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ISSUE 234 APRIL 2019

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Tshwane's fleet
corruption
rides on

SARS spooks:
new clients
new masters

Constantia
baboon
slaughter





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Letters

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The audacity of Iqbal

RE: THE AUDACITY OF IQBAL SURVE'S PIC exploits (Letters, *nose233*), has there ever been any investigation into the veracity of Dr Survé's degree?

**Mickey
Randburg**

He qualified as a GP. While he has long not practised medicine, he obviously continues to find the title useful. – Ed.

SCALPELS AND SCRUPLES

"IT IS UNUSUAL TO GET A LOCAL DOCTOR TO give an opinion, as they usually close ranks – except when it's the state," said McCulloch (*nose233*). It would appear that Hippocratic and hypocrite are getting the grammaticabobble treatment. Tariffsmanship, doctoring of medical documentation (really), etc and finally expulsion from Aprasa – Wow!

What about the stethoscope on the patient's wallet? I cannot for the Life of me understand why alleged common crooks get away with a slap on the wrist. Trust me I'm a Doctor! Ja, well no fine.

**Barry Midgley
Durban**

Pamensky moves on to cannabis

I GUESS ONCE ONE IS LIVING THE HIGH LIFE ONE gets hooked on the high life. Live large, live high seems to be the motto.

**Mike Schussler
Johannesburg**

The people vs Eskom

RENEWABLE ENERGY HAS ABSOLUTELY nothing to do with Eskom's financial woes (*nose233*). The "Scrap expensive renewable energy" meme has been injected into the Twittersphere, Bell-Pottinger style, from which dark hole it emerges like mushrooms, even inside *Noseweek*.

**Rod Gurzynaki
Cape Town**

Hanging out with sharks

I LOOK FORWARD TO CHARGES BEING LAID against "Colonel" Zungu for impersonating a member of the Presidential 'whatshisname' unit (*nose233*). I am sure there are many people who will recognise his voice.

**"Skullduggery"
Umdloti**

■ WHAT AN INTERESTING CALL. WELL DONE TO Jonathan Erasmus in handling the call so proficiently.

**N J de Jager
Sandton**

From whence this confidence?

YOUR UMJINDI CORRESPONDENT BHEKI Mashile is confident our general election will take place without violence, unlike in other African countries (*nose233*).

I don't know how he can say this with such confidence. Violence is an everyday occurrence in South Africa and not seeming to abate. The voters are guilty of the slow genocide of South Africa. The ANC remains a liberation organisation

needing an enemy to sustain itself. Its metamorphosis into a "normal" political party is not going to happen.

**Katherine Anagnostakis Moolman
Cape Town**

■ IT'S TIME TO BE HONEST. MAJORITY RULE in a unitary state has simply dragged South Africa and its people to their knees. The majority stands accused and is found guilty for every single vote given to thieves.

**Sarel Botha
Parys**

Liquidation reform long overdue

IT IS HEARTENING TO LEARN THAT THE Public Protector has ordered company liquidation law reform (*nose235*).

Everyone knows that the liquidation industry is as corrupt as it comes, with unlawful, fraudulent, corrupt collusion and bribes and theft by/between unscrupulous Masters of the High Court, shady liquidators, unscrupulous lawyers, unscrupulous auctioneers and other greedy vultures. The Department of Justice and the CID are fully aware of this truth, but are yet again unwilling to fulfil their Constitutional mandate/duty. This is no secret anymore.

**Johan le Roux
White River**

Watsons sucked into that vortex

SOUTH AFRICAN HISTORY IN A NUTSHELL. Finished & Klaar! "It is a characteristic of our times that people who were once willing to risk their lives for what they believed to be right have allowed themselves to be sucked into the same vortex of greed and power."

**"Ag fok Marilize"
Cape Town**

Do Not Ignore This Letter

I REPRESENT ALIBEK ISSAEV. I WOULD LIKE TO discuss with you an article titled "Moti behind bars in Munich" (*nose228*). We want to remove the name "Alibek Issaev" from the publication; we have documents from the state agency which speak of his innocence. At the moment, this article is hindering Alibek's business and personal life. Can I discuss this with you?

PS: Please do not ignore this letter.

**Knut Olberg
Somewhere in Russia**



"For centuries I throw lightning bolts down there. And one day I accidentally hit this Franklin guy's kite and all of a sudden he's 'discovered' electricity?!"

Letters

Letters to the editor should be sent by email to editor@noseweek.co.za

Thank you for your note. Where are you based and what are your contact details (telephone numbers and physical office address)? Are you an attorney?

In principal we are not prepared to remove Mr Issaev's name from the story, which was widely published and is a matter of record. We are, however, prepared to include his comment or denial or rebuttal of allegations and statements made in the story.

