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184 FEBRUARY 2015

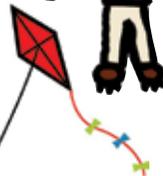
CHILD ALONE



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Letters

Post prescience

WITH REFERENCE TO THE NOTICE, (pictured here), snapped at Arcadia Post Office, had you only known this before, you needn't have gotten so hot under the collar about the Post Office.

On another point, let me join his many fans in saying: Harold Strachan rocks! Without his wry input, *Noseweek* can get a bit heavy to digest now and then – so many sleaze buckets!

N M
Pretoria

Polluta continua

REGARDING SASOL'S TOXIC COMPOST (*nose183*), I am attaching a report* on the testing of contaminated process water that Sasol commissioned and the effects on the cattle grazing on the fodder. This shows Sasol was and is fully aware of risks associated with the polluted grazing and the sale thereof.

I can personally testify that Sasol at Secunda polluted a neighbouring property (mine) with contaminated water and then did nothing about it for 11 months until we formally complained. In response they simply told us that no cattle should be allowed to graze on (my own) land – with no suggestion of a clean-up or compensation.

The farmer we allow to graze cattle on our land assures me there have been repeated spillages from Sasol on to our land and that several of his cattle have died after drinking the water.

In a local newspaper, Sasol top management claimed only one spill and that Sasol had "immediately resolved the problem". A lie. Also, they have not reported the incident to the state departments that monitor pollution and it seems they will get away with it. The farmer whose cattle have died has little hope of being compensated for his loss.

Initial tests on soil samples indicate that our land has been seriously polluted. I intend taking Sasol all the way to get it cleaned up, suitable for township development.

Ian Ross
Fourways

* See our website for the report.



'Times' a-changing

I WAS WONDERING WHETHER YOU COULD cover the situation at the *Cape Times* where the new CEO of Independent Newspapers has been gradually getting rid of its best staff and contributors. The recent axing of John Scott's column by way of a two-line email has astonished me after his long and noteworthy relationship with the newspaper. I can't imagine the *Cape Times* without his incisive, but never



vindictive, ironic humour. I also wonder whether Max du Preez's views will ever see the light of day again in the *Cape Times* after he wrote his "Zuma, the wrecking ball" piece to which our president took such exception.

Another irreplaceable talent, Tony Weaver, is also gone – most are aware of the reasons behind our losing "Man Friday". (Actually, with his knowledge of Africa and environmental matters, he was more like "a man for all seasons".)

The *Cape Times* is really becoming a shadow of its former self, getting thinner and thinner by the day, with large spaces devoted to advertising for subscribers and enormous page-filling photographs accompanying relatively unimportant news. This is all so reminiscent of what happened in a neighbouring country. Soon, it seems, we might only be able to read anodyne, pre-vetted "reports" in our normally vigorous print media.

Such a terrible shame and dangerous signs for freedom of speech.

Estelle

Cape Town

You obviously missed "Fishy whiff at Independent" in *nose181*. And for an update, turn to page 8. – Ed.

From bad smell to odious disgrace

SINCE I HAVE ONLY JUST RECEIVED DIGITAL copies of *Noseweek* [to replace print copies not delivered by the Post Office], I hope you will allow a late comment to "Fishy whiff at Independent" (*nose181*). I have been told that Dr Iqbal Survé is the Chair of the UCT Business School Board. Can this be correct? What kind of example is UCT setting to future business people?

LJJ

Sasolburg

Happy forecourt franchisee

REGARDING YOUR ARTICLE (*nose183*) ON the fuel pricing model introduced for fuel retailers known as the Regulatory Accounting System (RAS), I write to tell you that my situation is not nearly as dire as your article might suggest.

I have a Caltex garage and my site is owned by the oil company, so it is a

Stink at Sasol... Polluta continua



good example. Prior to December 2013 we paid about R40,000 rent per month, plus a franchise fee of about R6,000 per month. After RAS, the rent fell away and so did the franchise fee. Of our R1.06c markup, we allocate 11c per litre to the rent from each drop – and that is it. The beauty is that if we do not get a load of fuel because of refinery problems, we are not lumbered with the rent overhead. With strikes and lower fuel sales, the same applies. So I prefer this way.

However, with the issue of leases, I have had a lease since 2001 in three lots of five years each. This expires in 2016 (as will many others) and we are all getting threats that they will not automatically be renewed. I sell good amounts of fuel and give top service with no credit issues, so they have no justifiable reason to chuck me out.

I sympathise with those who must borrow money to fund a service station purchase. Repayments are back-breaking and some expenses very high. For example the cash pick-up service is very pricey. Owning a forecourt shop is not the picnic it would appear. Theft, crime wastage, admin and franchise fees as well as constant regulatory checks all make it a nightmare.

Tony Ball
Durban

Percentage pointer

I HAVE LONG BEEN A READER AND ADMIRE your perseverance in investigating corruption and exposing the ungodly.

I offer the following constructive comment to aid in your pursuit of excellence:

in *nose183* (“20 years on”) you refer to percent and percentage points, apparently indiscriminately. There is a big difference between the two: If the bank interest rate decreases from 10% to 8%, that is a decrease of 2 percentage points but a drop of 20 percent.

The use of percent in the first paragraph is incorrect: Coloured South Africans’ levels of agreement decreased by 21.8 percentage points (not percent) from 92.2% to 70.4%.

Best wishes for 2015 from a satisfied customer.

Jim McLuskie
Johannesburg

Absa’s extra squeeze

IN MARCH LAST YEAR I WROTE TO CAREL Grönnum, head of home loans at Absa, in response to a notice announcing an increase in the bank’s monthly service fee. Grönnum claimed that “historically the monthly service and administration fees on Absa’s home loan accounts have remained unchanged”, yet the bank’s costs had increased in line with inflation yearly. It said the fee rise “takes into account the increase in costs to administer these agreements”.

I had (historically) been paying a monthly service fee starting at R5.70 in April 2004, so I did a calculation using the website www.inflation.eu to look up SA’s inflation (CPI) over the past 10 years, and I applied the figures to my monthly service fee of R5.70. The result: in March 2014 I should have expected to be charged about R11.19 a month. In fact, I was being charged R34.20.

And, that month Absa was proposing to “revise” my monthly service fee, effective April 2014, upward to R39.90 – more than three times what it should have been, were the increase to allow for inflation, as Absa claimed. Apply these increases to millions of home loans and one begins to understand how simple it is for Absa to generate vast “extra” income and profits without extra effort.

Now, only nine months later, Absa has written advising of another service fee rise from R39.90 to R45.60, an increase of 14.29%. Where do they get these figures from?

No wonder I have received no response to my letter.

I love your magazine!

Henning W Wertz
Pinelands, Cape Town

Twin Towers demolition

IT IS VERY REFRESHING TO FIND HAROLD Strachan writing seriously in *nose182* about the scam that was 9/11.

I am a structural engineer and I remember clearly on the day those towers burnt saying to my wife that it was wrong. Anyone who has played Jenga knows that tall towers don’t fall straight down. It is the reason we have a demolition industry, buildings fall over by choosing the path of least resistance. This means they topple over choosing to fall through air rather than themselves, as the intact building offers some resistance. The Twin Towers collapse was a demolition job.

H Hamilton
Underberg, KwaZulu-Natal

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The gentleman's agreement that wasn't

HAVING READ YOUR REPORT (NOSE180) on the shady scheme to “bury” JCI, I have an idea of the sort of men in charge of that once-proud company.

I am 82. I battled for months to get some response from Peter Gray about a pension agreement I have had with JCI since my retirement in 1992. He refused my repeated requests for a man-to-man discussion about the matter.

Six years before my retirement was due, my wife and I were persuaded to accept transfer to JCI's London office, Barnato Brothers Ltd, whose head was retiring. Prior to that, I had been general manager of the Coal Division for approximately nine years, and then GM of the company's Administrative Services Division and Project Manager for the building of the new JCI House.

Because of my many years of pensionable service prior to transferring to the London office, and the exchange-control problems of the time, the cost of trans-

ferring my past service into the Barnato Group Pension Fund was deemed prohibitive. It was therefore agreed (in writing) that when I retired, JCI in Johannesburg would pay me a supplementary pension of a fixed £500 per month.

Since my retirement in 1992 I have received a South African pension in rands for my service there (the real amount has steadily diminished because of the poor exchange rate), my smaller pension from the Barnato Bros fund for the six years I was employed in London and the agreed £500 monthly supplement from JCI in Johannesburg.

A few months ago I received a note from the current head of the London office, Phil Dexter (iyt is now an independent enterprise) who told me he had been asked by Peter Gray to advise me that, since JCI was being wound up, my £500 per month would shortly be “discontinued”.

Seemingly Gray had neither the cour-

tesy nor courage to inform me himself.

In June I was told that my pension was to be discussed at a board meeting. Subsequently Gray sent me the following one-line note: “The board has reiterated that we will not be making any further payments toward your medical aid and will continue to make your pension fund payment until the company is completely wound up.”

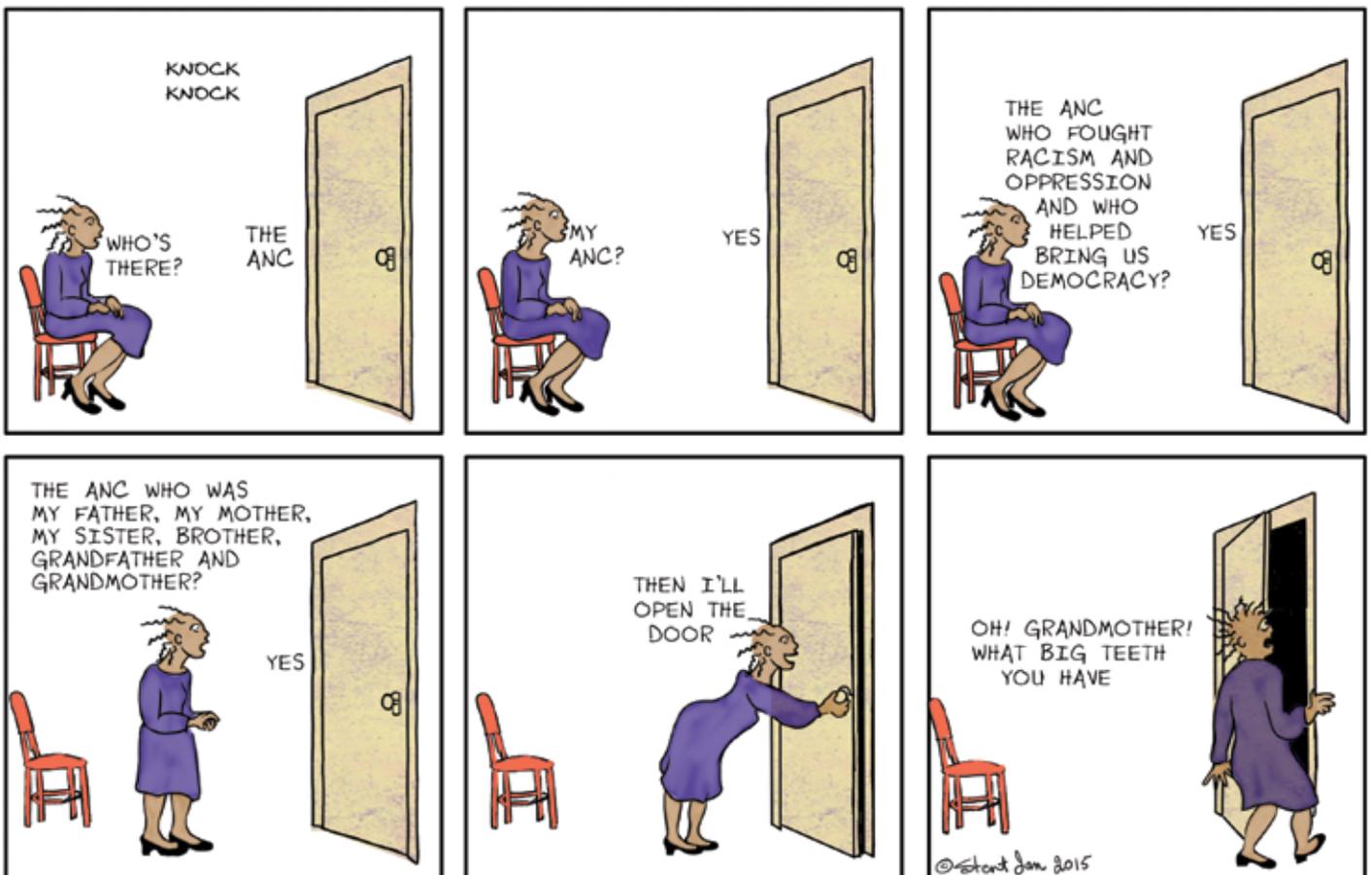
A company cannot simply be wound up without meeting all its obligations. I need to be told what provision JCI has made for my supplementary pension to be paid after its winding up. Would they set aside a lump sum to be negotiated?

No answer from any of them.

After 38-plus years of service to what used to be one of the old-type gentlemen's companies, I frankly feel disgusted by the board's behaviour and lack of courtesy in handling my rights.

C Doug Beynon
Seven Oaks, Kent, UK

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Children: a national priority

OF THE 18.5 MILLION SOUTH AFRICAN children under 18, an astonishing 21% are orphans, 25% do not live with their parents and 60% live in poverty.

Did you even think it possible?

All this endless debate about crime; township gangs out of control; the sexual abuse of children; over-crowded prisons. Now at least we know why.

Given the above statistics, are we surprised about the poor matric results? Whatever we do about redesigning matric courses, can we expect anything but poor results? And given those statistics, "Our children are our future" gets a whole new meaning.

Can there be any doubt that we should have only one national priority: child care? Without that, everything else is futile.

Given those statistics, waste and abuse of public resources becomes not mere foolish extravagance, it is sin.

If you read nothing else in this issue, read "Child Alone" on page 10.

This issue contains another milestone story: apart from being one of the longest we have published – seven pages, beginning on page 25 – it is a remarkable document of our time: does anyone tell the truth anymore? Who is telling the truth?

Is there anybody left in public life (and the media) who does not have a hidden agenda or ulterior motive?

Has violence become central to how we operate?

Paul Kirk's meticulous, laborious re-

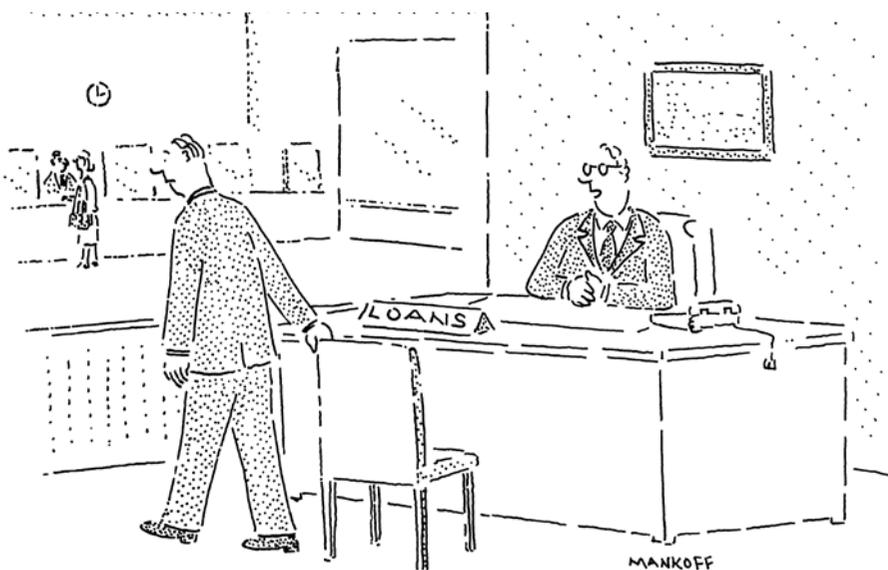
search over the past three years not only puts paid to the *Sunday Times's* last hope of justifying its sorry role in the demolition of the SAPS Serious and Violent Crimes Unit based at Cato Manor (thereby serving the needs of a bunch of criminals in high places). It has produced an iconic story about crime, the Zuma era, and wars of every kind in Jacob Zuma's home territory.

WHILE THIS IS THE FEBRUARY ISSUE, IT IS, OF course, being written and produced in January, when the New Year spirit is still abroad. It's a time to reassess our lives, and to celebrate our friends, also, on these pages.

Paging through the proofs, I am struck by how lucky we are to have Stacey Stent as our cartoonist, to still have Gus and Harold's gentle, humane touch; and those regular wry, observant letters from our friends in Umjindi and Sydney; to have the same loyal admin staff who've been here for years and still manage to answer each day's myriad calls with patience and a smile; to have the company of our regular gang of (classy) shit-stirrers who keep the pot boiling; for the continued support of you, our readers, who keep writing us such wonderful letters. What editor could ask for more?

Thank you, and Happy New Year! (I know it's a month late, but I'm blaming that on the Post Office.)

The Editor



"Well, thanks anyway for sharing your financial plight with us."

