dribble, or rather, thought-provoking column was missing from the last edition. You can blame this on two things: first, on my busy farming schedule and second, on an almost-impossible demand made by the Editor. Mostly I blame the latter.

And why not? After all, the overzealous top dog (aren't they all) asked whether I could find interesting characters in my Umjindi who are taking part in the election campaign.

"What? Interesting characters here in ANC country?" I asked myself as I tugged at my beloved dreads – the closest I will get is maybe a profile on some of the EFF supporters. And that is exactly what I got. But getting a hold of this colourful fella proved difficult, since he was always on the campaign trail. So it came about that the always stress-inflicting deadline was missed.

Be that as it may, this turned out to be a blessing in disguise for it gave me time to put some intelligent thought into the profile, even if election day will have come and gone.

The interesting fella deserving of a profile, I had concluded, is actually, a good friend with whom I have spent long hours talking about politics and discussing economic development or the lack thereof in Umjindi.

However, it is not our friendship that sparked my interest but, believe it or not, the silly little "Cub Scout" berets worn by Malema and his supporters.

You see, my friend is one Doctor Younus Vawda. The good doctor is a well placed leader in Barberton's Muslim community. An established businessman, he has sat on numerous boards such as those of the Barberton Community Radio (BCR) and the Umjindi Development Agency.

However, his most recent claim to fame was his spearheading the lobbying effort last year to have the soon-to-be established Mpumalanga



Dr Younus Vawda

University located in Barberton. The varsity has been slated for Nelspruit, a decision that nearly sent the doctor to the ER with cardiac arrest.

So as we stood in front of Vawda Wholesalers and Coca-Cola Distributorship towards the end of April – a time when the campaigns were picking up momentum – I could not resist the comment, "Doc, don't tell me that a man of your stature, and a Muslim who is always wearing the religious cap, will be wearing one of these berets?"

"You'd better believe I am," he said without hesitation, then quickly pulled it out of his tunic and modelled the distinctive headgear. Later he was to appear in a local community newspaper proudly wearing the thing.

My, my! And I hate to say this, but that appearance in that local rag – not my beloved *Umjindi Guardian* – has made him a laughing-stock among some of Barberton's conservative types of the lighter persuasion. Personally this writer cannot blame them; he does strike an odd-looking figure, wearing that thing with his Muslim attire. He reminds me (in my view, of course) of how idiotic Helen Zille looks when doing that African dance thing.

Anyway, it goes further than the beret. I could not believe that the good doctor had plunged so deep into supporting EFF. This man had been a staunch and die-hard ANC supporter. But I knew, from our many conversations, that he

had felt sidelined when putting ideas forward for many of the community projects he supported either as a board member or a benefactor. But it was the loss of the university that truly devastated him. At this he had remarked "now I give up".

And give up he did – certainly not on his commitment to community development but, rather, on the ANC.

And yes, he follows in the footsteps of many before him. However, for a local Umjindi resident of his stature and past support, to break away from the ANC, Umjindi's economic development efforts has incurred a huge loss. Sidelined or not, he always contributed or assisted where he could. Or better yet, was allowed to do so.

And what does the future hold for the good doctor with the EFF? He is pinning his hopes on making it to the Mpumalanga Provincial Legislature, as he is on the list – if the EFF gets the necessary votes.

Oh no, I'm afraid I will be inundated with stories of frustration if Dr Vawda makes it to the legislature.

Now, not wanting to rain on the doctor's parade – he is very excited about the legislature prospect – but if he takes his seat, it will be with the intention of pushing through economic development ideas on behalf of Umjindi. Sorry doc, it's not going to happen. First, it is an acceptable assumption (and I use this phrase with caution lest I make an ass out of you and me) that the ANC will once again dominate the Mpumalanga Legislature. When this happens – not if but when it happens – I am afraid the good doctor will be relegated to just another corruption-watching opposition party member.

Moreover, my dear doc is being foolhardy, delusional, devoid of any sense of reality and (sorry Doc) has seemingly lost his marbles, in thinking that he will in any way push through any development ideas or any idea at all as an opposition party member, let alone one from the EFF in an ANC-dominated body. ■



Spaced out. At the speed of light

THE STORY SO FAR:

The story so far: Calvyn Swanepoel was known as ou Duckpond in Pretoria Central Prison. His second stretch, this, as he moved into middle age; known as the Blou Baadjie, the Indeterminate, 9-15 years for never bothering to work in this world and sommer printing one's own money. But having a deft mind, he got himself appointed librarian of the prison library, 5,000 throw-away books from any-old-where, and soon had become known as Oupa Tschaikovsy (you know, because of *Swan Lake*, get it?). Oupa T dug about in this literary compost heap and there found a book by physicist Richard P. Feynman entitled *Surely You're Joking, Mr Feynman*, containing wisdom like the following: Physics is like sex; sure, it may give some practical results, but that's not why we do it.