Please also provide us with copies of the state agency documents you refer to, and indicate how they can be authenticated.

I look forward to hearing more from you. – Ed.

■ HELLO, NO, I AM NOT A LAWYER, MY JOB IS to negotiate without resorting to court assistance (people use lawyers too often where you can just talk), now I am in Russia, if I need my phone, I will give it to you.

We insist on removing the name "Issaev" from the publication, with all due respect to your policy, his name is there only because someone accused him groundlessly, with any such thing can happen, now Alibek is overwhelmed by this and is having difficulty.

Knut Olberg
Somewhere in Russia

Dirty ANC MPs back in the fold

AT THE RISK OF STATING THE OBVIOUS, IT is abundantly clear that the ANC is morally bankrupt. By including dirty ANC politicians back into the fold and crying that no law has found them guilty makes a mockery of both the Zondo and other commissions as well as rendering the law impotent. As is known to all but the brain-dead, if you have the money to burn (money you've stolen) it becomes a simple matter of dragging accusations through the courts for possibly a lifetime, as in Jacob Zuma's case and as Bosasa will no doubt do if they are successful in reversing their board's decision to liquidate.

Clearly their new lawyers have advised Bosasa (now African Global Systems) that it will take years and years to obtain any sort of conviction, if ever, from their accusers and that it was a mistake to apply for voluntary liquidation.

What a farce it all is and what a sad day for South Africa when people like Hlaudi Motsoeneng and other dirty politicians sit grinning at the cameras after ripping tens of millions of rands off the taxpayer and are now using that money to launch their own political

parties instead of rotting in prison where they belong.

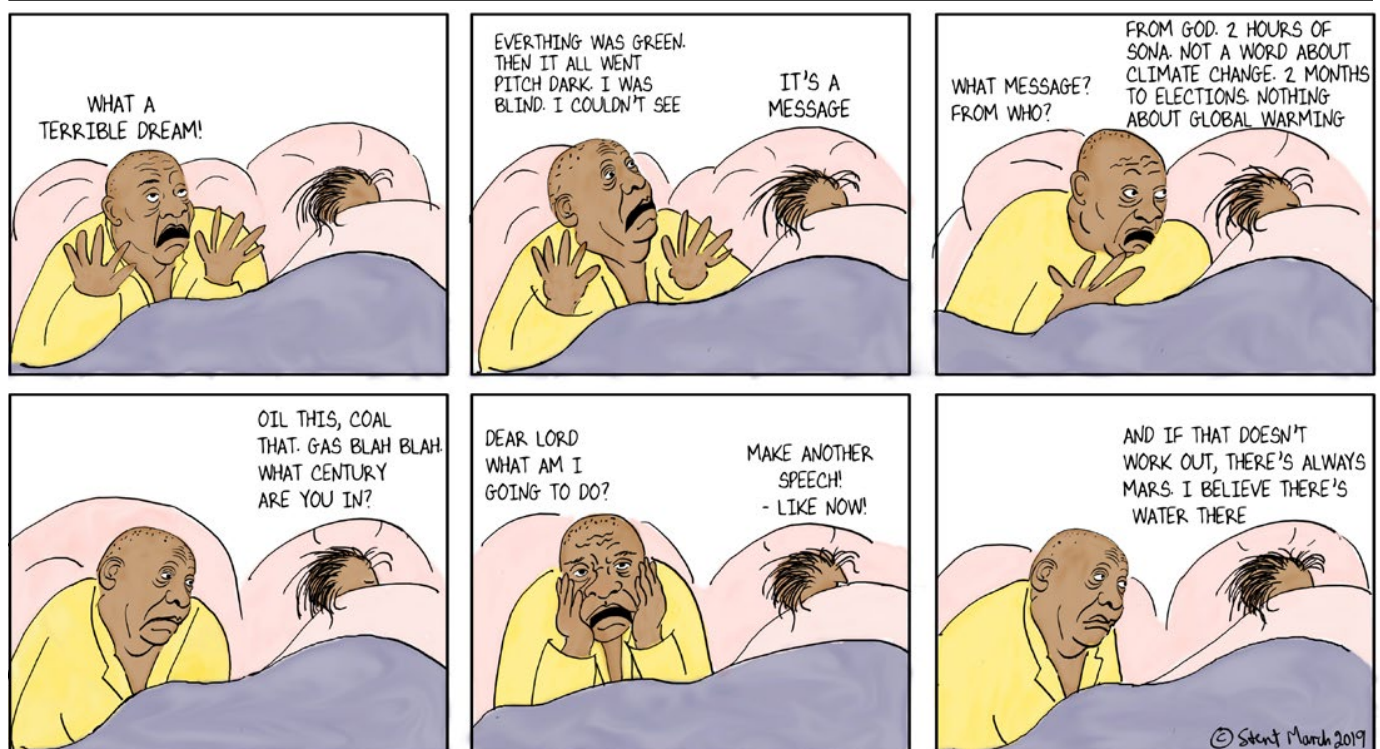
The Zondo Commission is thus far a farce, as the only person to be arrested is whistleblower Angelo Agrizzi who blew the lid off the Bosasa scandal. He should have received a medal for stepping up. Instead he was arrested.