Doctor's dismay at discovering he's not Lord of all he Survés

AXED *CAPE TIMES* EDITOR ALIDE Dasnois was invited to be guest speaker at the University of Cape Town's Social Sciences graduation ceremony on Reconciliation Day. Carelessly, the university hadn't thought to check out its guest list beforehand with Iqbal Survé, the führer of Independent Newspapers and head of a fisheries empire. [*C'mon, after all it was Reconciliation Day!* – Ed.]

Not only was Dr Survé in attendance because he happens to be chairman of the University of Cape Town Graduate School of Business and a governor of the UCT Foundation; his daughter Saarah Survé was one of the new graduates.

For now the university is staying as mum as possible when questioned about what the führer had to say in an angry letter he sent after the event to Vice-Chancellor Max Price. But the story from secondary sources is that Survé was infuriated once again by the public acknowledgement of Dasnois. He apparently wrote to Dr Price – who, like Survé, is a medical doctor – complaining that Dasnois's presence was an embarrassment to him and his daughter.

Kylie Hatton of UCT's Communication and Marketing Department responded:

"Speakers for graduation ceremonies at UCT are selected by the Office of the Vice-Chancellor and confirmed approximately two months in advance. We did not know, that far in advance, who would be graduating at any specific ceremony because the list of graduands is not finalised until much closer to the ceremony dates. In this case, the Senate Executive Committee only confirmed the list of graduands on 10 December 2014. Those lists go to the relevant faculties and the Registrar's office at UCT. The speaking arrangement with Ms Dasnois was completed without reference to who would be attending the ceremony she would address.

"We regret if this has caused Dr Survé or his family embarrassment, it was unintentional."

It is not the first time Survé has been outraged at having to be in the same



Iqbal Survé (left); Alide Dasnois (below) receiving the Nat Nakasa award last year from Cyril Ramaphosa – for courageous journalism



room as the woman he fired in December 2013 as Editor of the *Cape Times*, shortly after his Sekunjalo Group bought Independent Newspapers.

In June last year Survé stormed out of a media event, apparently – according to *City Press* – shouting: "It's racist! It's bullsh*t." He was enraged that Dasnois had been awarded the Nat Nakasa prize for courage and integrity in journalism and received a standing ovation.

Dasnois was removed as *Cape Times* editor a day after the death of Nelson Mandela. Although several reasons for her axing were given, including the need for "restructuring", later missives from the company blamed her for not carrying news of Mandela's death on the newspaper's front page (a wraparound commemoration of the life of Madiba enveloped the newspaper).

When asked by sms about his latest bout of lousy behaviour, Survé's PA – identifying herself only as Maude – sent the following response:

"I have doctors [*sic*] phone. Dr Surve does not deal with publications such as *Noseweek*. Kindly do not contact Dr Surve on his phone again. If you have any enquiries you can email me at maude@sekunjalo.com which I will forward to his Chief of Staff. [*Signed*] Maude, his PA."

Dasnois declined to comment.

In her speech, she told graduates they had a "duty to be insubordinate... not in our manners of course, but in our thinking." It was critical "to cultivate an outlaw mind. We have a duty to question what we are told and to decide for ourselves".

Meanwhile, another slew of columnists have been given instant marching orders by the *Cape Times*. John Scott, a former editor, was told via a two-line email that his column, PS, was no more after 42 years. Others who got the chop were Judith February, Tyrone August and Peter Wilhelm. The current editor Gasant Abader said the newspaper was busy "refreshing" contributions from columnists. ■

Transnet pensioners get green light for class action

OVER THE FESTIVE PERIOD THE beleaguered 60,000-odd Transnet pensioners got a shot in the arm when the Supreme Court of Appeal endorsed their right to institute a class action suit against their former employer, pushing the R80 billion action one step closer to trial.

Approached for comment on the court ruling, Transnet spokesman Mboniso Sigonyela said: "Transnet has noted the decision of the Supreme Court of Appeal.

We are still considering the judgment and we will make a call."

It is understood that the Transnet board will consider whether its next step will be to try its luck with the Constitutional Court – as a last attempt to escape liability. In view of the huge sum involved, it is thought unlikely that the board will readily settle with the pensioners.

Transnet had applied for leave to appeal a ruling that allows their pensioners to launch a class-action suit. This was

dismissed by an appeal bench of the High Court in Pretoria in October. Transnet next sought leave from the Appeal Court in Bloemfontein to appeal the Pretoria court's decision. The Appeal Court judges refused – in record time – in a ruling delivered just days before Christmas.

Anton Alberts, a Freedom Front Plus MP who has taken up cudgels for the pensioners in parliament, said the second ruling spelt "grim prospects for Transnet". He pledged that if Transnet elected once again to block a pensioners' class action at the constitutional court, his party would ensure that Transnet board members as well as pension fund trustees – who voted against their own pensioners – would face an application for punitive costs.

Alberts explained: "Those trustees that have voted for the continuation of the appeal and those directors who have voted similarly can be held personally accountable for the legal costs for the applications".

In a recent case involving Mogale City before the high court, the door was opened to officials facing sanction for dereliction of duty, said Alberts. This principle was important to uphold.

"If officials don't have skin in the game themselves, they hide behind official capacity and will continue to act with disdain towards the people they serve."

Alberts said if this application was successful, the directors and trustees risked having to cough up hundreds of thousands of rands from their own pockets to cover the legal fees of the pensioners.

The pensioners, some of whom get as little as R200 a month, have argued that they have been fleeced by management of the Transnet Second Defined Benefit Fund and the Transport Pension Fund, which includes the Transnet sub-fund.

One example is that Transnet exchanged government bonds worth R7.7 billion in 2001 – which earned the fund R1.2bn in interest a year – in exchange for M-Cell (now M-Net) shares. The latter were sold in 2006 causing a loss to the pension funds of R5.4bn. ■

Fogg hangs heavy over Kyalami

JUST WHEN WE THOUGHT THE DUST HAD settled after the Kyalami racetrack auction that prised it from the hands of the infamous Theodosiou brothers (*nose179*: "Riding for a fall at Kyalami") we got a call from Mike Fogg who'd engineered the whole messy affair.

Before losing his rag when asked him about his hijacking of the Roy Hesketh circuit in Pietermaritzburg (*nose181*) he said he hadn't given up on Kyalami.

"There are a lot of outstanding issues between me and the Imperial Group, and I'm sure they'll come to a head. They've attempted to withdraw all the cases against me on which you placed a lot of store and of course I'm not accepting that. They must go ahead because it was non-sense from the start.

"They left me out (of the meeting at which the parties involved agreed to irrevocably relinquish all alleged rights to allow the unencumbered track to realise a better price) and I think they did so on purpose. I want those matters resolved to clear up these things – and that unfortunate article you wrote that concerns me. These cases get to the heart of a lot of the matter and they've never been heard!"

Noseweek called liquidator Richard Pol-

lock three weeks later to find out how things were going. "Fogg attempted to file various claims at the second creditors' meeting. The most, um, entertaining, was for R76 million from the estate on the basis that he claimed he had a right to acquire the property for R129m". This was the profit Fogg says he could have made had he been allowed to exercise his right before the final sale went through at R205m.

"Another was for dividends of R53m that he says were for development rights when he sold the track in about 2005. As a result, those became payable when the development rights were sold."

Pollock says Fogg has no proven claims against the estate.

"I've been clear and upfront with him that if he believes he has rights he needs to institute action to prove them because nobody else is prepared to acknowledge them or believe they exist.

"He tried to claim that Jim Redman was still the trustee of the MJF Trust and the Theodosiou brothers never were. If what he is saying is that he still controls the trust, then he's perjured himself in documentation and in court. My guess is that it was an attempt to extract some go-away money." ■



CHILD ALONE

Huge numbers of children growing up without parents or parental care pose a major threat to SA's future.

By Chris Bateman

OF THE 18.5 MILLION CHILDREN under the age of 18 in South Africa, 21% are orphans, 25% do not live with their parents and 60% live in poverty – frightening figures which, top local epidemiologists and clinicians agree, help to explain why the risk of a child dying here is ten times higher than in Europe.

These figures emerged with the recent release of the annual South African Child Gauge report by the Children's Institute at the University of Cape Town and from a *Noseweek* interview with Professor Sebastian van As, Chief Paediatric Surgeon at the city's Red Cross War Memorial Children's Hospital, the only dedicated children's specialist hospital in the country. Since 1991, the hospital has built up the world's single largest data base on child trauma.

The experts at both institutions agree that poverty along with the widespread, absence of the most effective risk-mitigating factor possible – a child's biological parents – render the 80% of South Africa's children living in informal settlements highly vulnerable as they roam dangerous environments, often bordering highways, train routes or bodies of water.

HIV/Aids in the pre-antiretroviral era has left the country with one of the world's largest orphan populations. Even those children who have working parents

or guardians are often left unsupervised as their primary minders spend long hours away from home eking out a living.

Van As told *Noseweek* that children younger than six years old were insufficiently developed neurologically to properly assess immediate dangers. The

paucity of child-minding facilities and crèches in the townships is a major problem.

The ten-times-greater risk of a South African child dying as opposed to a European one, Van As pointed out, came from a World Health Organisation (WHO) country-by-country child mortality comparison.

He said that three years ago his unit had compared the relative risk of a child ending up in a Cape Town hospital versus a British child being admitted to Birmingham Hospital and the data showed a 25-times-greater chance locally.

South Africa was "anything but a child-centred society," he said. The media focus on violence against children disguised the "true numbers" which showed that ten times as many children died from accidental injuries as were violated. Just 5% (or 500) of the 10,000 children seen at the Red Cross Children's War Memorial Hospital annually were physically or sexually abused.

The Red Cross Children's hospital admits children aged 13 and younger. Van As and his team (two trauma and three orthopaedic consultants, backed by an average of 10 paediatric registrars), admit 3,000 children annually; 1,000 suffering from burns and 2,000 from a range of other injuries, with road accidents being the biggest overall killer.

Malnutrition impeded neurological de-



Professor Sebastian van As



Half of the 45,000 contact crimes reported were sexual offences – an average of 62 cases daily

velopment, further hampering less-privileged children from reaching their full potential. The country's violent past and the generational passing on of violent behaviour, aggravated by widespread poverty, meant that, "we are world champions at killing children," the professor observed.

In the hour that *Noseweek* spent interviewing him, Van As attended to a child with 32 fractures resulting from domestic violence between adults, in which the child was used as a shield – a common cause of severe trauma. And he watched another die after the upper part of her torso had been kept alive for two days. Hit by a heavy duty truck while walking on a township road, she had literally been "torn in two".

The Child Gauge 2014 report, *Preventing violence against children; break-*

ing the inter-generational cycle, found that over half of South Africa's children frequently experience some form of violence from a very early age.

While there was a paucity of systematic research on the extent and range of violent experiences, population-based prevalence studies showed that over half of children experience physical violence by a caregiver, teacher or relative.

Incidents of sexual violence were under-reported – "a disturbing reality," when considering that half of the 45,230 "contact crimes" against children reported in the 2013/2014 crime statistics were sexual offences (an average of 62 cases per day).

A two-province study found that one-third of participating children experienced emotional abuse. Emotional violence, neglect, corporal punishment and

humiliating censure of children were "common in the home", where abuse and neglect of especially young children could result in death. Physical punishment at schools was still pervasive in spite of being banned for the past 20 years.

Shanaaz Mathews, Director of the Children's Institute and the lead editor of the Child Gauge 2014 report, said such experiences hampered development, learning ability, self-esteem and emotional security and had negative long-term consequences for employment prospects and life expectancy.

The United Nations International Children's Emergency Fund (Unicef's) SA representative Hervé Ludovic de Lys, said the current epidemic of violence "undermines the fabric of society, affects productivity, well-being and prosperity.



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“The good news is that it is possible to see a dramatic reduction in violence against children in a relatively short time by implementing the right strategies, allocating enough resources and mobilising the highest political will,” he added encouragingly.

Mathews said the effects of violence went beyond physical scars. Research showed that an inter-generational cycle of violence was created when children were exposed to violence in their early years. These children were more likely to become perpetrators or victims of violence when they were older because of neurological and psychological damage, he said.

Parenting programmes could play a major role in providing essential support to families ravaged by poverty, intimate partner violence and substance abuse, while life-skills programmes for young people could help develop communication and conflict resolution skills to deal with peer pressure, substance abuse and social norms that promoted violence between young men, and between them and their partners.

Within Social Development Services there was currently too much focus on response services instead of on prevention and early intervention measures. Lucy Jamieson of the Children’s Institute said non-profit organisations – which delivered the bulk of services on behalf of the government – were “not fairly compensated”, resulting in a funding crisis that was hampering services to children and families in need.

Dena Lomofsky, from the research consultancy, Southern Hemisphere, said that while multiple inter-sectoral committees had been set up to strengthen collaboration between government departments and civil society, each structure tended to focus on “a specific issue, with little collaboration between them to address children’s needs holistically”. This led to a fragmented response to a complex problem that required strong leadership from within government.

Joan van Niekerk of Childline South Africa said the national health department could play a key role by identifying caregivers and children at risk and referring them to social services – but this was “neglected in both policy and practice”.

The South African Child Gauge 2014 report said that due to the “normalisation of violence” in South Africa’s past,

there was now a widespread tolerance of it, which would require “a great deal of work”, including engendering an attitude of “preventing violence is everybody’s business”.

Red Cross Children’s Hospital is also home to one of the world’s oldest child-safety NGOs. Started by its renowned former head of paediatric surgery, Professor Sid Cywes, in 1978, who realised he was conducting more operations on children hurt in accidental injuries than on those suffering from all other diseases combined. Child Safe SA, is aimed at promoting awareness through research, interventions, (like educating caretakers, crèche managers and teachers), and advocacy – based on hard data.

A prefabricated sample home erected in the hospital grounds highlights potential domestic dangers in each room, including dangling electric kettle cords (responsible for a disproportionate number of near-fatal burns in toddlers), with water containers, along with age-specific posters on “Living safely” and “Travelling safely”. The NGO won a global award at the 2008 World Safety conference in Mexico.

A manifestation of the violence listed in the Child Gauge report, and a shining example of basic interventions can be seen in how Child Safe SA tackled a virtual epidemic of child gun-shot wounds in 2000.

That year the hospital’s trauma unit treated 50 children with firearm-related injuries, mainly “collateral injuries” to adults who were intending to harm other adults (where most children are hit by stray bullets) – a “morbid” measurement of how many bullets were fired in Cape Flats communities, sparking an evidence-based campaign supporting the NGO Gun Free South Africa.

A petition demanding stricter gun laws was delivered after a march on parliament, resulting in a new firearms bill being adopted in 2002. It requires a gun-handling safety competency certificate; the minimum-age requirement for possessing a firearm being raised from 16 to 21; and the declaration of “gun free zones” (eg places of worship, schools and hospitals).

Following these legal changes there was a 70% decrease in children with gunshot wounds admissions to the Red Cross Hospital. “We cannot make it better; we have to go out there and prevent,” said Van As. ■

NYC bans styrofoam

A takeaway cup can last thousands of years in the environment

IN THE FIRST WEEK OF JANUARY, NEW York City mayor Bill de Blasio announced a ban on the sale and use of styrofoam cups food containers and packing material, to come into effect in July. The city's Department of Sanitation has determined that expanded polystyrene (EPS) is not a recyclable product.

The new law prohibits NYC food service establishments, stores and manufacturers from possessing, selling or offering single-service EPS foam articles or polystyrene loose-fill packaging in that city.

State legislation introduced in 2013 to restrict the sale and use of single-use polystyrene containers was delayed to give the city a chance to investigate ways to recycle the material.

The Department of Sanitation consulted polystyrene manufacturers and vendors before reaching their final determination that there is no effective method of recycling polystyrene.

De Blasio was reported to be optimistic about the ban's environmental impact. It is expected to keep nearly 30,000 tonnes of EPS waste out of the city's landfills and streets.

Although it's possible that technologi-

cal advances could eventually make styrofoam recycling feasible, it is thought unlikely that future polystyrene recycling will be enough to convince city officials to bring back foam cups and food containers.

In 2011 California's senate voted to phase out the use of styrofoam in that state by 2014.

The online environmental publication *Inhabitat* commented: "It's hard to imagine a more extreme love-hate relationship than the one between society and the common styrofoam container. It's incredibly effective at keeping warm things warm and cool things cool and it is extraordinarily cheap.

It's ironic, however, that a product used to keep something as short-lived as a milkshake will last many thousands of years in the environment.

"Studies have shown that it accounts for as much as 15% of stormwater litter, and it's the second-most prevalent type of beach debris.