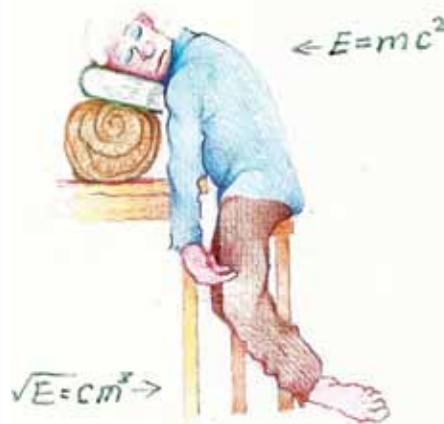
Well, Mr Feynman had got a Nobel Prize for such wisdom. Also, of course, he had provided us with some undeniable diagrams of quantum subatomic particle behaviour, which undeniably showed that time sometimes passes backwards in that miniscule world. And Oupa T had copied this diagram on a slice of paper, as suggested by some science fiction imbecile, and folded it back on itself and stuck a pin through the double sheet to represent a wormhole in time, wherethrough one could creep and come out in the past. And you know what, he did just that and entirely disappeared from PCP. The bandiet community was stunned.

Only he didn't emerge in the past but in Harrismith, posted to the local trunk to run their reception office. Here I met him on my sojourn from one boep to another, desperately nostalgic for PCP where all his chinassies were, Herriesmit being a pissy place of short-term shoplifters. Only God could help him now; he asked me to say a prayer for him.

Now read on:

Being inexperienced in prayer and unexpectedly released from boep, I turned to my cousin Ferva van Tonder,

scientist. I don't mean scientist like Feynman, I mean like Jesus, Christian Scientist. There is no life, truth, intelligence nor substance in matter, said she. Hey thanks Ferva! said I. I'll tell my unlucky friend, which I did, by letter, and received a courteous governmental reply saying *gevangene* Calvyn Swanepoel had been returned to Pretoria Central Prison after a right bloody cockup in which a bunch of new inmates had been accidentally discharged instead of booked in.



So prayer works, I realised. I also realised that ou Ou Tschaiks would now be a D-group prisoner, the real dreck, one letter of 500 words every six months, with a return. I thus wrote to him, saying: Hey mazeltov ou Swanlake, what plans for the future, man? He replied saying: Man I am the moer-in with all these moderns, they have fucked up my life at 65 years old. I must look after my old age. I am returning to the classics, Albert Einstein. I have read a book which says if I travel at the speed of light I will have zero time, also it says if I stand on top of a mountain I travel every day a greater circumference distance round the Earth than a ou standing in a valley, I am moving faster in a gravitational field and therefore time is slower for me and so the Prisons Department down below will maybe reckon I have pushed 9-15 when I've only done eight.

Only I'm not on a mountain. But my head is higher than my feet, and that will do for a start, maybe I will push only a few months less, but it all adds up. Ja, but then your feet will be older than your head, said I in our next six-monthly letter, and what about sleeping, when all will be horizontal? I do not use my feet for falling in love, he replied, nor for eating nice food and all that goeters, they can get all shrivelled up like *droe wors en ek gee nie 'n vok om nie*. And as for the sleeping, I do it sitting on my prison stool which is quite high, so my legs dangle down and on my table my head is propped up on a roll-up blanket and an Einstein book; every little bit counts.

And that, soos die spreekwoord sê, was that. We went our separate ways.

Until some years later, when on my way home from the Bottlestore Galactica one sweet spring morn with a sweet six-pack of Windhoek Lager, I there espy Ou Tschaiks with a hosepipe in the rose garden of the Salvation Army church. My Liewe God, Ou Tschaiks! 'ksê, is dit jy? What the hell you doing here now, man? We go and sit on a bench 'mongst the bougainvillias where the colonel won't see us boozing. Ag no, man, sê hy, they just got bloody sick of me at Central and sent me to the Weskoppies prison madhouse. But there I got on their nerves to such an extent they asked special permission from the Department of Justice to let me out after only eight years because I am now 72. They said I can go and live with the Salvoes who will just see I don't print any money. The chief psycho at Weskoppies pointed out that when there's enough financial crime in the country and money is worthless the President can sommer tell the Mint to print another trillion or 16 trillion rand whatever, and the amount I might print is like boggerol McDonald's hamburger money, man.

So you believe in the Power of Prayer then? say I. Ag ja, man, says ou Tschaiks, so long as you understand the principles of physics. ■

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