Clearly when the dust has settled and the ANC scrapes in with a reduced majority and the country goes into freefall, with minority parties calling the tune, it will be business as usual for the ANC: seats up for grabs, deals to be cut, tenders to be had, money to be made... Happy Days!

What is also crystal clear is that the ANC is not a government-running organisation but a cabal of bigwigs interested in protecting their own interests. It's ANC uber alles and the country comes second. The question that must be asked is whether President Cyril Ramaphosa is really running things or is he simply another ANC ja-broer being used as the glue to bind a dysfunctional and morally bankrupt ANC.

Shakespeare was right all those years ago: the law is an ass!

Colin Bosman
Newlands, Cape Town



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Cyril, the wind and rotten apples

PUBLICATION OF THE FIRST HUNDRED OR so names of ANC members nominated for the National Assembly after the May 8 elections has been greeted, rightly, with anger, disappointment and uproar, *BusinessLive* columnist Peter Bruce noted on 18 March. After all, the list included many of the great actors in the Zuma state capture drama, or were just common thieves and liars.

But then Bruce goes on to declare: "I support Cyril Ramaphosa because I cannot think of anyone better to lead the government." It's a sentiment that of late has become (dangerously) fashionable in the polite white suburbs. Because the two statements are a contradiction in terms. The two come, initially at least, as a package. There is no such thing as a vote for Ramaphosa. There is only a vote for the ANC. The same rotten-to-the-core party it has been for more than a decade.

At best it's a serious (foolish?) risk to vote ANC in the hope that Ramaphosa will dominate the party after the election sufficiently to neutralise the rotten apples. He may as likely not.

To assess that risk, we need to read the signs. The inclusion of the obviously rotten players on the top of the ANC list is one such indicator. Another might be who gets appointed the new Commissioner of SARS. More simply put: will it be Gene Ravele – or one of the other short-listed candidates? As, on another occasion we said in jest: Ravele is a weather vane that swings to show which way the political wind is blowing. If he's appointed, that's bad news. See opposite page and you'll see why. Seriously.

OVERWHELMED, LIKE MOST, BY ALL THE thrills and spills contained in the 167 pages of Bosasa CEO-turned-squealer Angelo Agrizzi's confessions to the Zondo Commission on State Capture, *Noseweek* missed a fascinating detail.

Quite apart from the handy R300,000-per-month that Bosasa was allegedly slipping to Jacob Zuma and the Louis Vuitton handbag stuffed with R300,000 to secure the patronage of then-SAA chair Dudu Myeni, readers may be intrigued by five paragraphs on page 138, regarding the connection between Bosasa boss Gavin Watson, his old friend (current Armscor chair) Kevin Wakeford and that old rogue (and SARS-contracted forensic auditor) George Papadakis. Over the years, Papadakis has earned a few mentions in

Noseweek, perhaps none as telling as in the lengthy Editorial in *nose*159, (Free online access). Read it all the way to the punch-line!

The bit we missed in Agrizzi's affidavit: When Bosasa was beset by "constant audits" and a major investigation by SARS, Wakeford told Watson that Papadakis was the man to resolve these issues. Could Wakeford be a longstanding *Noseweek* reader? A *Noseweek* report on Brett Kebble in December 2006 contained the following paragraph: "The SARS Germiston office is so notorious that many white-collar criminals have chosen to register there as taxpayers... A well-known national firm of accountants, Gobodo, [once had] a curious branch in Germiston (close to the SARS office) to deal with the 'special needs' of 'special clients'; Gobodo Forensic and Investigative Accounting [had] no qualified accountants on its staff.

"The office is headed by George Papadakis, as legendary as Mauro Sabbatini for his connections in SARS and skill in 'fixing' things – like getting criminal investigations to 'disappear'."

Claims Agrizzi in his statement to the Zondo Commission: "Bosasa entered into an agreement with Wakeford to pay him R100,000 a month for providing services in relation to the SARS investigation."

The clumsily-drafted affidavit does not make clear who "him" is, so whether the Armscor chairman or Papadakis got a dollop, is unclear. However, in para 43.5 it is claimed Wakeford arranged with Gavin Watson that Bosasa would provide both wet and dry cement to a property in Meyersdal owned by Papadakis.

"Frans Vorster [*Bosasa's ops manager*] would receive orders weekly and often complained to me of the wastage of costs," Agrizzi declared, adding: "Some of those delivery records are available."