"Quite apart from the disposal problems it presents to local authorities, due to its light weight, the material breaks down into beads and can be carried long distances on winds and ocean currents, wreaking havoc on wildlife." ■



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New wall of shame

Never mind the Berlin barrier – Pinetown’s very own palisade has split the community. By Gavin Foster

WHEN 19TH CENTURY TRAPPIST monk Francis Pfanner set about establishing the Reichenau Mission in 1886, as a satellite to the Mariannhill Monastery he’d built outside Pinetown, he could not have imagined that one day it would one day provoke furious argument. But 128 years later it is the centre of a controversy packed with the ingredients of a Tom Sharpe novel – and all because of a wall. There’s a pistol-packing priest; a few million rand up for grabs; two feuding trusts; an inept municipality; and a host of outraged academics, historians and bureaucrats involved.

By 1987 the mission station on the banks of the Polela River between Underberg and Bulwer was pretty run down and a far cry from the once-thriving self-sufficient hamlet. It included a church, much-admired for its neo-gothic architecture; a mill; school; butchery; bakery; forge and store.

The mill, the oldest water turbine mill

in South Africa, had fallen into disuse. Luckily the decay was arrested that year when floods destroyed the sandstone engine house, prompting a group of engineers, historians and lovers of antique machinery to set up a trust to restore the turbine.

The fully operational Reichenau Mill soon became a popular local tourist attraction and new life was breathed into the mission; some of the buildings were renovated and the village school began to gain support.

The then priest and group of locals decided tourism was the way to go, so they formed a Reichenau trust of their own, barred the members of the original trust from the premises, and started planning an upgrade for the mission. The Kwasani Local Municipality approved their project, which included plans for a coffee shop, an additional, unimaginatively designed guest house and a hiking and cycle trail through the forest to the Centocow Mission about 30km away.

They approached the Department of

Cooperative Governance and Traditional Affairs for funding and in June 2011 managed to scrounge R3 or R5 million for their project (depending on one’s source). As is so often the case, when the money arrived things began to go pear-shaped. The forest trail had to be abandoned when the forestry company refused to allow tourists – inevitably bearing matches, firelighters and packs of boerewors – on to their property; there were numerous quality problems with the construction work and the contractors; and KwaZulu-Natal’s heritage authority, Amafa, objected too, pointing out that Reichenau was well over 100 years old and nobody could stick up modern buildings willy-nilly without their approval – which would take time, if given at all.

Nosweek could find no one at the mission eager to talk about the controversy but local councillor Trish Crawley said that because the earmarked funding of R3m could not be used and would have had to be returned to Cooperative



Controversial palisade fencing at the restored mill

Governance, it had been suggested that instead the mission identify another project needing funds that could be fast-tracked. She explained that, should a municipality fail to utilise funding and/or fail to complete a community project for which it had sought and received

funds, this would “severely impact future funding requests”. The pressure was on.

The municipality and the mission hastily agreed to deviate from their plan so as to avoid having to return the funds. And, because of the supposed urgency, there were no tenders involved.

The once-prized view of the waterfall and river has been blocked by a wall



The beautifully restored old mill before the view was blighted by fencing

That’s how a lovely, historically authentic 19th Century self-sufficient village suddenly came to be encircled by a hideous 1km-long, 2m-high precast concrete palisade wall costing a little short of a million bucks of taxpayers’ money.

The conspirators had suddenly identified an pressing need to encircle the immediate vicinity of the 120-year-old-mission buildings in order to keep out marauding cattle and reduce the amount of cow pats that tourists could tread in. And, because the money apparently had to be spent urgently, the project was fast-tracked and a regular municipal contractor called Shardesh Sewlall summarily appointed to Get the Job Done. Badly, as it turned out.

Amafa was not impressed. Ros Devereux, head of the Built Environment Section, told *Noseweek* the wall was illegal because it was erected without prior approval. He said that neither the municipality nor the landowners – the Catholic Church (Mariannahill Order) – had submitted applications. Meanwhile Amafa’s requests for documentation on the Reichenau Mission tourism project as a whole had been ignored.

“The former steering committee [*since disbanded*] and the owners were also aware of the heritage value of the site in its entirety – this engagement going back for seven or eight years,” said Crawley.

Nowadays the mill doesn’t function anymore, and when *Noseweek* visited the mission, cows were still wandering among the buildings as they always have done – because of the unfinished wall, which was supposed to have been 3km long but is now open-ended. Rubble has been left lying about and the littered viewsite next to the mill resembles a rubbish dump. But that hardly matters because the once-prized view of the waterfall and river has been blocked by the wall so nobody visits that spot now.

Noseweek was told that removing the wall would cost roughly the same as it cost to erect, given the distance of Reichenau from anywhere where the materials might be dumped or recycled.

As for Father Wanda, who took over the mission just weeks before allegedly pushing hard for the wall’s construction, *Noseweek* was warned that he apparently packs a 9mm pistol under his robes. That may or may not be related to the wall, though it could just be an unholy habit. ■

The Bobroffs' Plan B

When the court ordered an inspection, the firm's computer server was struck by lightning. By Tony Beamish

NOSEWEEK IS IN POSSESSION OF documents that suggest the beleaguered Gauteng law firm of Ronald Bobroff & Partners Inc (RBP) – notorious for its exploitation of Road Accident Fund claimants – has been quietly preparing since late 2013 for the possibility that two of its directors might have their names struck off the Roll of Attorneys.

Former RBP clients Jennifer and Matthew Graham hauled Ronald Bobroff, his son Darren, and their firm to the Pretoria High Court this time last year demanding that they justify the fees that they charged Matthew, who had claimed damages after sustaining brain damage in a road accident.

The matter went via the Supreme Court of Appeal to the Constitutional Court. Both courts summarily dismissed the Bobroffs' petition, instructed the Law Society of the Northern Provinces to commence an inspection of RBP's accounts – and ordered the Bobroffs to cooperate.

The Law Society concluded its forensic audit in November and was supposed to have filed its audit report in the Pretoria High Court by Friday 12 December. It had not done so at the time of *Noseweek's* going to print, placing itself in contempt of court. [It was, admittedly, quite some deadline to reach, given that the Bobroff computer server was struck by lightning at the very moment the Constitutional Court gave the inspection the go-ahead. Then the accounting computer went AWOL and files vanished in the dark of night. – Ed.]

In December, the Grahams brought a contempt of court application in the Pretoria High Court against the firm and against the Bobroffs individually. The Grahams contended that the Bobroffs had flouted part of an earlier court or-



The firm: Ronald Bobroff (centre front) flanked by his son Darren (left) and Stephen Bezuidenhout

der relating to an inspection of the firm's computer server in order to ascertain independently whether Ronald Bobroff and Partners had created file notes "after the fact" in order to retrospectively justify the extortionate fee that the Grahams were charged. They asked the court to hold the Bobroffs in contempt.

The Bobroffs have refused them the necessary access, claiming the court order is ambiguous. If the Grahams are successful with their contempt application, the Bobroffs could face jail time.

Ronald Bobroff has repeatedly alleged that the writer of this report has a vendetta against him, his son Darren and RBP. In support of this contention he has taken issue with *Noseweek's* "failure" to mention RBP's other director, Stephen Bezuidenhout, in any reports about the Bobroffs. Quoting from one of his emails sent earlier this year: "You are of course aware that the practice of Ronald Bobroff & Partners Inc has three directors... Mr Bezuidenhout is senior

to Darren Bobroff in the Practice, having been with same since 1976."

Bobroff misses the obvious: to *Noseweek's* knowledge, no one has challenged any account rendered by Bezuidenhout.

However, since Bobroff had raised the subject, *Noseweek* went to the Companies Register only to discover that, since 26 November 2013, RBP Inc has in fact had not three but four directors, the fourth being none other than Anthony Berlowitz – he who ten years ago *Noseweek* had occasion to refer to as "*Noseweek's* favourite rogue attorney". (See *noses*49, 50, 53, 54, 60, 61, 160&175 for more about him. Particularly telling is the report headed "Dr Carlisle's missing R20m" in *nose*54.)

Bobroff and Berlowitz are President and Vice-President respectively of the South African Association of Personal Injury Lawyers (Saapil). They also represent a significant component of its membership – of five people.

[Bobroff recently confirmed what Noseweek readers had suspected for over 15 years, when he referred to the magazine as “a secret society”. – Ed.]

Neither the Bobroff letterhead nor its website mention Berlowitz’s association with the RBP. He still runs his own one-man practice in Johannesburg.

The Law Society is under the impression that Ronald Bobroff and Partners has only three directors and that Berlowitz is not one of them. It also confirmed that no Attorneys Fidelity Fund Certificate was ever issued to Berlowitz to practice at Bobroffs. Berlowitz has previously been sequestered and later, rehabilitated.

Protected disclosures from a number of people connected to Ronald Bobroff and Partners suggest that the Bobroffs are preparing for the worst. The only Bobroff whistleblower that *Noseweek* is at liberty to identify is courageous candidate

civily (to third parties) and criminally, for any unlawful conduct by the company.

It need only be shown that a director failed to act, “despite knowing that the act or omission was calculated to defraud a creditor”. The Attorneys Act requires that each director also be a shareholder. In addition, it removes from the directors any of the protection from liability that the directors of any ordinary company might enjoy.

Ronald Bobroff told Van der Merwe’s disciplinary hearing in late November that he was going overseas for three months. He actually went to Cape Town. [In fairness to Ronnie, it must be said that he was seen aboard the Robben Island ferry – lest it be suggested that he had misled anyone regarding his holiday plans. – Ed.]

Noseweek’s analysis suggests that the work currently on the books of Ronald Bo-

The directors are accused of blocking a computer check on extortionate fees

attorney, Cora van der Merwe. She was suspended in October after having been found out for communicating with this journalist. She remains suspended.

Van der Merwe started making numerous and varied disclosures in terms of the Protected Disclosures Act last year. The Act allows for protected disclosures to be made to a journalist.

In February last year the Constitutional Court declared Ronald Bobroff and Partners’ common law contingency fee agreement to have always been unlawful. This paved the way for its former clients to claim tens of millions of rands from the practice. They have three years from February 2014 in which to do so.

One of Van der Merwe’s disclosures is that RBP continued with its unlawful billing practice after the Constitutional Court had prohibited it. She states that RBP made frequent use of its PDF document-edit facility that allows scans of original documents to be manipulated. *Noseweek* has seen examples of several of the digitally manipulated documents and observed the differences between the original and the manipulated versions.

According to the Companies Act, the directors of Bobroffs – whoever they may be – can be held personally liable, both

broff and Partners equates to five years of high court trials and that it would have had fee revenue in this period of close to R400 million. This translates to around R300,000 per working day. Bobroffs has said that, with its staff complement of 24 professional and non-professional employees, there is insufficient revenue for it to remain profitable. In the meantime Bobroff Senior continues to swan around Johannesburg in his bulletproof BMW, a dashing Z4 with a (not so bulletproof) soft top.

In response to *Noseweek’s* draft story Ronald Bobroff said: “We have previously informed you that we are not prepared to edit your diatribes, and that you and your employers are obliged to ensure that material published is true and in accordance with the press code and the law. We therefore will not dignify your latest efforts with comment.”

Bezuidenhout, on holiday, requested ten days in which to respond properly, “due to intermittent internet coverage”. On day ten he told *Noseweek* to direct all inquiries to Ronald Bobroff.

No comment was received at the time of publication from Berlowitz, Ronald Bobroff and Partners or the Attorneys Fidelity Fund. ■



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A farewell to arms

He's a fighter, but he's had enough of blood and guts. Jacques Pauw, fearless journalist, has decided to give himself a break from headline horrors. He's opened a country restaurant.

By Sue Segar



INVESTIGATIVE JOURNALIST AND AUTHOR Jaques Pauw relates with deadpan hilarity the trials of the past few weeks during which he has reinvented himself as a restaurateur and guesthouse owner: “Everything that could go wrong has gone wrong. Things are still going wrong. The thing is, we know absolutely f-all about this business,” he says, sipping a Savannah.

We are sitting in the shady courtyard of Red Tin Roof, the restaurant in Riebeeck Kasteel which Pauw and his partner Sam Rogers, also a prominent journalist, started in December.

Pauw does the kitchen and Rogers does “everything else”. “You have to try to separate the functions,” he says, “there’s obviously lots of friction and glaring at one another...”

Pauw is at a bit of a loss when we meet as he’s recently been kicked out of the kitchen. Last week the staff begged the visiting kitchen consultant to keep him out of the kitchen as much as possible as he makes them “so nervous”.

“The thing is, it’s very easy to watch *Master Chef* and think you’re Gordon Ramsay and that that’s how kitchens work. But it’s not. Kitchens are hot and quite horrible... Initially I thought ‘I am

going to be the chef.’ Now I don’t want to be the chef, I just want to give guidance in the kitchen. I have a chef now, and what I do is storm into the kitchen from time to time to see how things are going, and I also cook things.

“For the past few days that I haven’t been into the kitchen, I didn’t know what to do with myself...”

“Then there was the incident with the Spaniards.”

Eight Spaniards had walked in to the restaurant. One of them ordered a Kahlua Don Pedro. “I made it with ice cream and Kahlua. That’s how you make it. I have a new Kitchen Aid, so I *klitsed* it up and the waitress takes it to the Spaniard and he sends it back and says it is not thick enough. Anyway the waitress gives it to me and says it’s not thick enough. So I say, ‘tell him to fuck off’.

“His wife was standing right there... and heard me. Next, the eight Spaniards storm off. Sam was livid.”

Pauw said he apologised, shook the Spaniard’s hand and told him he didn’t mean it.

“So, now I am not supposed to go too close to the customers either!”

Opening a restaurant is a dream come true for Pauw, who says he has only two

real interests besides journalism: food and gardening.

In fact, in between irritating the kitchen staff, he’s the one who has produced a massive artichoke lasagna, the chicken and bacon pies and a batch of lamb sosaties for tonight’s meal...

Glitches aside, the locals have fallen in love with Red Tin Roof.

“The people in this town have been so supportive. They come here and the children swim... and the food up to now has been fantastic. Every Sunday we have a big traditional roast, for example lamb shoulder that has been cooked for eight hours. The people pack this place for it. A lot are coming in from the city.”

So what’s on the menu today? There’s a Swartland ploughman’s with sweetcorn fritters, chutney and pickles; Red Tin Roof salad with smoked trout, beetroot, labneh, feta and flatbread; lamb sosaties with sweetcorn fritters and salad, homemade fettuccini with pesto and parmesan shavings; “vetkoek” beef burger with bacon jam, sauce, wedges and salad; and biltong pizza with onion marmalade and smoked feta.

It feels strange to be discussing malva pudding and pumpkin fritters with a man who uncovered Eugene de Kock’s



Veteran journos Jacques Pauw (centre) and Max du Preez with their partners Angela Tuck and Sam Rogers (left) at Red Tin Roof

‘We talk about wine, food, the weather and other people’

secrets, who has covered the Rwandan genocide and who has tried to talk sense to the likes of Sierra Leone’s Foday Sankoh, head of the rebel movement, the Revolutionary United Front (RUF) and who is responsible for the brutal maiming and murder of thousands of people.

Pauw, now in his mid-50s, has left his profession as one of Africa’s most prominent and award-winning journalists, documentary producers and directors.

Pauw and Rogers, moved to Riebeeek Kasteel from Johannesburg about three years ago and have been living in and working from the small town since then.

Max du Preez, a close friend, lives down the road with his family and he and Pauw meet at least three times a week to shoot the breeze.

“Lots of places in the Western Cape, like Franschhoek, Paarl and Stellen-

bosch have become extensions of Cape Town, but... once you come over the Bothmaskloof Pass, you are in real countryside. It’s farmers and tractors driving through town. It’s beautiful, the people are friendly and the crime rate is low. I love that, after Johannesburg. I have always loved wide open expanses.”

He finds it fascinating that time seems to stand still in Riebeeek Kasteel. “The local grape and wheat farmers are relatively wealthy. They fly the grapes out from here to Europe. You see the new bakkies every year... They live in a bubble and don’t seem too concerned about what goes on. Life just continues its slow wonderful pace in this town. I don’t think I’ve ever had a proper, serious discussion with any of the locals here. It seems to pass them by. We talk about wine, food, the weather and other people.

“But what is very depressing is how dire the situation of some of the other locals remains... and how many of them seem to think that this is their destiny, that they can’t improve their lives. It’s like there’s still this enormous battle to get people to break their shackles and to break free and make the world a better place.”

One day Pauw and Rogers drove past the guesthouse near where they were living and saw that it was on the market. “We thought, hey, we can make a place like this work,” he says.

The place was old and neglected. “It had been a thriving guesthouse but in 2011 two guys from London bought it and decided to introduce fine dining to Riebeeek Kasteel. They banned the locals from the pub, which was suicide.

“Then after a year they decided they

didn't want to live in the countryside anymore so the place stood empty for two or three years."

Having bought the property, Rogers, who was head of e.tv's crime and investigations documentary unit, resigned in September. Pauw left his job at the end of October. November was spent renovating the place.

"We opened on 6 December – and we were packed throughout December. Swamped. It was chaos. On Christmas Day we had 62 people here.

"For all of December we were collecting cash and putting it in little blikkies and hiding them. One day, we arrived at Standard Bank with all this money, and said we wanted to bank it. They said to us, 'no no no, that's not how you do it, you need a book.' So it is only now, in January, that we have a kitchen consultant and a business consultant who are teaching us about systems. We have been through a helluva learning curve."