To think that the Financial Services Board saw fit to appoint Papadakis a co-curator of Fidentia! But then again, no surprise: his co-curator was attorney Dines Gihwala, who in 2014 was declared by the high court unfit to be a director of any company. It found he had committed numerous frauds and other misdemeanours. He was ordered to pay tens of millions in damages to a former business partner.

In a separate action Gihwala was (finally) struck off the roll of attorneys. – **The Editor**

Who's to be SARS Commissioner?

Down to the wire, it ends up as a fight about race

AS NOSEWEEK WENT TO PRESS, former SARS enforcement chief Gene Ravele was on the final shortlist of four contenders being considered for permanent appointment as new Commissioner for Inland Revenue – which is today probably the most critically important position in the public service. If SARS is not honest and ultra-efficient in the collection of tax, all other departments and functions of state are imperilled. Less cash all round.

That being the case, readers – and the selection panel – would be well-advised to reread *Noseweek's* profile of “Two-faced Ravele”, published in our March issue (*nose233*, with free access online). And now this:

In a confidential 2014 report to then Commissioner of SARS, Tom Moyane, Ravele offered some frank opinions on the Revenue Service as he saw it.

Ravele claimed that former deputy Commissioner Ivan Pillay was seen by many as “anti-African, or being part of a neo-liberalist tendency hell-bent on emasculating the African man”.

He said Johann van Loggerenberg “was always in a privileged position, [because] he enjoyed a special relationship with IP [Ivan Pillay], like that of father and son. In IP's eyes JvL was the guru, the go-to guy when the going got tough; the highest performer in SARS!”

“IP once said in my presence ‘no darkie performs as highly as Barry (Hore) and JvL do in SARS’. I took him on and said JvL reported to me and that is not what the performance results were showing.”

Barry Hore, then SARS's chief operating officer and former chief executive for operations and technology at Nedbank, had “brought with him a huge contingent of white males,

former Nedbank employees,” claimed Ravele. “Some of his white employees have been imported from Australia, the UK, US, Netherlands, etc. Some of these recruits, albeit coming into SARS at lower grades, ie 5b, 6, were given remuneration packages that exceeded even those of senior executives.

“Barry is quoted as having said: ‘If good brains come white, why shouldn't I hire them?’”

Hore ran SARS's modernisation programme, which Ravele told Moyane had cost just under R5 billion. Claimed Ravele: “Most of this money has been paid to BB&D and Accenture. Most of these contracts are extended by a mere ‘Exemption from Normal Tender Process’ and other service providers are not given a fair opportunity to compete for business.”

[A SARS Strategic Assessment dated 2 June 2015 prepared by Gartner Consulting stated that SARS's modernisation agenda, which involved replacing Oracle with a new service provider, was driven largely by a single individual (Hore) and a R100m contract was awarded to BB&D on exemption. By June 2014, said the assessment, SARS had spent “approximately R1bn on BB&D services and approximately R3.997bn on modernisation.” Despite allegations of fraud and an investigation by the Hawks, no charges ever reached court. Asked to comment at the time, then finance minister Trevor Manuel, who approved the SARS modernisation agenda, said: “I won't respond to rubbish.” – Ed].

Ravele said that when he raised the issue of Hore's “empire” with Magashula the then Commissioner said: “Bring me a black person who can deliver what Barry has delivered in 18 months and I will

let Barry go. Stop sloganeering about affirmative action and employment equity! Who do you think runs National Treasury? Do you think it's Lesetja [*the Treasury's then director-general Lesetja Kganago*]? You are wrong, my friend, it is Andrew Donaldson [*the Treasury's senior technocrat who took early retirement in 2017 after more than 20 years' service*] and those white economists who run National Treasury.”

But that doesn't mean we should happily allow our institution at SARS to be run by white males, countered Ravele. Magashula, he said, became very upset, saying ‘You are being very reckless, my friend. Who the hell do you think you are to tell me what to do? If you hold those views then you need to carefully decide whether you want to be part of this organisation. You are on a dangerous path to self-destruction.’”

(Barry Hore, whose portfolio made up some 80% of all SARS's operations, resigned at the end of December 2014, following the suspension of Ivan Pillay and Peter Richer over the rogue unit affair.)

Legal and Policy Division, said Ravele, was one of the most untransformed areas in SARS. “It is white-dominated and previously disadvantaged employees find it difficult to work in this division. The environment is extremely hostile and is not supportive of PDEs.”

Bob Head, acting chief financial officer (purged by Moyane; became chief financial officer at South African Airways) hailed from the UK, where he was CEO for Old Mutual Wealth Management. Ravele claimed that Head's SARS employment package included four Business Class flights a year from Johannesburg to London and back for himself and his wife.

“Both appointments and remuneration packages were resisted by the then Chief HR officer Ms Elsie Pule, but overruled by Oupa,” claimed Ravele. “This was, amongst other factors, the catalyst for Elsie's resignation from SARS.” ■



Tshwane Capture

The world's third biggest metro municipality is still on a corruption ride to nowhere. **By Susan Puren**

THE DA-CONTROLLED TSHWANE Metro Municipality still forks out millions of rands every month to pay service providers for contracts that are riddled with fraud and corruption.

The current DA administration inherited most of these contracts from the previous ANC dispensation. There is simply no value for money within most of these projects, and the DA's attempts to cancel them have failed in most instances.

The Corporate Fleet Management contract – a public-private partnership (PPP) with the Moipone Group of Companies – is a prime example. The five-year agreement to replace Tshwane's old vehicle fleet and maintain the proposed new one was signed in March 2016, five months before the local elections in August of that year. At the time the contract was valued at R950 million but it has since allegedly escalated to R1.3 billion.

The tender specified that thousands of vehicles, including passenger cars, light delivery vans, tractors, trucks, ambulances and motorcycles were to be supplied. One hundred and thirty companies submitted bids but surprise and anger greeted the fact that little-known Moipone won this massive contract. Compared to the big-name bidders, Moipone was shown to have limited experience in fleet management on such a large scale. Some of the bidders took their grievances to court and two other companies were then contracted to fulfil sections of the tender.

The Moipone group's frontman is its CEO and director Matete Joseph Lebakeng, an entrepreneur who has tried his hand at various business ventures since 1996, over time registering several companies with Cipro, now Cipc.

Moipone Fleet (Pty) Ltd was registered in 2002 but officially changed its name to Moipone Group of Companies in December 2017, almost two years after the fleet contract was signed.

From the outset there were problems with delivery and maintenance, and in December 2016, four months after the DA took over, then acting City Manager Lindiwe Kwele notified the Moipone Group that Tshwane was obliged to issue a notice of breach of the provisions of the agreement. In her letter she said that as a result of Moipone's poor handling of its contractual obligations the city was unable to deliver services to the community. She also warned Moipone that the city would exercise its right to terminate the contract if the company did not comply and up its performance.

Among the many different categories of vehicles offered in Moipone's winning bid was the supply of 38 2/ Mitsubishi Lancers at R188,775 each, for use as highway patrol vehicles.

Three 2.2/ Volkswagen Passats at R289,108 each, for the mayor's office, were also in Moipone's tender.

Noseweek has however obtained documents revealing a total disregard for the original quantities, description and pricing of these vehicles. Instead of the Lancers and Passats, Moipone delivered 18 BMWs and 3 Mercedes-Benz, thus increasing Tshwane's monthly instalment for the 21 cars to a total of R453,000 – three times the amount specified in Moipone's original tender document.

When a private person buys a BMW 320i – Tshwane is leasing five of them from Moipone – the vehicle comes standard with a five-year maintenance plan which is included in the discounted price of R346,534.

Under the Moipone agreement the



Vehicles from Moipone Fleet

same car is costing the city R745,438 over 60 months plus a R250,000 residual amount that has to be paid at the end of the term. *Noseweek* has established that the delivered BMWs and Mercs would have included standard factory maintenance plans but Moipone allegedly did not pass this benefit on to Tshwane. Instead the city is paying an extra maintenance levy to Moipone for vehicles that were never part of the company's bid.

Moipone is also charging Tshwane R400 per vehicle for so-called upliftment but all it has allegedly done in three years was to paint a municipal workshop and use it for private work, servicing vehicles that are not part of the Tshwane contract.

Moipone does not pay rent nor pay for electricity and water and uses his own technicians.

Cilliers Brink, the MMC for Corporate and Shared Services agrees that vehicles obtained under the public-private partnership were far more expensive than those offered in the open market. "When the DA took over from the ANC in August 2016, it found the city's fleet in a shambles," he reveals. "We are gravely aware of the defects of this tender, and we are tied

to it under protest."

In 2017 both the Auditor General and a forensic investigation found irregularities with the Moipone contract. "In other words, the contract should never have come about," explains Brink.

Yet the city failed more than once in court – in 2017 and in 2018 – when it applied for urgent relief from this debilitating deal. To top it all, attempts by the city to purchase its own vehicles outside the contract also got a bloody nose in court.

During his first week in office in August 2016, Tshwane's former DA-mayor, Solly Msimanga, promised the media that the luxury cars would be allocated to a new anti-hijacking unit because the politicians didn't need them. If only that plan had been speedily implemented: the mayor's office has allegedly been using four of the luxury vehicles since 2016 and the rest have been collecting dust at the Metro Police's fleet logistics building on the outskirts of the Pretoria CBD. They were allegedly hidden away from the auditors for more than two years while ratepayers' money was servicing the monthly lease instalments. Over the 24 months that they were not in use the 21 cars cost Tshwane more

than R10m. As for Msimanga's anti-hijacking unit, it was a good quote at the time but has since disappeared into the archives of political-speak.