The plumber and the electricians have been regular fixtures doing maintenance in the guesthouse and, as we talk, the pool guy is also at it.

The last story Pauw wrote as a journalist was about SARS. "Remember the story about [SARS group executive] Johann van Loggerenberg and lawyer Belinda Walter?" It was one he felt passionately about "as I think there is a dirty tricks campaign against SARS".

When Pauw left in November, he decided to cut all journalistic ties. "People tried to phone me with tip-offs and information but I just ignored everything because I couldn't do both. Obviously I miss the news. What I don't miss is Nkandla, the Guptas and Ria Phiyega and I really don't miss the State Security Agency.

"Quite simply, I've had enough. I couldn't do another corruption story or another story about the incompetence of the police or about the State Security Agency that's out of control, or about the Guptas getting yet another government contract or another cattle kraal at Nkandla or anything like that. I don't miss any of it.

"You know what it is? As a journalist I never had any ambition to be anybody. I certainly never wanted to be an editor. I couldn't think of anything worse."

But, he says, you can't completely cut off after 30 years of being a journalist.

"I am still very interested in what's going on. We get the *Cape Times* and *Die Burger*, none of which I am particularly keen to read, and in the mornings I get

Meet the Investigator

BORN AND EDUCATED IN PRETORIA, Jacques Pauw studied Political Science at the University of Pretoria. His first job as a journalist was with the Afrikaans Sunday newspaper *Rapport* in 1984 before he moved to *Huisgenoot* as a features writer.

In 1988, he co-founded with Max du Preez the Afrikaans anti-apartheid newspaper *Vrye Weekblad*, the first and only anti-apartheid newspaper ever published in Afrikaans. At *Vrye Weekblad*, Pauw broke the so-called "apartheid death squad" story in November 1989. The newspaper exposed the existence of death squads within the South African Police and Defence Force. He continued to investigate death squads for the next six years.

In 1993, Pauw joined the SABC as a current affairs documentary producer and, in 1998, he co-founded *Special Assignment*, the SABC's current affairs show, for which he produced numerous documentaries throughout Africa, including exposés on drug smuggling, the international trafficking of women and children, child labour, child

soldiers and blood diamonds.

Pauw also produced documentaries on the civil conflicts in Sierra Leone, Sudan, Burundi, Zaire (today DRC), Algeria, Liberia, Rwanda, Angola and the war between Ethiopia and Eritrea.

He resigned in protest from *Special Assignment* in September 2007 after a series of political appointments at the national broadcaster.

As Head of Investigations at Media24 newspapers, he specialised in in-depth reporting on state corruption, the police and the intelligence services.

Pauw received a host of national and international awards, including being named twice as CNN's African Journalist of the Year (2000 and 2001). His books include *In the Heart of the Whore: The Story of South Africa's Death Squad* (1991); *Into the Heart of Darkness: Confessions of Apartheid's Assassins* (1997); *Dances with Devils: A Journalist's Search for Truth* (2006); *Little Ice Cream Boy*, his first novel, published by Penguin in 2009, and *Rat Roads: One Man's Incredible Journey*, (2011). ■

and read *Daily Maverick* and on Friday mornings I read the *Mail & Guardian*. But on Sunday mornings we have to wait to get the Sunday newspapers."

Pauw says one of the reasons he was so eager to get out of journalism was because of the state of the media.

"To give you an example, when I started the investigations unit at Media24 about five years ago, they told me to appoint whoever I wanted. At one point there were nine people. Now it's gone. There's not one single person left. They froze all the posts. And that's Media24.

"Naspers is one of the richest media companies in the world. They don't give a fuck about their papers. We all knew the demise of newspapers was coming. It's just coming much quicker than we anticipated. Newspapers are dying. In the end there might be two Sunday newspapers left. Joburg and Cape Town might each have two daily papers if they are lucky. It is dire."

Pauw remains fascinated by the outcome of the Zuma era. "I've always said we will probably survive Zuma, because the country is strong enough. We have strong civil institutions and the judiciary is still relatively strong, so we will survive Zuma, but what if we get another Zuma? If we do, I think we are fucked."

One thing he won't miss is writing about corruption. "One of the last stories I did before I left *City Press* was about Arthur Fraser, the former deputy director-general of the State Security Agency, who left the SSA in 2012.

"He ran an intelligence programme countrywide on which they spent about a billion rand over about four years. Nobody knows what the programme was for, as the intelligence was never fed back into the SSA's main computer system. He had his own computer system at his house.

"He bought more than 400 luxury cars for this project and employed his family

Red Tin Roof in Riebeeck Kasteel



Africans have a fantastic characteristic: the ability to pick up the pieces and start again

and friends. The money – a billion rand – is missing and there is still no indication of what it was for.

“The Hawks were investigating...

“Nothing is ever going to happen. Arthur Fraser is far too powerful. He is the guy who handed the spy tapes to Michael Hulley, Zuma’s lawyer. So the President owes him big time.

“I wrote the story in September, with a big headline about the missing one billion rand. Nobody was surprised or enraged or outraged by it. Nobody cared. Nobody is going to investigate.

“Arthur Fraser won’t ever be charged and a billion rand is gone. I mean, what more can I do? What do I do next?

“How much more must we write about Gupta, and Nkandla before anything is done? And absolutely nothing gets done. That’s why I left journalism.”

So what does 30-or-so years of journalism in South Africa and in Africa do to a person? “I don’t know,” says Pauw.

“My mother used to say how much I had changed. She’d say to me, ‘don’t go to these places in Africa because it is changing you, you are becoming a different person’. I don’t know if I became a different person. Of course I’m sure it has an impact.”

In Pauw’s book *Dances With Devils*, in the chapter on Rwanda, he describes a trip to the site of a massacre in a church in Nyarubuye during the genocide – and how, to this day, he finds it impossible to write about it.

“The words simply would not come. It is, ultimately, indescribable.”

He also relates how, in an interview with Sierra Leone rebel leader Foday Sankoh, he spent more than an hour “trying to evoke some sense of responsibility or token of remorse from him for the brutal maiming and murder of thousands of women, men and children” and afterwards feeling as though he had, indeed, danced with the devil.

“I remember when I came back from my first trip to Rwanda in 1994, I went to see a psychologist as I couldn’t sleep.

“He said to me, ‘so tell me about it,’ and I told him about it and he was shaking his head and whatever. And suddenly I realised the man had no fucking idea what I was talking about. So then I worked through it all myself.

“But I don’t want to make a big deal about it. It is also an adventure. Hey and it’s not all bad. You see beautiful places, beautiful people.

“And you know, there is one fantastic characteristic which Africans have – and that is their ability to start again. You go to places and there is fucking nothing left. You are sitting in a refugee camp and slowly they start to gather their few belongings, to pick up the pieces, to build a house and start again.

“It is amazing what Africans can do and it softens the blow. People stand up. Again and again.” ■

IT APPEARS GLITZY AND GLAMOROUS AT first sight. All you have to do is put a hundred-thousand rand-or-so into the scheme and you will become fabulously rich “the Treoc Way”.

The scheme is operated by the Treoc Trust, according to the company’s video on YouTube. Investors are offered the opportunity to join the Treoc Club where you can take tea with other happy investors. The Treoc website waxes lyrical about the club: “Being part of our club is important. This is where you will meet your fellow Treocians. This is where you will hear motivational success stories.”

Investors are kept up to date with the latest Treoc investment news in the *Treoc Times*, which is written by the Treoc Ltd Chief Executive Officer, Coert Coetzee – a former *Rapport* financial journalist.

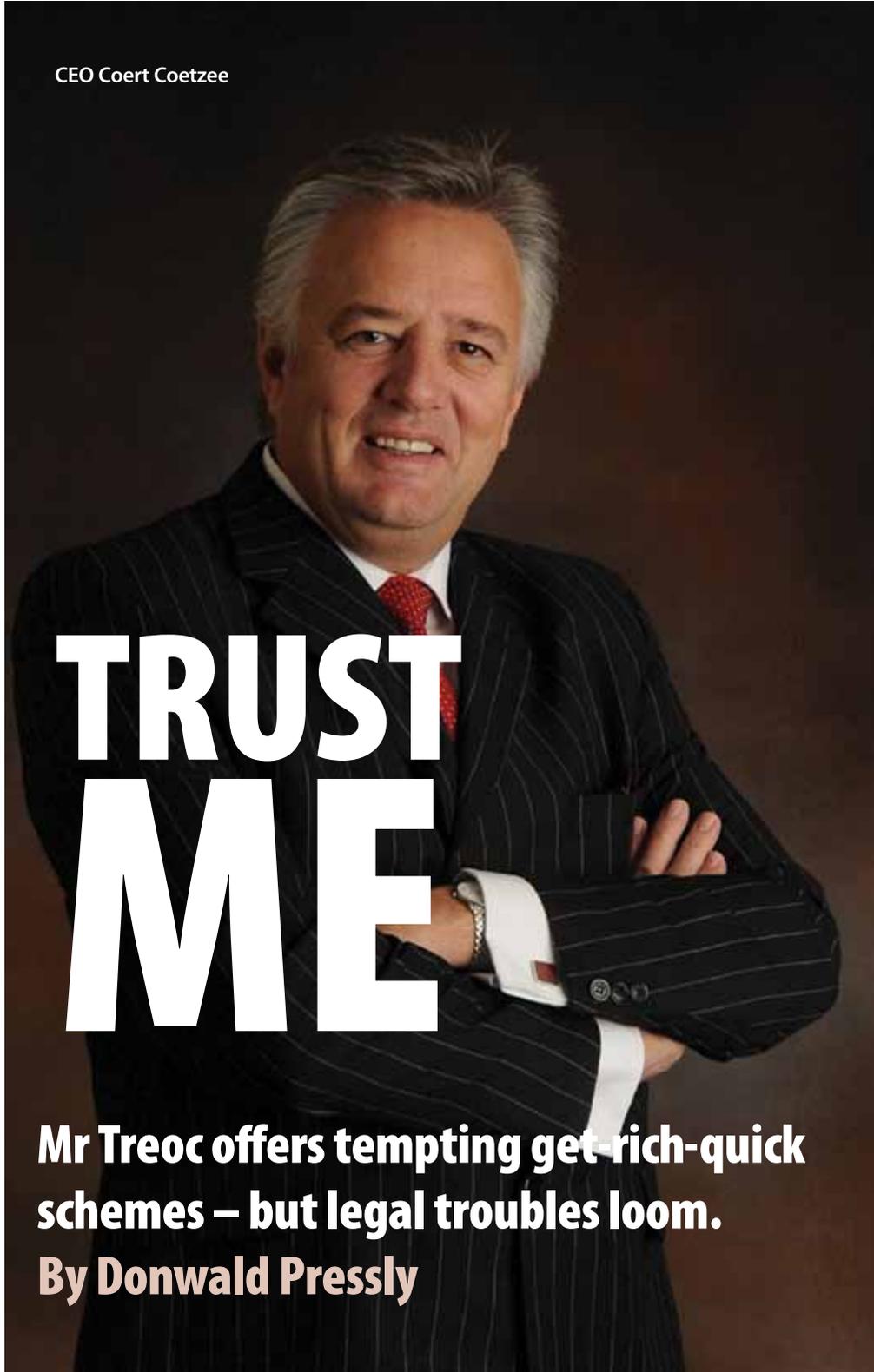
Surely one is on to a good thing when the CEO of a property investment company says: “Man has been involved in property since he stumbled into the first cave. If I lived in those days I would have had a few caves myself.”

A Treoc investment is glowingly recommended on their online video entitled “The Treoc Way: Financial Freedom with Property Investment” in which Coetzee says: “The right property in the right area at the right price is the best investment... especially if it is backed up by the right formula.”

That sounds fair enough. All that remains to be determined is: what is the right property; what is the right area; and what is the “right” price? Never mind. Treoc promises “a unique method” to grow wealth in a “very short period of time”.

Coetzee – who accepts that he is controversial – advises potential investors to steer clear of pension products and savings plans sold by financial institutions. In an email to *Noseweek* he said, explaining in the third person: “To the endless irritation of the corrupt liquidation industry of South Africa, the correct administration of the unique Treoc structures makes you 100% un-sequestratable. After attending the [investment] seminars you will understand why liquidators hate Coert and why they always badmouth him in the media. They even falsely accuse Mr Fearless, as they sarcastically refer to him, of running illegal pyramid schemes and banks.”

This is the point when an investor



TRUST ME

Mr Treoc offers tempting get-rich-quick schemes – but legal troubles loom.

By Donwald Pressly

should start to worry. Potential investors should do a reality check first. One flashing red light is that Ryno Engelbrecht and Mervin Dowries, joint liquidators of Treoc Ltd’s subsidiary, Treoc Capital (Pty) Ltd, have issued summons against the company’s directors.

One of the investors, Paul Hoogenboom, said the investors are awaiting a date for the hearing in the Western Cape High Court. Eleven investors are seeking their R5.2 million back from one of

23 Treoc subsidiary companies.

Until June last year the latest subsidiary, Treoc International Ltd, had 120 million ordinary shares at R2.50 per share on offer, hoping to raise R300 million.

Ryno Venter, director of Treasury Trust Services, said that by noon on June 3 (the deadline for any potential shareholder to invest in the company), 132 shareholders had invested R13.4m on 5,365,862 shares at R2.50 each. This

was R100,000 on average per investor.

Venter reported that Treoc (Pty) Ltd had swapped its shares for 8.2 million shares at R2.08 per share, giving it a stake of R20.5m. Two other Treoc subsidiaries, Treoc 104 Investment Consortium (Pty) Ltd, and Treoc 103 Investment Consortium, swapped shares for stakes in the new company worth about R3m. Another warning flash.

There are a few more red lights flashing. On www.treoc.com website Treoc reports that if a client's property portfolio was managed in "the Treoc Way" geared returns would be more than 60% per annum and there would be "very little tax if any". It prompts the old saying: if it sounds too good to be true, it probably is.

Coetzee, of Somerset West, was made famous in a *fin24* story of 30 October 2011 by reporter Jacques Dommissie

tors when repayments of capital were due. The investors could only be partly paid from the proceeds of new investment capital, he reported – the definition of a pyramid scheme.

Coetzee, through his lawyers Kellerman Hendrikse, rejected any suggestion of impropriety. He was "never involved with the management of Treoc Capital (Pty) Ltd, either as an executive director or employee".

But his opponents say Coetzee bought a shelf company, Klatrade794, in April 2006 and renamed it Treoc Capital. It was reported in a *Finweek* story that he had resigned as a director of Treoc Capital in 2007, but blamed a then director for not having taking his name off the Cipro (since replaced by CIPC) listings, so he had to sign off the 2008 financials!

The disenchanted investors said he

to get a good return on their investments... I was quite surprised that when the money from the investors started coming in, it was directly paid out to Dave Pearce since he was 'antsy' to get his cash back." Fullagar left at the end of July 2010.

All this background noise has not deterred Coetzee. Advertising an upcoming investment seminar at the Woodhill Country Club in Pretoria on January 17 and at the Protea Hotel Stellenbosch on 31 January, treoc.com reported that Coetzee would focus on using "other people's money" to get rich. Customised financing was one of the cornerstones of the Treoc Way, it stated. "We prefer to work only with the banks' money. Few people know how to do this effectively."

Coetzee would show the seminar-goers how to find property owners in financial

Coetzee rejected suggestions of impropriety, claiming he was never involved in managing Treoc Capital

who said a company linked to the Treoc Group – described as one of South Africa's largest property schemes, with some R5 billion in investments – had been found to be a pyramid scheme.

Dommissie's evidence for this was that Treoc Capital, another of the Treoc Group's financing arms, was liquidated in 2011. Previous investors were paid their "returns" from new investors' contributions. Also, the new investors were paid interest on their investments from their own capital. It had promised investors a sizeable – if more modest than the current promises – 24% a year on their property investments.

Moneyweb reported on 16 July 2012 that an investor in Treoc Capital was upset that no prosecution had been pursued and Treoc Ltd – the holding company – remained in business.

Advocate JJ Botha, a commissioner in an insolvency inquiry into Treoc Capital, bluntly described it as amounting "to a so-called pyramid scheme". Not only was it an illegal business; Botha reported that director Ian Deyzel conceded that the business couldn't pay all the inves-

was still involved in 2010 when he tried to organise a business rescue plan. Yet the Hawks at the time also decided there was no prospect of proving criminal intent and suggested that if investors had complaints, they should institute civil action.

Two directors of Treoc Capital, Deyzel and William Fullagar, somehow escaped unscathed – and are now working in financial services elsewhere. Fullagar said he had been employed as a marketing consultant but had taken up the job of managing director in January 2009. "In the global economy, which was on a downturn, I was not able to lose my job and therefore blindly accepted the title."

He said he only became aware of the funding problems at the company when an investor, Dave Pearce, demanded his investment of R5m back. Pearce got his money but the company had to find new investors to cover the fiscal gaps, reported Fullagar.