Tshwane's general manager for Corporate and Shared Services, Musa Khumalo, denies that the Lancers and Passats were ever part of the tender, saying that the city did in fact order the luxury models. But who signed that obviously fraudulent instruction that was so different from Moipone's bid? No official or politician in the Tshwane Metro is willing or able to answer that question.

Khumalo also claims that all but two of these vehicles are being used by the Metro Police Department for highway patrols. But what he conveniently forgets to add is that this has only very recently occurred.

Brink and Khumalo are adamant that more than 1,700 Moipone-leased vehicles are currently in use by the city and that they go in and out for maintenance and repairs on an ongoing basis. However, *Noseweek* has established that many vehicles are in reality out of service because Moipone allegedly does not pay its subcontractors who perform the maintenance and repairs.

In turn they have impounded the vehicles and refuse to release them until their bills are paid. "I have Metro Police vehicles that have been standing at my workshop for three years," says one angry subcontractor who prefers to stay anonymous. "I have actually chased Moipone away from my premises because they are a corrupt lot."

And while Moipone seems to have complete control over the Tshwane Metro council – said to be geographically the world's third-biggest metropolitan authority after New York and Tokyo – Tshwane's own full-time employed technicians log, at the most, two hours of work a day. "We sit and wait to knock off and go home because there is nothing left for us to do," says one dispirited and frustrated employee. "Moipone calls the shots and nobody is policing them."

Noseweek's sources say the Hawks' investigation was stopped in 2017 by its former head Berning Ntlemaza, who had given instructions that officers should not investigate corruption cases in Tshwane. At the time they had already done lifestyle audits on at least six people. Cellphone records apparently showed the connection



CEO of Moipone Mr Joseph Lebakeng

between corrupt officials, politicians and service providers.

While the DA was still the opposition in Tshwane, its spokesperson on finance was Lex Middelberg. He has since resigned from the DA and now speaks on behalf of Tshwane Money Matters, a private citizen pressure group that monitors corruption in the municipality. He says he received a telephone call from the new DA leadership in Tshwane back in 2016 when he was still a councillor, informing him there was no immediate intention to cancel any of the contracts and that the new administration of Mayor Msimanga would first be assessing the situation before it made a call to uphold or cancel any of the contracts. Middelberg says he was told not to address the issue with the media again.

“As it turned out none of these projects currently crippling the city have been cancelled and the DA administration is today still paying millions per day to service providers with fraudulent contracts.”

There may just be a way out for Tshwane. Every company that does business with a government institution has to be registered with National Treasury’s central supplier database for the government before it can become a vendor, bid for a tender or enter into a public-private partnership. The Moipone Group of Companies (Pty) Ltd did obtain the necessary compliance but it appears that this only occurred in May 2016 after the contract was signed and years after the company submitted its bid in 2013. Such a violation of the Treasury directive would make the contract null and void.

A government institution that wants to enter into a public-private partnership also has to register its intention to do so with the Treasury. And then it has to go through a lengthy administrative process of three phases before Treasury would approve the PPP.

Could it be that Tshwane missed the fact that these basic requirements for its public-private partnership with Moipone were not in place?

“If so, the Moipone contract could have been cancelled quickly and with relative ease,” says Middelberg. “The process to appoint them was flawed from the outset and if it is correct that the PPP as well as the company which eventually signed were not yet approved by Treasury then it would

have been so much easier.”

Middelberg explains that even if the contract could not be cancelled for lack of compliance, then the terms of the Municipal Finance Management Act (MFMA) could have been used to cancel for performance-related reasons. The MFMA requires that all long-term contracts are reviewable at three-yearly intervals and must have a performance related early exit clause.

“Either there is no intention to pursue options to cancel where they present themselves, or more likely, Moipone’s lawyers are running circles around the talent available on the DA’s Executive and in its Caucus,” says Middelberg.

Brink says the DA-led city government asked for a forensic audit to be done. Deloitte was appointed and they completed their report in 2017. The report addressed the question whether the PPP complied with the applicable regulations. “The forensic audit investigation found that the proposed transaction was in fact

submitted to National Treasury for their guidance, and after perusal of the proposal, Treasury approved it and gave the city the go-ahead to conclude the necessary contracts.” He says the forensic investigation could not find any legislative contraventions, but it did discover fraudulent representations in Moipone’s bid which National Treasury would in all probability not have known about.

The review application will be heard next month. Brink says the DA is confident this will be the battle that will win the war. “If the review application succeeds the court will have to impose a just and equitable remedy.”

Noseweek extended its deadline to enable MMC Brink and the Tshwane officials to send the necessary documents that show the city had registered a public-private partnership and received approval from the Treasury, but in the end this is the answer we got from Brink: “The Moipane file is empty.”

Moipone Group of Companies did not respond to questions. ■



Former Mayor of Tshwane Solly Msimanga

Mabuyakhulu accuses ANC bosses of political interference

KZN ANC deputy chairman claims foul play in R27m development scandal. By Jonathan Erasmus

IF CLAIMING INSANITY IS DEEMED THE legal defence of last resort, claiming political interference probably comes a close second. The deputy chairman of the ANC in KwaZulu-Natal, Mike Mabuyakhulu, who is facing a litany of criminal charges for his role in the looting of R27 million from state coffers, now wants the world to believe he is being politically persecuted in order to keep him out of office.

But if Mabuyakhulu's conspiracy theory is proved true, it is his own provincial boss Sihle Zikalala who is driving in the dagger – such is the level of intrigue in KZN ANC politics where the shadow of former president Jacob Zuma still looms large.

Mabuyakhulu made his startling political-agenda claim in a 21-page affidavit filed with the Durban Commercial Crime Court where he faces charges for his role in the looting of R27m from the Department of Economic Development and Tourism in 2012 while he was the political head of the department.

He wants the case against him struck from the roll in terms of Section 342a (1) of the Criminal Procedures Act, citing unnecessary delays.

Mabuyakhulu was arrested and released on bail in February 2018. The matter was then postponed and in March 2019 a new, updated indictment was filed in the court.

It is Mabuyakhulu's contention that he was charged on 7 February 2018 in an effort to keep him out of office while the ANC was undergoing the "significant political maneuvering" that ultimately saw Jacob Zuma removed as state president and replaced by his deputy, Cyril Ramaphosa, on 15 February 2018.

What Mabuyakhulu does not say – although it is widely known in political circles – is that he had backed Ramaphosa, while the chairperson of the ANC in KwaZulu-Natal, Sihle Zikalala, was and is still a staunch supporter of Zuma.

Zuma, who snubbed the opening of national Parliament, was treated as royalty alongside King Goodwill

Zwelithini at the opening of the KwaZulu-Natal Legislature a week later.

That the ANC in KZN is deeply divided is no secret. They had to re-run their elective conference in July 2018 after their 2015 provincial elective conference, won by Zikalala and his Zuma faction, was declared null and void by the High Court in Pietermaritzburg in December 2017. At the re-run, a compromise Provincial Executive Committee was elected – weighted fairly evenly with voices from both factions culminating in Mabuyakhulu being made deputy chairperson.

"The decision to place me before Court on 7 February 2018 was at a crucial stage during the political maneuvering and, while I do not have actual evidence that it played a role, I do question the timing," Mabuyakhulu told the court.

He also believes justice should be swifter for him because he has ambitions for higher office. Working as a "construction consultant" (read:



Mike Mabuyakhulu

'Working as a construction consultant is by no means my chosen career and does not compare with a position in public office'



Sihle Zikalala



NEC member Senzo Mchunu, President Cyril Ramaphosa and Mike Mabuyakhulu

lobbyist), is “by no means my chosen career and does not compare with a position in public office”.

In his papers he has also claimed the criminal case against him has been dragging on for far too long, claiming the delay is “unreasonable and is causing me substantial prejudice”.

The reality is the case is moving along reasonably swiftly considering there are 16 accused – seven of them companies – in a complex matter involving organised crime.

While he makes no attempt to dispute the case against him he makes it known that he cannot understand how a matter that was first investigated in August 2013 was only completed by February 2018.

“I verily believe that this matter was not continuously investigated and lay dormant for considerable periods. The timing of the decision to prosecute me is relevant in that it coincided with significant political changes in the leadership of the country.”

[There are a couple of ways of interpreting that statement! –Ed.]

It is likely that his political cover dried up when he went against the Zuma tide in Zuma country.

To recap, the accused face 64 charges including corruption, fraud, theft and money-laundering for their alleged role in looting from the state under the false premise that the Netherlands-

based North Sea Jazz Festival would be hosted in Durban. The event never happened (*nose221*).

In January 2012 a formal pitch was made by a South African-based company called MPM Productions and International Projects (Pty) Ltd to bring the festival to Durban. By April 2012, Mabuyakhulu had given it the green light and by June 2012 agreements were signed between MPM and local firm Soft Skills Communication 100 CC, owned by Walter Mkhize. This agreement, according to the indictment, is illegal as MPM was instructed to use Soft Skills or lose the contract. It was Mabuyakhulu’s then head of department Desmond Golding who gave this ultimatum.