In an affidavit he said: "I started being successful in getting investors to invest in Treoc Capital and to start doing business with their money and enable them

distress and take over their bonds.

One of the limbs of the Treoc Way is the "55 Rebate Plan". Treoc received a 55% rebate from SARS on the price of five-or-more new Treoc-type townhouses bought "in a Treoc-type trust". At the seminar Coetzee would explain "this complicated SARS allowance in simple terms... and show you how to claim your rebate and get a lot of money back in your pocket".

In the joint liquidators' case, Cornelius Johannes (Coert) Coetzee is the first defendant, with his fellow directors Ian Deyzel, Joshua van der Merwe, Jose Alberto Delgado and William Fullagar as co-defendants.

Treoc Capital's directors are also being sued in their personal capacities. They stand accused of reckless trading in terms of the Companies Act. The plaintiffs say the company conducted the business of a bank by soliciting and accepting deposits from the general public "which exceeded in aggregate R500,000".

The plaintiffs claim the company was never registered as a bank and therefore conducted business illegally. The Treoc

directors are accused of using investments received from new investors to pay existing investors.

Coetzee said in response that “hate articles” attacked him all the time “because I continuously expose the fraud of hostile creditors, liquidators and pension companies in my articles in the *Treoc Times* and on my Facebook page”.

His opponents say he actually advertised investment with Treoc Capital in the *Treoc Times* at a time when it was already known to be in trouble.

But Coetzee is unfazed by the criticism. He continued: “In return, the pension companies use the lies of hostile creditors and their own media companies to badmouth me whenever they

Vowles, It is with sadness that I heard you are breaking your word and subsequently our agreement. Just to remind you about the agreement... that you will go along with the solution presented to you on 25 January 2010 if the majority of the other creditors agree to it. You also agreed to keep the agreement confidential...”

Coetzee says Treoc offered Vowles and the other creditors the opportunity to put (another) R3m in cash in the company to replace the working capital lost in the Vyco deal.

“There was also R700,000 of our own money as a loan in this company and I knew from experience that only the liquidators will make money if it were liq-

away, as Vowles once put it to me.”

Coetzee told *Noseweek*: “I know they don’t like me and I don’t care, because the day that liquidators and extorters start liking me will be a very bad day!”

Financial Mail reported in 2010 that Treoc Capital had about 4,000 investors. The method it adopted – mirrored in Treoc Ltd still today – was that Treoc identifies the properties to buy (and it is expected that it earns commissions at this stage) and a mortgage originator (who charges commissions) arranges finance for the investor.

A lawyer helps the investor to form two trusts – costing about R5,000 each. All the investor’s personal assets are transferred into a family trust and rent-

The Treoc principle is that business success is based on reverse logic – like its name: Coert in reverse

can.

“They, and especially the Sanlam/Naspers controlled Media24, hope I will disappear!”

Ironically, he said, the articles “are good publicity and we even use the ‘pyramid’ image as a logo for our online course”.

Coetzee said that the liquidation of Treoc Capital had been agreed by all its creditors and shareholders, including Treoc Ltd. He said it had been an unfortunate victim of the recession.

“During the recession, the banks cancelled some of the large previously granted bonds. Treoc Capital’s biggest debtor, Vyco Developments, also fell victim to the recession. Vyco... was unable to make payment which resulted in Treoc Capital failing to pay creditors.”

He said two lenders, Alex Vowles and Hoogendoorn, had “orchestrated threats” against him and demanded that he should personally repay their monies – about R1.3m between them. He said he was not involved in executive management at Treoc Capital, but Hoogendoorn says the CIPC states he was a director at the time.

Coetzee released an email exchange he had with Vowles in 2010: “Dear Mr

liquidated... I was proven to be right, the liquidators did not... collect any of the easily collectable R2m-plus from outstanding debtors.”

All the creditors initially accepted the offer, but Vowles had a change of heart later and broke the agreement, Coetzee claimed. “He decided to go the extortion and liquidation route,” charged Coetzee.

“Hoogendoorn and Vowles were moneylenders to Treoc Capital with proper loan agreements in place. If they say they were investors, it is a lie used to get the sympathy of ignorant people. Just as banks do not invest in you when they give you a home loan, moneylenders do not invest in the people or companies that borrow money from them.”

Coetzee issued an email from Vowles in which he said he would accept R940,000 or the equivalent of properties at a certain Constantia Place in Kemp-ton Park.

Coetzee said he did not believe the applicants in the court case were serious about getting a court date “since they know they don’t have a case”. He said he would “rather use the R5.2m (sought in the court application) to fight and expose them in the highest court than simply pay these extorters to make them go

al properties are purchased in a property trust.

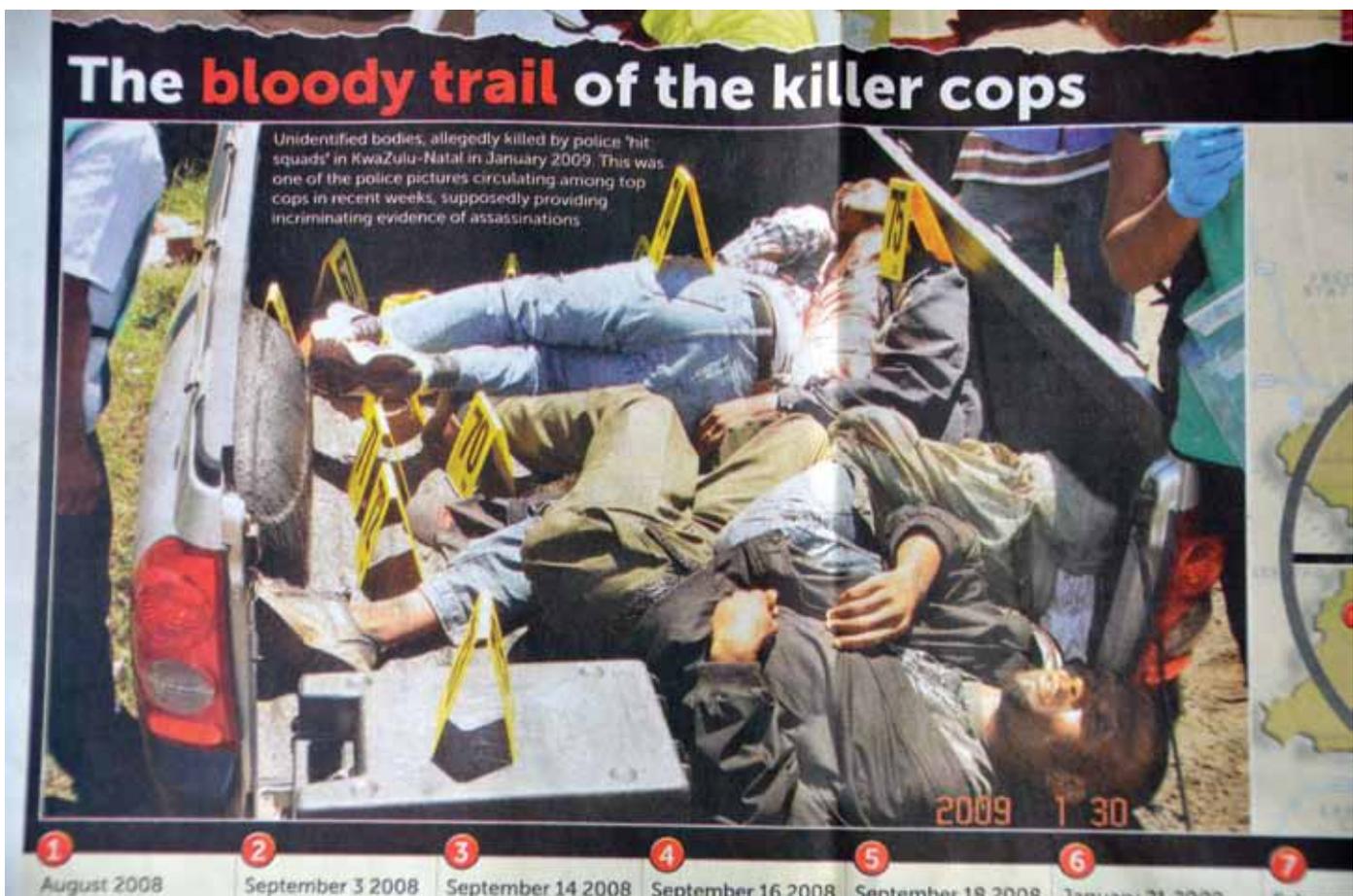
The investors stand surety to the bank in their personal capacity and obtain bonds for the property trust. But it appears they do not own anything to cover the surety. Problems obviously arise when rental income doesn’t cover mortgage costs – such as when there are interest rate rises or when a tenant defaults.

Coetzee, who is also author of a book *Sien die lig of sien jou gat!* [*See the light or see your arse!*] said: “Treoc Capital was not a pyramid scheme. All the 13 creditors were either friends, acquaintances or clients of the company’s founder and directors.”

In addition, Treoc Capital did not operate as a bank. The National Credit Regulator had confirmed “in writing” that its operations were in order.

Coetzee said although the option of legal action exists “against the people... spreading these slanderous untruths”, he had decided to “step up to the plate and assume the role of chief executive of Treoc Ltd in August 2011.

“The Treoc principle is that business success is based on reverse logic like its name.” Coert, in reverse. ■



The Sunday Times's dramatic coverage of events, except they got it wrong: Cato Manor cops weren't the shooters

Cato Manor: Sunday Times places its final bet

If we were played, then we were not alone, says newspaper's legal editor

NOSEWEEK, IN A SERIES OF REPORTS over the past few years, has shown how a prize-winning newspaper exposé of a police unit that allegedly acted as a death squad was wrong, and was itself the product of criminal manipulation.

Major-General Johan Booysen, the KZN Hawks boss under whose command the unit fell, was a particular focus of the *Sunday Times* exposé. He has since twice been exonerated: first at a disciplinary hearing chaired by Nazeer Cassim SC, where he was found innocent of any mis-

conduct, and then in the Durban High Court, where Judge Gorven set aside all the charges brought against him, and described the decision to prosecute him as "irrational", and the officials who ordered it, as "mendacious".

In a recent defence of the *Sunday Times* investigative unit that wrote the supposed exposé of the SAPS Serious and Violent Crimes Unit at Cato Manor, the newspaper's legal editor Susan Smuts sought the consolation of company in their dilemma: "If you claim we were played, then you have to ask that

same question of the well-respected journalist Fred Kockott who was short-listed for the Taco Kuiper award in 2010 for his piece about one of the main tenets of the case against Cato Manor, the killing of taxi driver Bongani Mkhize. [*It appeared in the Sunday Tribune.*]

"[*The fact remains:*] Mkhize went to court to get an interdict stopping the police from killing him, and he was still killed by the Cato Manor unit members..."

The trouble is, he wasn't killed by members of the Cato Manor unit. But

that comes at the end of our story. We need to begin at the beginning.

Noseweek reporter Paul Kirk has been laboriously researching, on and off for the past two years, the history of Bongani Mkhize and the circumstances surrounding his death.

This picture that has emerged is very different from – and much more complex than – that presented by the *Sunday Times* and those authorities intent on prosecuting and discrediting the Cato Manor policemen. As relevant is the backwash of political events that have played a major role in the story.

The complex material, presented in chronological sequence, makes for a gripping, if distressing, tale of our times.

November 1987: Taxi driver Bongani Mkhize's first encounter with the law proves to have been symbolic: he was found guilty of reckless driving for overtaking another vehicle on a barrier line while approaching a blind rise.

February 1989: Bongani Mkhize is convicted of fraud in the Harrismith Magistrate's Court. Details of this case are unknown as the court docket appears to have been stolen or misplaced.

November 1990: Bongani Mkhize is convicted in the Maphumulo Magistrate's Court of driving his taxi without a driving licence.

November 1999: A few weeks after the fatal shooting of 11 people at an Empangeni taxi rank, KwaZulu-Natal transport minister S'bu Ndebele announces his intention to establish a judicial commission – dubbed “the Truth and Reconciliation Commission of the taxi industry”. The commission was eventually promulgated in May 2000. Its members were: retired Judge Gerald Alexander; John Wills; Comfort Ngidi; and Sandile Kuboni. Hearings in various centres around KZN began in September 2000.

January 2000: Jackie Selebi appointed National Police Commissioner of the SA Police Service by Thabo Mbeki.

October 2000: Swayo Mkhize, a relative of KwaMaphumulo Taxi Association boss Bongani Mkhize is charged with murder and attempted murder in respect of Kranskop case 9/10/2000. The case is withdrawn when witnesses vanish.

March 2001: Taxi driver Siphso Zwane told the Taxi Commission about an occasion in 1994 when the taxi association to which he belonged decided to take revenge on its rivals. In addition to taxi boss Bernard “Big Ben” Ntuli's having

seven firearms, some other members of Zwane's association had three or four weapons each.

Driving in convoy, Zwane and about 70 association members set off like a Zulu impi to the Kranskop area. Their intention was blatantly to shoot members of the Maphumulo Taxi Association who had prevented members of Zwane's association from travelling through the area. The region had become so much of a no-go zone that Big Ben Ntuli was forced to fly in by helicopter.

Six people, all from the Maphumulo Taxi Association, were shot dead during the ensuing attack. Zwane's group escaped unscathed.

The commission said that court procedures involving taxi violence needed to be fast-tracked.

“Delays have enabled potential State witnesses to be bribed to change their statements and to be intimidated from giving evidence for fear of their lives and those of their families. And it has been only too often the experience that such witnesses have been murdered before the trial.”

November 2001: The police were heavily criticised by the KZN Taxi Commission of Inquiry for adopting a “soft approach” in dealing with the continued violence at the taxi rank near The Pavilion shopping centre at Westville. About

Mkhize was used to getting away with murder because people were scared of him

10 taxi operators had been killed in the previous four months in violence characterised by drive-by shootings, as a result of a dispute between two associations over the lucrative route to The Pavilion.

Commissioners visited the strife-torn rank and were told that 109 bullets were fired during a gun battle on August 8.

Westville station commissioner Superintendent Dion Michael Singh told the commission that the police had tried to restore peace and order at the rank. A special joint police operation was discussed with stakeholders to try to halt the violence. “On occasions we formed a human chain to allow members of the Chesterville Association to leave the rank without being shot.

“But we are not successful because even on Tuesday there was a conflict there,” he said.

The commission said that if the security forces had applied zero-tolerance to violence, things could have been better. Commissioner John Wills said it was very disturbing that some of the offences at the rank had been committed in front of the police.

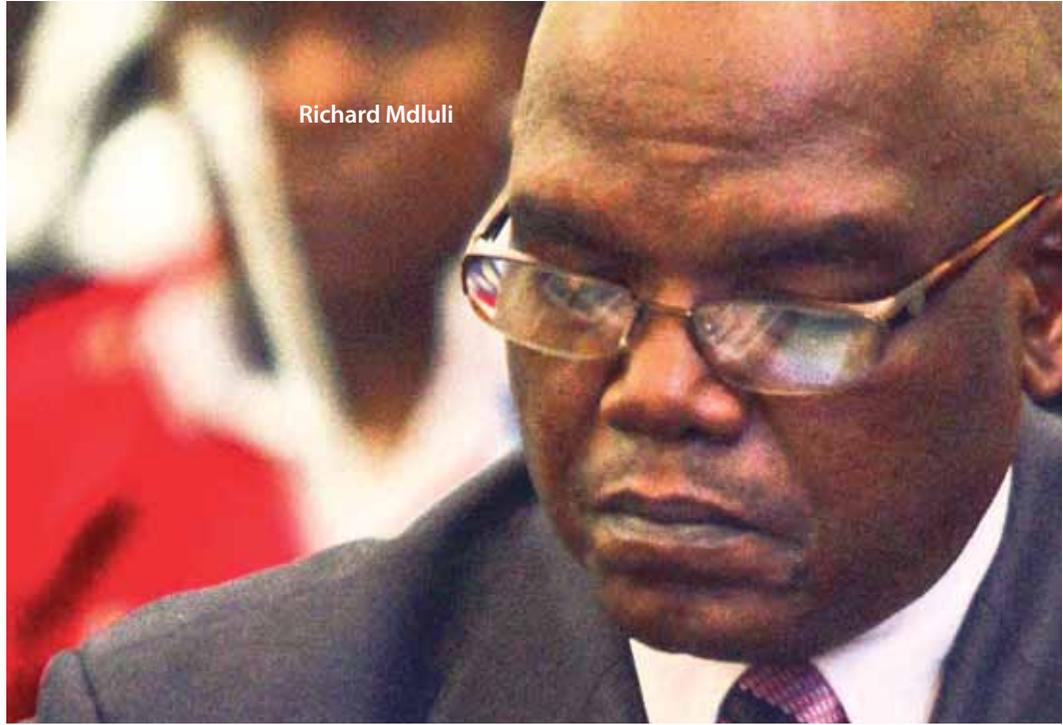
August 2003: Richard Mdluli promoted to the rank of Deputy Provincial Commissioner in North West Province.

November 2003: Bongani Mkhize is questioned over allegations of public violence. He is alleged to have been involved in an illegal road blockade and attack on a rival taxi association. He is not charged, as witnesses refuse to give evidence or statements to police.

2004: Bongani Mkhize and others are investigated and charged with murder in relation to a drive-by shooting in which a schoolgirl is incidentally killed.

In a statement to police, the intended victim, Richard Khayle – a rival taxi owner and apparently a low-level police informer – told police in a statement how, while driving home one night, he “noticed a Mercedes-Benz, maroon in colour... It belongs to Bongani Mkhize our chairman at Maphumulo Taxi Association. He was sitting in the front passenger seat, Mhlaba Gcabashe was driving, Lonke Mhlongo was seated at the back seat with Zo Xulu... I saw Bongani Mkhize (chairman) pointing an AK47 rifle to me and he started shooting at me. I continued driving... making it as difficult as possible for him to shoot straight.”

During the chase a frightened teenage schoolgirl jumped off the back of a bakkie, falling on to the road and was run over



by Mkhize's car. Following the shooting, Mkhize, Gcabashe and Xulu were arrested and charged with the schoolgirl's murder and four counts of attempted murder. (The case would later fall apart when the trio got bail.) Gcabashe – who had made approaches to police and was about to confess to his part in the botched hit and become a State witness – was shot dead on 4 December 2005.

Khayle, the intended murder victim who was crucial to the State's case, was shot and killed on 25 January 2006. With a potential State witness as well as the victim and only eyewitness both dead, on 30 May 2006 the Control Prosecutor of Stanger Magistrate's Court withdrew all charges.

Although this file confirms that unlicensed guns were recovered from his co-accuseds' homes, and although Mkhize was arrested while driving the maroon Mercedes identified by Khayle, it was felt there was no chance of successfully prosecuting him.

October 2004: Bongani Mkhize is questioned in relation to another drive-by shooting in KwaDukuza. He is released without being charged when the witnesses vanish and cannot be traced by police.

October 2005: KwaDukuza Municipal Manager Nathi Mthembu is shot dead, allegedly on the orders of taxi bosses. Although the hired hitman who killed Mthembu is serving a life sentence, the taxi boss who allegedly hired the hitman has never been convicted.

In court, a close associate of Bongani Mkhize was named as being the mastermind behind this murder. Mthembu was murdered while mediating between Mkhize's taxi association and others – and was allegedly viewed as being hostile to Bongani Mkhize's business interests.

4 November 2005: Richard Mdluli appointed Deputy Provincial Commissioner of Police for Gauteng.

January 2006: Richard Khayle, the taxi boss who had accused Mkhize of attempting to murder him, is shot dead. His body is found with an expensive wristwatch on one arm and crammed wallet in his pocket. The murder remains unsolved.

May 2006: Swayo Mkhize is charged with murder in relation to Kranskop case 64/5/2006. The charges are withdrawn when the witnesses vanish, not to be seen again. Swayo Mkhize is alleged to be Bongani Mkhize's most trusted lieu-

tenant and hitman.

May 2006: Captain Neville Eva arrests Bongani Mkhize and questions him in relation to another murder. Mkhize is released without charge when witnesses recant their statements.

February 2007: Bongani Mkhize is questioned in relation to one of the bloodiest days in the taxi war that has been ongoing between his association and others. On a Thursday afternoon six people were mown down with machine gun fire as they sat at a braai. Two of the men were rival taxi bosses and police believe the other four men were killed simply because they were in the wrong place at the wrong time.

The two assassinated taxi bosses were Khayelihle Shembe (29) and Mqondeni Nxele (38). Other deceased included Mtholeni Mngomezulu (40), a teacher from Qhubinyathi High School.

Mkhize's car is allegedly seen speeding from the scene of the murder, however witnesses recant their statements when asked to provide affidavits recording what they had seen.

3 July 2007: Addressing a prayer meeting in Durban, Bheki Cele (then KZN MEC for Transport, Community Safety and Liaison) lashed out at criminals, saying police in the province would shoot to kill.

"We cannot allow police to be killed by criminals. Once criminals pull their guns, police should aim for the head", he said.

Barely two weeks later the *Sowetan* newspaper reported: "Police in KwaZulu-Natal have killed eight people in less than 10 days after Bheki Cele told them not to hesitate and to shoot to kill all criminals." It noted that those killed by police fire

were four hijackers, two ATM bombers, a taxi hitman and an alleged murder and robbery kingpin called Rasta Msisi who had been linked to the St Tropez Restaurant attack.

The article went on to report that the province's "crime war" had also claimed the lives of four policemen who were shot by criminals.

A police spokesman denied that the police action was a response to Cele's call. He said police had a right to protect themselves.

Cele instituted legal action against the *Sowetan*, claiming they had libelled him by suggesting he was inciting policemen to commit murder. He lost the case when the judge found he had been correctly reported – and that she could find nothing wrong with what Cele had said.

More Cele quotes cited in the judgement included:

- "Policemen must not die with guns in their pockets."

- "You can't be soft and you can't be moving around kissing crime. You need to be tough, because you are dealing with tough guys."

- "Criminals are comfortable with R5s and when they pull the trigger it does not produce photos."

- "The only choice that police have is to answer with the same thing that criminals are using. The only thing that an R5 understands is an R5."

- "No policeman must smile on a thug that has a gun in his hand."

Judge Fayeeza Kathree-Setiloane found that these statements were far from incitements to commit murder. She noted that certain members of the media and the community had applauded Cele's

tough stance and calls to the police. The *Sowetan* article would have been read and understood in its full context.

July 2007: Bongani Mkhize is investigated for murder in relation to a KwaDukuza case, number 491/7/2007. He is not charged, after the witnesses vanish.

10 September 2007: Gauteng Scorpions head advocate Gerrie Nel, who has been probing corruption by Selebi and his accomplices Glen Agliotti and others, secures a warrant for the arrest of National Police Commissioner Jackie Selebi on charges of corruption. It is quickly cancelled.

November 2007: *The Star* reports that Nel is himself the subject of a police probe, headed by Mdluli – but, strangely, carried out by cops that are known to be Mdluli's close friends from the North West Province – including Ntebo Jan Mabula (since promoted to Major-General and head of the Hawks in North West Province).

November 2007: Scorpions prosecutor Advocate Nomgcobo Jiba suspended after evidence emerges that she authorised a police arrest warrant for Nel – without any evidence.

January 2008: Nel arrested by about 20 armed policemen at his home in front of his wife and children. Mabula leads the operation with members of the SAPS Task Force. Nel's home and office are searched and much evidence against Selebi is copied – allegedly to be handed to Selebi.

January 2008: Selebi loses a court case to prevent him being charged with corruption.

February 2008: Bongani Mkhize is questioned over an assault case. He is released without charge when the taxi driver he allegedly assaulted recants his statement.

March 2008: Bongani Mkhize is arrested for illegal arms possession. He is again released without charge when police cannot link the guns found in Mkhize's car to Mkhize himself.

26 August 2008: Two days after the arrests of Mkhize's nephew and others, the head of the Provincial Taxi Violence Task Team, Colonel Zethembe Chonco, is ambushed by gunmen and dies in a hail of bullets while driving in a police convoy transporting Swayo Mkhize and his associates – all handcuffed in the back of another police car – to court.

Warrant Officer Joseph Khanyile – Chonco's bodyguard and friend – was hit multiple times at close range by AK47

rifles during the attack. Despite his wounds Khanyile managed to shoot dead one of Chonco's killers. In a statement made while in hospital, Khanyile – who was crippled for life in the gunfight that killed his friend – positively identifies three of his attackers. Crucially the attacker who was shot dead by Khanyile had his cellphone in his pocket. It was active.

The Chonco murder docket contains "an affidavit in support of application for section 205 (1) subpoena" – needed to access cellphone records. The affidavit reads in part: "Inspector Khanyile returned fire during the ambush, killing one of their assailants on the scene. The suspect's phone was also found at the scene. The handset was kept active and it received continuous calls.

"During the course of the investigation it has become apparent that a large number of individuals were involved in the birth of the plan... A statement of a witness was received, implicating at least 13 suspects present during the time of the ambush."

Once those involved in Chonco's killing began to be arrested, the alleged conspirators – unaware of the live cellphone that had fallen into the hands of the police – began to suspect there was an informer in their midst. When, on 16 December, one of the killers, Magojela Ndimande and his bodyguard were shot dead by members of the Cato Manor unit, the conspirators became thoroughly convinced they had a traitor in their midst.

Ndimande had been in hiding since Chonco's death and was on his way out of the province when Cato Manor detectives shot him dead in a failed attempt to arrest him.

Cellular phone data off the dead assailant's cellphone revealed Bongani Mkhize was in constant contact with all the hitmen in the run up to, and immediately after, the killing. Police received information that Mkhize may have ordered the murder to avenge the arrest of several of his most trusted lieutenants and to rescue them.

Warrant Officer Paul Mostert tells *Nosweek* that Mkhize vanishes at this time, leaving his family home and cannot be traced by any means.

November 2008: Bongani Mkhize obtains an interim order preventing the police from killing or assaulting him. The interim order states that, should police wish to question Mkhize, they must do so

in the presence of his lawyer, and if they want to arrest him they must arrange for Mkhize to hand himself over via his lawyer.

Later the order is amended. The final order merely prevents police from unlawfully killing or arresting him, an absurdity since that is, in any event, the legal position: unlawful killing is murder and unlawful arrest is tantamount to kidnapping.

There is no record of Mkhize's having previously complained about his treatment by police.

Captain Anton Lockem, formerly of the Cato Manor unit, said: "I don't want to boast, but we were very effective. We solved our cases and Bongani Mkhize was not used to dealing with policemen like us. He was used to getting away with murder because people were scared of him. We weren't. Once the first few suspects for Chonco's death were identified, Mkhize panicked, began to plot murder at an even faster rate than normal and began to look for ways to buy enough time to allow him to murder all our witnesses.

"The court interdict was a desperate last attempt by Bongani Mkhize to buy himself a few weeks to track down the witnesses against him and kill them."

Advocate Nazeer Cassim SC comes to a similar conclusion when summing up the evidence at Booyesen's disciplinary hearing.

"It is not my place to be critical of court orders, but I have grave reservations as to whether the court interrogated the propriety of the application and the usefulness of any order which it made. What I am convinced of is a lack of expertise in the State Attorney's office and those generally briefed to present a case on behalf of the State. The opposition to the application showed no understanding of the purpose of Mkhize's application, a tactical manoeuvre to put the police off-guard. It seems to me, sad to say, that Mkhize's application had the desired effect. The main suspected wrong-doer manipulated the legal system to appear to be the victim."

January 2009: Unfortunately for Inkosi Zondi, suspicion immediately fell on him for being a police informer – mainly because he had once been a policeman. On 22 January 2009 Zondi was murdered by several gunmen who sprayed his car with rifle and pistol fire. Fingerprint and forensic evidence links Swayo Mkhize to the murder of Zondi. Cellphone evidence links the killers, including Swayo Mkh-

ize, to Bongani Mkhize. Cato Manor cops begin searching for Bongani Mkhize to question him – however the taxi boss remains missing from his home and switches off his cellphone.

January 2009: Swayo Mkhize is arrested by members of the Cato Manor Organised Crime Unit. He is told that police have linked him by fingerprints, forensics and cellphone records to Zondi's murder. Swayo Mkhize confesses and asks to become a State witness against his uncle, whom he identifies as one of those who had planned Zondi's killing.

Swayo's confession, filed under Umlazi Case number 113/1/2009, relates, in very poor English, how at the Durban North Steers restaurant "Sga Ndimande said Magojela Ndimande, his brother, was sold to the police by Inkosi Zondi." The confession continues "The two Ndimande brothers, Sga and Sifiso then said they can pay R50,000. Mzuza said the taxi association can pay R150,000 [*toward paying hitmen to kill Zondi*].

"Mzuza pointed at myself, Sga, Sfiso, and Sphe and said we can be the killers. Sga said he can organise someone at Umlazi who can do observation on Zondi's movement... Sga and Sifiso informed us that there were firearms kept at Umlazi which were used by Magojela before his death... On Wednesday 2009-01-21 we drove to Durban and sat and waited at the KwaMashu men's hostel... Sga arrived with a Toyota which was loaded with guns. I noticed that there was 1 AK47, 1 R5 rifle, 1 NZ75 pistol..."

He then describes chasing Inkosi Zondi's car "while we were parallel with the [*Toyota*] RunX, all of us shot at the car. I was carrying an AK47, Sga was carrying R5, Sifiso, NZ75 pistol. We shot at the car until it stopped at the road railing. Sga jumped out of the car and walked close to the RunX and continued shooting at the driver's side. He came back and told us that Zondi was dead."

Apart from this confession, police found fingerprint evidence in the getaway car linking the men named in the confession with the murder of Zondi. Armed with the confession and with corroborating fingerprint evidence Cato Manor cops went looking for the alleged killers, including Bongani Mkhize.

At about this time the close relative of a very senior cabinet minister supplies Crime Intelligence with information that Bongani Mkhize is planning to flee the country.

Nowhere do any Cato Manor police claim that Mkhize fired shots at them

2 February 2009: the above-mentioned source provides police with an accurate location of where Bongani Mkhize is hiding out. The investigating officer in the Zondi case rushes to Stanger to arrest the alleged hitmen identified by Swayo in the Zondi case. They are reported to be in the taxi rank, armed with the weapons they used to murder Zondi. Other policemen are left to follow up on the information on where Bongani Mkhize (who allegedly hired the hitmen and is alleged to be on a killing spree) is hiding.

3 February 2009: Bongani Mkhize is shot dead by members of the National Intervention Unit – not Cato Manor policemen – following a car chase involving members of the Cato Manor Serious Violent Crimes Unit. There is no arrest warrant for Mkhize, but none was required: court records suggest police went out to arrest the taxi boss in order to pre-empt the contract murder of witnesses – including one of Bongani Mkhize's own relatives – and his flight from justice.

A report on Bongani Mkhize's death by the Durban Central Police Station Commissioner at the time reads: "Durban Organised Crime SVC (Serious Violent Crimes Unit) received information regarding the whereabouts of murder suspect Bongani Mkhize, Umlazi CAS113/1/2009... Members noticed black Lexus near McCords Hospital... and started following same."

The report says, when Mkhize sped away, the two Organised Crime Unit cops shot at his tyres and called for assistance from the National Intervention Unit who

were nearby. "NIU members noticed suspect firing... and responded (three shots) with R5 assault rifles at the suspect, causing instant death."

Nowhere in the docket do any Cato Manor policemen claim that Mkhize fired shots at them. They claim he pointed his pistol at them, then detail how they shot to try stop his vehicle and prevent his escape.

It was the NIU who claimed they saw Mkhize shooting, though legally they did not have to wait for Mkhize to shoot first. In South African law a person need only believe that their life is under immediate and real threat before using lethal force to stop that aggressor.

In short: Bongani Mkhize was not killed by Cato Manor policemen. The fatal shots were fired by members of another police unit, in a chase, after shots were fired by Mkhize. Gunpowder traces on his hands immediately afterwards provide forensic evidence that he did, in fact, fire his gun.

The report continues: "No witnesses [*located*] after exhaustive investigation on scene by attending officer personally."

Nearly three years after police could not find any witnesses to Mkhize's death, the *Sunday Times* claimed to have found witnesses who saw a member of the Cato Manor unit walk up to the door of Mkhize's car and execute him with a handgun.

One of the cops involved in the Mkhize incident said "The *Sunday Times* made that story up." The officer did concede that the docket against his colleagues included a recently commissioned statement from a newly found eyewitness saying that a tall Indian policeman was seen to walk up and execute Mkhize.

However the indictment does not charge any Indian police official with Mkhize's death. The officer said: "That statement will be vigorously denied. Whoever took that statement clearly gave it to the *Sunday Times* to smear us. That was malicious because the charge sheet shows that the prosecution team does not believe that an Indian cop killed Mkhize."

February 2009: A large cash payment from the police's secret fund is made as a reward to the relatives of the cabinet member mentioned above for revealing Mkhize's whereabouts.

1 July 2009: Richard Mdluli appointed commander of Crime Intelligence. As such he has access to millions of rands in cash that are used for secret operations.

July 2009: Bheki Cele succeeds disgraced Jackie Selebi as National Commissioner of Police

March 2010: Major-Gen Johan Booysen appointed head of Hawks in KZN. Under his direction investigation commences into “certain procurement irregularities” involving senior SAPS officers and businessman Thoshan Panday

10 May 2010: KZN Police Commissioner Mmamonye Ngobeni instructs Booysen to stop the investigation. She and her husband are close friends of Panday and beneficiaries of his largesse.

19 May 2010: Hawks boss Anwar Dramat orders Booysen to resume the investigation, but now under supervision of a brigadier in Pretoria.

15 June 2010: Booysen is summoned to KZN Commissioner Ngobeni’s office, where he is introduced to suspect Panday and his legal representatives. Ngobeni then instructs Booysen to have the investigating officer in the case investigated.

28 June 2010: Booysen is instructed by National Commissioner of Police, General Bheki Cele to continue with the investigation of Panday, and not to entertain any interference. Investigators were to report to Booysen directly and not via the Brigadier in Pretoria.

Booyesen later states in court papers: “One of the suspects in the investigation, a colonel in the SAPS [*Colonel Navin Madhoe*], subsequently tried to bribe and pressurise me to compromise the investigation. He showed me some photographs (which came from the SAPS database) which he claimed would cause me some difficulties. I was not interested in his efforts and was not perturbed by the photographs.”

October 2010: The Mdluli Ground Coverage Report begins to circulate in government circles. The report claims that Bheki Cele ordered the murder of Colonel Chonco, who had allegedly uncovered evidence of Cele’s alleged corruption and involvement in the taxi industry. According to this report Cele used Bongani Mkhize’s hitmen to commit the murder, then sent in the Cato Manor cops to, in turn, silence Mkhize’s hitmen.

December 2010: The *Mail & Guardian* speculates that the Ground Cover report was possibly commissioned by Mdluli as part of an Intelligence war, in an attempt to divert attention from Mdluli and as retaliation against Cele, who as Commissioner of Police had either approved high-level police investigations

of Mdluli’s alleged crimes, or refused to close them down.

There is every reason to believe that the account of Cele’s alleged misdeeds is a fabrication built on a few known facts. If they were given any credence in government or legal circles, no explanation has ever been offered as to why Cele was not arrested and charged with the criminal conspiracy so confidently described in the supposedly secret but widely published report.

Early 2011: Head of *Sunday Times* investigations unit, Mzilikazi wa Afrika approaches various people in Durban for more information relating to the Ground Coverage Report.

July 2011: A case of fraud and corruption is registered at Silverton Police Station as case number 155/7/2011. The case involved the alleged theft of money from the police Secret Service Account overseen by Police Crime Intelligence boss Richard Mdluli. Corruption is one of several allegations being probed against Mdluli by Brigadier Simon Madonsela – formerly commander of the Cato Manor Serious Violent Crimes Unit but who was

The Sunday Times reports that the charges were dropped because the NPA forgot to bring key evidence

transferred to Gauteng on being promoted to Brigadier.

Among Madonsela’s other investigations are allegations that the police Secret Service fund was used to renovate and modernise the home of a senior ANC cabinet minister. Allegations are also made that the fund was used to finance senior members of the ANC.

8 August 2011: Colonel Navin Madhoe arrested for attempting to bribe Booysen with R2 million in cash allegedly provided by Panday. Madhoe is subsequently suspended. One week later Panday was arrested on the same charges.

November 2011: Major-General Mark Hankel produces a damning report on rampant corruption in Mdluli’s Crime Intelligence division. The corruption has been uncovered through a team of detectives working for Madonsela – who also find that unknown journalists have been paid by Crime Intelligence in order to write and publicise stories that suit Mdluli’s agenda. The report is sent to the Inspector General of Intelligence.

Apart from illegal payments to journalists, this report also reveals that Madonsela’s Hawks are also investigating a scheme in which Mdluli allegedly has been paying his friends and relatives out of the Secret Service account to sit at home and do nothing. Hankel says that among other issues the Hawks are probing inter alia: “The appointment/promotion of (Mdluli’s) current wife, her brother and other members of her family, his ex-wife, her daughter and his son, as well as two ‘girlfriends’ in the Eastern Cape.”

Late 2011: Richard Mdluli travels to Durban and persuades the investigating officer in the fraud and corruption case against Thoshan Panday, a Colonel Subramoney, that he needs to move to Johannesburg as – so Mdluli tells him – there is a plot to assassinate him. The investigator resigns from the police but continues to draw his salary from the Secret Fund operated by Mdluli’s crime intelligence department. (Subramoney later testifies at Booysen’s disciplinary hearing that, since moving to Johannesburg at Mdluli’s insistence, he has been paid by the secret police fund to do nothing but stay at home. The fund is intended to finance undercover police operations.

December 2011: The *Sunday Times* begins a series of articles alleging Cato Manor cops acted as a criminal death squad. It quickly becomes clear they are heavily influenced by the Ground Cover

report circulated by Mdluli as well as a dossier of pictures provided to them by fraud suspects Navin Madhoe and Thoshan Panday – the same pictures that Madhoe had previously used in a failed attempt to blackmail Booysen into withdrawing the charges against them. (*Noseweek* has previously demonstrated that the *Sunday Times*'s use of the photographs was misguided and careless, if not patently malicious.)

Maj-Gen Jan Mabula, the Mdluli associate who conducted the show-arrest of Gauteng Scorpions boss Gerrie Nel, immediately takes charge of the investigation into Cato Manor. Several corruption investigations undertaken by the Cato Manor policemen and their boss Johan Booysen are canned.

March 2012: *Noseweek* publishes its first report (*nose149*) questioning the sources and motives of the *Sunday Times* reports, and the quality of the evidence presented.

May 2012: An affidavit by a member of Mdluli's Crime Intelligence unit, Colonel Kobus Roelofse, comes to light. In it he claims that (unnamed) *Sunday Times* journalists were being paid by Richard Mdluli to smear Mdluli's potential enemies. The *Sunday Times* denies the allegations. Crucially they make no attempt to sue Roelofse or charge him with perjury (the allegations were made in affidavit format). Instead the *Sunday Times* produces a letter from Crime Intelligence saying, unsurprisingly, that members of the newspaper's investigation team are not paid agents of Crime Intelligence.

September 2012: In an article published on the journalism.co.za website *Grubstreet* journalist and media consultant Gill Moodie writes that there has been "vindication for the *Sunday Times* investigations team".

"Last month the paper's excellent investigative unit – comprising Mzilikazi wa Afrika, Rob Rose and Stephan Hofstatter – were, to my mind, vindicated when (Johan) Booysen was arrested and the team won both the Story of the Year and Investigative Journalism category at the Standard Bank Sikuville Newspaper Journalism Awards," Moodie enthuses.

What the website and the public did not know was that, while Booysen was arrested there was absolutely not a shred of evidence to justify his arrest. (See Judge Gorven's findings.)

Noseweek correspondent Paul Kirk's ongoing investigation of the Cato Manor

saga reveals that much of the evidence against the Cato Manor policemen who still face charges is equally dicey. Most disturbing: a number of witness statements that, according to the State, will be used in the prosecution of Cato Manor policemen have been denied by the purported deponents and declared forgeries by a leading questioned document examiner. And an autopsy report which the State proposes to use in evidence has been found to have been recently altered without the original author's knowledge.

April 2013: Corruption and fraud charges are withdrawn against Thoshan Panday. Among the reasons given for this patently outrageous decision is the claim that "the tainted Cato Manor death squad policemen" will not be found credible witnesses in court.

March 2014: The Durban High Court throws out all charges against Booysen. Judge Trevor Gorven rules there is no evidence at all linking Booysen to any offence. He calls the decision by NPA head Jiba (already notorious for her authorisation of the arrest of Scorpions boss Gerrie Nel without any evidence to support charges) to charge Booysen "irrational, unconstitutional and unlawful".

The *Sunday Times* is not in court to hear the arguments or hear Gorven's judgment. Following the judgment the newspaper reports that the charges were dropped because the NPA forgot to bring key evidence to court. This is a gross misrepresentation of events. The NPA had on at least three occasions given sworn testimony that they had handed over all their evidence to Booysen's defence team. Judge Gorven found that all this evidence contained nothing that linked Booysen to any offence.

September 2014: A disciplinary hearing chaired by Nazeer Cassim SC finds that there is no evidence to suggest Booysen ran any sort of death squad. Cassim finds that there is clear evidence of a scheme to smear and sack Booysen. In his ruling Cassim finds: "the objective facts demonstrate an agenda to get rid of Booysen because he was perceived (rightly so I may add) as a determined, professional, competent and tenacious policeman who would arduously strive to bring the wrongdoers to book."

November 2014: Susan Smuts, the *Sunday Times* legal editor, defends their story – claiming that the "trail of bodies" behind the Cato Manor unit made it "unsustainable" to criticise her newspaper.

She points out the cops have been indicted for 28 murders.

Here it is as well to remember that in the same indictments referred to by Smuts, the *Sunday Times* Legal Editor, Booysen was charged with racketeering and with having co-ordinated and masterminded all these alleged murders – charges that have since all been set aside by the high court, which found that the State had no evidence to sustain them.

As we have ourselves noted, the Cato Manor policemen had killed 45 people in less than three years. That did not mean they were murderers. They were members of a unit that had the extremely dangerous job of dealing with organised, violent criminals who were armed and prepared to shoot their way out of any situation. Several members of the unit were themselves shot, maimed and killed in the process.

Smuts also says: "Booyesen was the ultimate head of this unit that performed these acts, that is not in dispute. When the charges were dropped, [*against Booyesen*] it is on record that the case was bungled..."

The only place where it is suggested that the case was bungled is in her own newspaper.

Finally, she claims that if the *Sunday Times* got the story wrong, they aren't entirely to blame – because another journalist wrote about Bongani Mkhize and his court interdict before they did.

Said Smuts: "If you claim we were played, then you have to ask that same question of the well-respected journalist Fred Kockott (whose story in the *Sunday Tribune* about the killing of Bongani Mkhize was short-listed for the Taco Kuyper award in 2010).

"Mkhize went to court to get an interdict stopping the police from killing him, and he was still killed by the Cato Manor unit members..."

Trouble is, he wasn't. Not by Cato Manor police – which puts the kibosh on that charge.

Not exactly cricket to drag a colleague down the chute with you, but we take that as a tentative concession that they both may, indeed, have got the story horribly wrong.

December 2014: We contact Kockott and offer to share our court papers with him. Kockott says he will revert to us in the new year when he has free time. Kockott now runs a journalism training outfit called Roving Reporters. ■

Mnangagwa gets thumbs up Zimbabwe's leadership transition begins

WITH ZIMBABWE VICE-PRESIDENT Emmerson Mnangagwa reportedly assuming some of the duties of the head of state, it looks as though the transition of power from President Robert Mugabe could at last be under way. Mnangagwa has decisively supplanted former Vice-President Joice Mujuru as heir apparent, but it came at a cost of giving Mugabe almost full power over the Zanu-PF party machine. This power could be turned just as easily on the new heir apparent, should he step out of line.

Mnangagwa's followers include top securocrats and his Co-Vice-President, Phelekezela Mphoko. Among his civilian supporters, there is a certain disappointment, in particular for Oppah Muchinguri, Jonathan Moyo, Saviour Kasukuwere and Patrick Zhuwao at their own relatively meagre appointments.

A separate faction to counterbalance Mnangagwa could be forming around Mugabe's relatives, led by Ignatius Chombo, 74, now elevated to the fourth spot on the praesidium with Mugabe and the two vice-presidents. Its growth will to some extent depend on how active a role the president's wife, Grace Mugabe, intends to play: it's believed the cabinet seat for Women's Affairs has been earmarked for her.

Only a rump of the faction loyal to Mujuru remains at the higher levels of party and state. Her camp had become disorganised and complacent. Its members could not believe that the fabrications and allegations of assassinations, foreign plots or witchcraft would be taken seriously. They failed to rally around their colleagues who first came under attack, notably Gideon Gono and former party spokesman Rugare Gumbo.

As the purge gathered momentum, inertia prevailed as key provincial Zanu-PF leadership posts fell. The provincial foot-soldiers here were the Women's League (increasingly loyal to Grace Mugabe) and the rather young war veterans' groups formed under the auspices of Chris Mutsvangwa, who has been rewarded with the new Veterans ministerial portfolio. Jabulani Sibanda, leader of a slightly older veterans' grouping, was arrested in November for insulting the First Family by referring to "a bedroom coup". Mujuru is unlikely herself to make a formal break with Zanu-PF but with over 100 parliamentarians and a dozen ministers demoted or relegated to the backbenches, Parliament itself could become a centre of intra-party rivalry.

Mnangagwa is reputed to understand business and the workings of a modern economy. Mugabe himself is caught in

a time warp of now-dated analysis. Yet the signs are that land reform rules are being eased. The economy is slipping into deflationary mode and the official growth targets for GDP revised down towards 3%, about half of the rate of comparable economies. Utilisation of industrial capacity has sunk below one-third and closures and job losses have accelerated. Having failed to benefit from the decade-long commodity boom, Zimbabwe is now affected by the weak global prices for primary commodities.

The setback was largely self-inflicted as fast-track agricultural reforms were implemented with inadequate planning, expertise and capital investment. Low international metal prices have depressed exploration and expansion, and India's Essar Group's US\$750-million investment to refurbish the iron and steel works remains stalled.

Linking to the US dollar provided a short-term solution to hyperinflation but is proving costly in its inability to adjust the exchange rate to reflect the weakness of Zimbabwe's major trading partner, South Africa, adding to pressure on the balance of payments. As Western economies move to positive interest rates, the attractions of short-term lending to countries such as Zimbabwe will fade and the domestic liquidity crunch will get worse.



Mozambique's President Filipe Nyusi

Mozambique's new broom sweeps clean

PRESIDENT FILIPE NYUSI IS EXPECTED to bring many new and younger faces to the cabinet as allies of predecessor Armando Guebuza move on. Now that the dust has settled on the controversial general elections, Nyusi's first steps have been to unify the governing Frente de Libertação de Moçambique (Frelimo). He still has some influential opponents in the party, though, including Graça Machel, widow of both Founding President Samora Machel and of South African President Nelson Mandela. Even Luísa Dias Diogo, his biggest rival for the presidential nomination and a former prime minister, has pledged her backing, as has ex-President Joaquim Chissano.

In the coming year, the Chissano faction will probably regain the influence it lost during Guebuza's tenure. There are early signs that Nyusi is gaining respect for statesmanlike behaviour and could turn out a stronger leader than many had expected.

Tension persists with the main opposition party, the Resistência Nacional Moçambicana, as its leader, Afonso Dhlakama, continues his vain campaign for a role in government. Determined that what he calls his election victory should be acknowledged, he says Nyusi's win should be invalidated



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

on the grounds of massive fraud. Many had warned that this could be a legacy of the messy election. He has now ordered his MPs to boycott Parliament until they get a stake in government.

Although Dhlakama promised not to restart the mini-insurgency he led in the run-up to the vote, he has no intention of disarming and relinquishing his bargaining chip. Renamo's position

is a major challenge because the ever-present threat of renewed violence is a deterrent to foreign investors. At this critical time for investment decisions, Frelimo is desperate to preserve peace, even if the political cost is high. There have been rumours in Maputo that interested parties, particularly from Italy and its major oil company ENI, have been talking to Renamo to see what they can do to help maintain the fragile peace.

The high borrowing rate is causing concern and criticism; credit ratings agency Moody's recently gave the economy a vote of low confidence. Mozambique continues to spend money it has not yet earned, a risky strategy as delays in gas production stretch ever further into the future. Under Nyusi, stricter management is expected.

Donor governments, will continue to criticise Maputo for borrowing money for non-essential projects instead of crucial infrastructure. The rationale for these projects is the attendant large commissions for members of the ruling elite, critics say.

The notorious Empresa Moçambicana de Atum (Ematum) fisheries and gunboats deal is widely rumoured to have funnelled hundreds of millions of dollars into the pockets of individuals close to the top of party and state. The perception of massive corruption and greed in Frelimo dented its vote in the polls and Nyusi will want to distance himself from any notion of continuity with Guebuza's presidency.

Overall, however, mining is still an attractive prospect and interest will keep growing in heavy sands, precious stones and other minerals.

Despite rumours that Brazil's Vale was considering selling its coal interests, it now seems likely to try to weather the storm thanks to the upgraded railway and development at Nacala port. Meanwhile, investors with an appetite for risk are keen to buy up the assets of companies that pull out.

Nyusi is conscious of the need to keep his promise that ordinary Mozambicans will benefit from the resource boom and the local content requirement, however unrealistic, has an important political role. The new bidding round has opened for oil and gas concessions. Expect the entry of some major multinationals into Mozambique's gas sector, such as Shell.

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Oz end. Of Abbott and abattoirs

HARD TO BELIEVE, BUT ASKED TO name his biggest achievement for women in 2014, Australian Prime Minister Tony Abbott, who is also minister for women, said it was the carbon tax repeal: “As many of us know, women are particularly focused on the household budget, and the repeal of the carbon tax means a \$550 a year benefit for the average family.”

The remark echoed a 2010 comment made as opposition leader, when he said housewives would feel the effect of a price on carbon pollution through higher electricity charges, as they did the ironing. That was about the same time Abbott said virginity “is the greatest gift you can give someone” replying to a question about advice he’d give his daughters on sex before marriage. His government is the first since 1976 not to appoint a dedicated minister for Women’s Affairs.

“It’s almost as if he’s in that portfolio to make sure there are no strides ahead for women in Australia,” said Greens’ leader Christine Milne. In another retrograde move, the new minister for Social Services is none other than Scott Morrison, previously minister for Immigration and Border Protection, who oversaw the government’s hardline “stop the boats” strategy and harsh regime for asylum seekers. With a review of welfare policies under way, the new year is looking grim for those on the outer fringes.

No doubt anti-halaal campaigner Kirralie Smith would appreciate Abbott’s focus on household budgeting. “Ordinary mums” is the focus for her Facebook page “Boycott Halaal in Australia” which has 41,000 supporters. The permaculture farmer and mother-of-three claims that certification puts up prices for Australian families, with companies passing on the cost of certifying a vast range of products, from milk to pies to shampoo.



Anti-halaal campaigner Kirralie Smith

Certification of meat, it is reported, can cost a large abattoir up to \$27,000 (R255,000) a month. But the international halaal market is said to be worth trillions, with 20% annual growth, and a rising Muslim middle class in nearby countries like Malaysia and Indonesia. Smith, meanwhile, says her objection is not to Islam itself, but to the “scam” by Muslim interests to raise money for mosques and therefore “for jihad”. She says she is being courted to stand for parliament “by everyone – the Christian parties, the right wing parties”.

Mohammed Eris, treasurer of the Supreme Islamic Council of Halaal Meat in Australia, responds: “We are Australians... I love my footy, my cricket, my meat pies. Halaal pies of course.”

Three thousand police were on high alert and security was tight for Sydney’s New Year’s Eve \$750,000 pyrotechnics extravaganza after the December siege at the Lindt chocolate café in which two victims, plus their hostage-taker, died and Isis claimed the man as their own. Mamdouh Habib, a former Australian citizen released from Guantanamo Bay after the US wrongly accused him of

being an “enemy combatant”, claims he knew the gunman well and could have talked him down had police let him.

Sympathy notes and messages harvested from the flowers left at the scene were mulched for landfill in an environmentally sound memorial. One of the more affecting moments at the service was when lawyer Paul Smith, husband of one victim, 38-year-old barrister and mother-of-three Katrina Dawson, said about the media hype that she had died protecting a pregnant friend: “I doubt she laid down her life for Julie... Her focus was 100% on getting home for [her children] Chloe, Oliver and Sasha. To me, that makes her even more of a hero.”

Said to generate A\$156 million for the economy, Sydney’s New Year fireworks spectacle was reported to be carbon neutral, using recycled water, biodegradable firecracker cases and carbon offsets. In all, “80% of all rubbish collected is recycled, which all adds up to one very Happy New Year,” said the city council’s very PC website.

A baby southern white rhino, part of several breeding programmes in Australia for the subspecies, died on New Year’s Eve despite round-the-clock intensive care at Melbourne’s Werribee Zoo. After picking up an infection from her mother, the 67kg baby was euthanised at five days old.

On holiday in Auckland, a prettier, gentler place and more welcoming people I could not imagine. The city seems decent, like Sydney used to be about 20 years ago, where doors are left unlocked and windows unbarred. But reality shifts when the daughter of a Cape Town expat describes the city’s north shore as “a creepy little utopia” and another expat says she’d never have made the move if she’d known how she would cry every day. Oh, the trials and tribulations of those of us lucky (or is it unlucky) enough to have choice. ■



Woman scorned. In praise of amour

IT'S A STORY OF LOVE, POWER AND BETRAYAL (gasp!). And that melodramatic cover blurb more or less lives up to the hype as French President Hollande's ex-lover dishes the emotional and political dirt on naughty François.

He done her wrong, and lives to regret it. But Valérie Trierweiler lives to love another day – despite her furious rearguard action when her faithless, lying, vain, pompous, darling (just saying) was photographed in humiliating circumstances outside the abode of classic young blonde actress rival Julie Gayet.

Scandalised *Noseweek* readers may be familiar with the heart-rending basic facts, but victim Valérie relishes spilling the beans. And who are we to judge her voluble self-justifications and accusations? She is clearly a strong woman who, despite her cruel fate at the hands of the disappointing François H, has a zest for life.

Her role as the unofficial First Lady of France from 2012 was awkward enough, since the voters believed that Ségolène Royal, Hollande's separated ambitious wife and mother of his children, was the wronged woman. Coincidentally, Mme Royal, an astute politician, also wanted to be president, and damn nearly made it, hinting the while that Hollande would soon return to her. How she thought to seize the presidency and make her official spouse some kind of morganatic deputy is beyond the understanding of either Valérie and this not-so-gentle reader.

But the formidable Mme Royal underestimated sweet hard-working Valérie. Ms Trierweiler came up the hard way and had learnt a survival lesson or two as a political journalist. Without, of course, losing a scintilla of her chic, brave exterior. Yes, she wept and raved privately and flung enough tweets at François to rival recent North Korean hacker inputs. And Hollande responded lavishly, with promises, denials, flowers, insults. Exhausting? Dreadfully. But read on, there's more...

Following the initial volcanic passions which erupted when Hollande was photographed looking furtive outside Gayet's apartment, and sporting a motorcycle helmet disguise, Valérie clearly suffered a breakdown

THANK YOU FOR THIS MOMENT
by Valérie Trierweiler
Translated by
Clemence Sebag
(Biteback Pub.)

of sorts, and she hints that the Elysée Palace doctors were not above doping her into some sort of submission to circumstances.

There are times when the record of these tragic events is a little difficult to follow, but it is astonishing that Hollande found time for presidential responsibilities in addition to battling and reconciling with his (official) lover. If nothing else, it confirms that the French reputation for sophistication in personal matters is well justified.

Valérie, at many enjoyably grand state visits, and other jollies at home and abroad, was received with due courtesy by the likes of the Obamas, the Empress of Japan and sundry lesser beings.

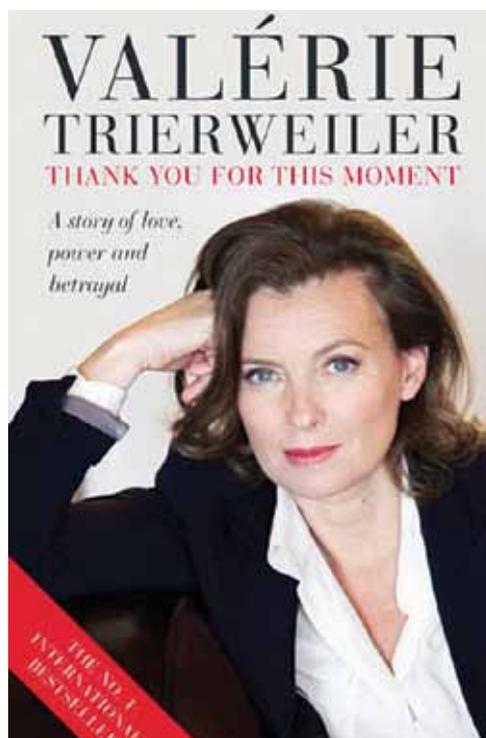
Also, she kept herself worthily busy on a full programme of charity visits and meetings, with emphasis on the welfare of children. Her own three seem proud and content to have a glamorous mama who adored them but wasn't around much.

Valérie's childhood in the *banlieue* (council house slums) made her avid for the wellbeing of her offspring. She had been one of six urchins who wore cast-offs and shared meagre meals.

Hard work at modest jobs led to a modicum of independence. Her subsequent history and political science Master's from the Sorbonne provide an inkling of her tenacity.

Other nationalities may grin at the romantic vigour of the French establishment but, given the choice between busy lovers and corrupt dictators, there's a lot to be said for amour.

The foreword quotes a certain Tahar Ben Jelloun: "The silence of your loved one is a quiet crime." The beguiling Valérie is certainly not guilty of that particular misdemeanour. ■





Pipe dream. Clear heads on hemp

AS AN EMERGING BLACK FARMER – as we black recipients of farm land through Rural Development and Land Reform are called – I hardly feel like a farmer right now; there’s simply too much to learn before qualifying to don the traditional Afrikaner khaki.

However, I have realised I am not so much engaged in farming but rather immersed in a very demanding, if potentially lucrative, enterprise that is very competitive, particularly for “emerging” entrants – individuals or groups – who have made a bummer-up of their allocated piece of Africa.

Out of Africa? Karen Blixen’s tale of colonial life on a Kenyan coffee plantation is but one example of the legions who have seen opportunity in Africa’s vast hidden store of wealth. Funny that they referred to Africa as the dark continent while lured by the light of wealth, whereas decades on, we Africans are still in the dark about our potential wealth.

After chuckling at a Sunday newspaper headline a few months back – “The sweet smell that ain’t roses” – it dawned upon this formerly naïve one that there was nothing funny about the story; it should be cited in the lobbying of our own policy makers – strenuously.

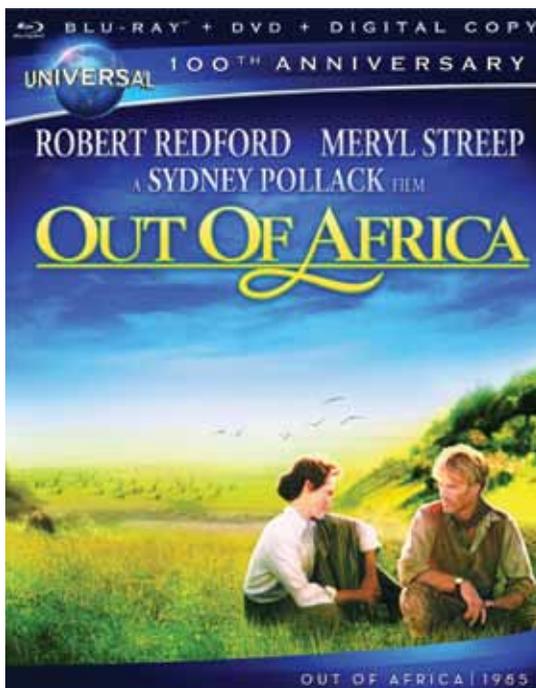
The opening line: “The fresh air of the White House’s rose garden may soon be fragrant with the smell of dagga.” (My first thought: old hat at Nkandla. But on second thoughts, no, at Nkandla you’re more likely to be met by wafts of cow dung.)

Anyway, on 4 November, the residents of Washington DC, the USA’s capital city, voted to legalise the weed: the Legalization of Home Cultivation and Possession of Minimal Amounts of Marijuana for Personal Use Act of 2014. This measure was designed to fully legalise the possession and use of up to two ounces of marijuana and the possession and cultivation of up to three marijuana plants. Congress, however, effectively scuppered

the outcome by refusing to provide a budget for the law against marijuana to be repealed.

Nevertheless a yes vote in the US capital would be hugely symbolic in powering the wave of marijuana liberalisation sweeping the US.

Recreational cannabis is already on sale in Colorado and Washington State and may soon be legal in Alaska and Oregon, while medicinal marijuana is available in half the country. Polls



show that for the first time a majority of Americans, around 58%, support full legalisation nationally. Ah! Those Americans – no wonder they rule the world!

Here in South Africa recreational marijuana, or dagga, the type that gets one high, is widely used and of course, readily available. Meanwhile cries for the legalisation of medicinal dagga, which contains little or no THC, the active chemical that provides the high, have been echoed over and over again – recently so with a very moving and passionate plea by long-serving South

African parliamentarian, the late IFP MP Mario Ambrosini, who suffered from cancer.

The medicinal type, experts say, would be of great help to the many South Africans suffering from HIV/Aids because of dagga’s ability to increase one’s appetite. Furthermore, the crop’s economic benefits are enormous due to its many commercial uses – as with hemp – such as the manufacture of paper, rope, fabric, biodegradable plastic and hypoallergenic, highly nutritious oil, flour, seed and milk, to name a few.

Local production (on my farm, maybe) would surely offer export potential of the recreational type.

Hemp, grown for fibre, has enormous economic value due to the many products for which it can be used.

For a “third world country” such as South Africa – yes, forget your Sandtons and Gautrans – take a look around this here Mzansi and you will soon realise that much of the RSA is still largely third world, particularly living conditions. Nothing demonstrates this better than the contrast between the neighbouring areas of Sandton and Alexandria. So any additional sizeable economic injection would go a long way towards continued development of “a better life for all”.

And as an emerging farmer, it goes without saying that hemp would give us entry into a fresh market that is not already monopolised by

long-established commercial farmers.

So, while first world nations like the Dutch, and now the Americans, are listening to their citizens’ logic on legalising marijuana, our so-called leaders look at dagga as just a bad weed smoked by bad township boys. Hey those boys would not get an iota of a high from hemp.

Maybe the lawmakers should clear their heads about dagga’s other positive uses by lighting up a nice big THC-containing spliff. They might just end up saying, ya mon to dat hemp. ■



Pan. Apparition in the mountains

IT SEEMS TO ME, THOUGH I SHOULD know better than to shoot my mouth off about something so mysterious, the trouble with Drakensberg weather is that it happens all at once. Maybe it has to do with a big stable air-mass moving over an escarpment rather than filtering past a range of free-standing peaks. The whole lot cools and condenses, Snap! just like that.

I once set off for Gray's Pass with a German couple who knew the Alps, mountain people. Perhaps unsurprisingly, this being Africa, by the time we got to the contour path under the kranzes the man was entirely pooped from heat exhaustion; puking, doubled-up, bravely pushing on until we got to that little amphitheatre at the base of the pass, where the lightning was so sudden and so extreme they fled in horror.

We could smell it, I tell you: ozone, O₃, the smell of tram-cars in Munich, blown fuses in the old-time kitchen, old-time dodgem cars at the funfair. We walked the prescribed thirty paces apart. By the time we got back to his puking place this bloke's fingers were so numb with cold he couldn't open his rucksack for our tea-things at a little stream, and he needed the tea from fear of hypothermia. *So gaan dit mos in die berg.*

Well, on the occasion of our beholding the great god Pan, young Joe was doing his first haul to the top, aged fifteen, full of exuberance and challenge. I'd thought again of Gray's – short, sharp, a steep bitch of a scramble, then along the top a bit and down Ship's Prow, a five-kay forty-five degree chute of shattered rocks, some the size of your finger-nail, some the size of a bus, plain horror to look down. It is the Valley of the Shadow of Death, just right for a romantic painter, maybe. A fifteen-year-old painter, that is.

We came over the top round about lunchtime, and decided to stroll towards the lip of Champagne Castle for a fine view of Natal down there below our toes before heading towards the Nkosazana Cave a kay or so from the edge, where we'd spend the night. Plenty of time. A

short way off is a little tarn; transparent, clear, pure H₂O, with white crystalline sand and tiny crabs scuttling about, and how the hell they got up here is another of those mountain mysteries.

This for sure is where we have to make a cuppa. But even before we can get our mini gas stove going, Snap! just like that, we have to bend down to see the ground, the mist is so dense, and we

know this is where we stay until it's gone. Try for the cave and we could wander off vaguely into Lesotho, or over the edge, where our first bounce would be six hundred feet down.

Nu? Shelter, food, it's all here. We pitch our wee tent by the tarn and it's all so romantic and back-to-nature, but the smile soon disappears from young Joe's lips when a wind picks up, heavy with sleet. The tarn becomes ice and by six we're wrapped in every piece of cloth, inside our sleeping bags and huddled together

for every last calorie of heat-energy. The little tent slats and cracks about our ears.

That's the escarpment. Sometimes. Sometimes you sleep uncovered in the dead-still warmth of night, looking for the planet Mars, wondering how on Earth they reckon there are two hundred billion stars in the Milky Way. But not tonight. Tonight is bitter critical just please, please somebody bring the dawn so I can get off these frozen rocks a while. At first light Joe desperately needs to pee and I tell him the rules: one at a time, so you can shout back if you get lost.

My turn now. I thrust out gasping into the shocking wind chill and at that moment there's a brief gap in the sleet and mist, and there he stands.

Semicaper deus, the half-goat god. God of wild mountains who causes one to panic. Here is the face of the goat, the great arched nose and the flared nostrils, the yellow eyes, hair in excess of the beard. Quilted clothing bleached and ragged beyond belief, ankle-muffs shredded by what rocks, the boots jagged bits of fabric. It is clear he lives in these rags. This is feral man.

He speaks: You all right? Do you know this place? Do you have food for two days? Ja, I reply, we're okay. Keep dry, says he.

Maybe he comes from a Mountain Club group we haven't noticed. Maybe... well maybe you can have a guess. But one thing is for sure; he navigates as do the whales and dolphins, by the magnetic field of Mother Earth. The mist closes in and he disappears, silently, an apparition. ■



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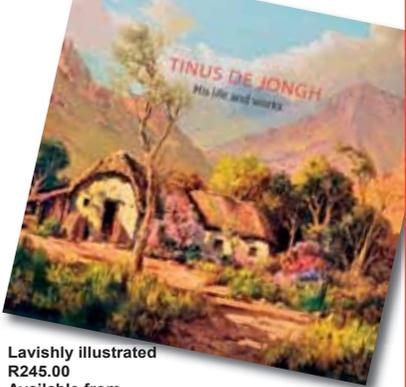
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