On 21 June 2012, a day after the crooked deal was set up, Soft Skills immediately embarked on the extraction programme, invoicing the department for its first tranche of R969,000.

On 4 July 2012, then KZN Treasury MEC Ina Cronje was sent to the Netherlands to visit the festival to make a final decision on the viability of staging the event. But while she was out of town a further R969,000 was hurriedly paid to Soft Skills.

By October 2012 the Rotterdam festival owners – no doubt having received worrying reports from MPM – eventually pulled the plug on franchising its brand to Durban.

Golding was informed but this made

little difference and by 26 November 2012 he ordered his general manager, Babalwa Mapisa, to pay R26,886,900 to Soft Skills on the presumption that the festival was still on.

Within days Soft Skills started transferring large tranches to various accused including Jacob Zuma backer Mabheleni Ntuli who got R2,204,000. R300,000 went into the personal bank account of Mabuyakhulu, using the reference “Ndiyema”, the Mabuyakhulu clan name.

Mabuyakhulu faces three charges including contravention of the Prevention and Combating Corrupt Activities Act and the Criminal Procedures Act, linked to how he got R300,000.

On 7 March he officially recused himself from all public positions until this matter is resolved. A decision on his application is expected in April. ■



Jacob Zuma



Ivan Pillay, 'Skollie' Janse van Rensburg and Johann van Loggerenberg

Rogue unit skills for sale

SARS spooks are (discreetly) at large again, with new clients and new masters

JOHANN VAN LOGGERENBERG, FORMER leader of SARS's infamous High Risk Investigation Unit (HRIU) and Ivan Pillay, former SARS deputy commissioner and the Revenue Service's enforcement supremo, have been linked to a shadowy company called Ukhozi Forensics and Consulting Services. And Ukhozi, it is claimed, has been working for a private security firm best known by its acronym BCPS (Basileus Consilium Professional Services), headed by the notorious Warren Goldblatt.

In addition, Anton van 't Wout, cyber crime expert and former member of Van Loggerenberg's HRIU, has emerged as a director of a specialist consultancy in cyberforensics and data analytics, named Forensics Consulting. The company also undertakes projects for Goldblatt's BCPS, as well as for SARS, law firms

Werksmans and Edward Nathan Sonnenbergs, banks Absa, Nedbank and Standard, and, inevitably, KPMG.

Van 't Wout, 48, joined SARS and "Skollie" Janse van Rensburg's embryonic and highly secret National Research Group (NRG) in March 2007. His designation was Specialist (National Enforcement) and he was on grade 7 with annual remuneration of R530,000.

The NRG's alleged bugging of the offices of the National Prosecuting Authority in an operation called Project Sunday Evenings took place later in 2007. After the existence of the covert NRG was exposed by former member Michael Peega in October 2009, the unit was dismantled and Van 't Wout was one of six survivors hand-picked by Van Loggerenberg to form the succeeding and equally clandestine High Risk Investigation Unit.

The HRIU was in turn closed down in 2014 following exposure of its existence by Van Loggerenberg's former lover Belinda Walter. Van 't Wout stayed on at SARS until he finally resigned in May 2017. He was appointed as a director of Facts Consulting seven months later.

Before joining SARS, Van 't Wout was a senior researcher at the state's Council for Scientific and Industrial Research (CSIR) in the Defence, Peace, Safety and Security division. His speciality is cyber crime and in a 2006 article in *Brainstorm* magazine he wrote: "To become a cyber criminal, all you need is the inclination to do crime and internet access. It is that simple." He attributed the "desirability" of online crime to its automation, the ability to perform actions at a distance, the far-reaching technique propagation, difficulties in detection,

and “simply that more money can be accrued than would be possible in the physical world”.

Ivan Pillay, 64, Johann van Loggerenberg, 50, and “Skollie” Janse van Rensburg are facing charges over the alleged NPA bugging and Project Sunday Evenings. Their next appearance in the Pretoria Magistrate’s Court is scheduled for June 12, when the case is due to be transferred to the high court for trial.

Regardless of whether they are found guilty or acquitted of the charges, the trial is of great public interest and importance, hopefully providing a fair opportunity for both prosecution and defence to present their evidence, not only to the court but also to citizens increasingly concerned about the state of the country’s intelligence and tax-collection services – and the extent of their alleged illegal activities.

The trial takes place against a background of widespread illegal phone bugging and unauthorised interception of computer communications, seemingly tolerated – and often commissioned – by the authorities themselves. In big business the use of dubious private investigators to perform these illegal practices is routine, with little risk of repercussions. The big question is: will advocate Shamila Batohi, President Cyril Ramaphosa’s new national director of the National Prosecuting Authority, take a less tolerant line in her much-vaunted crackdown on crime? – Ed].

The existence of shadowy Ukhozi Forensics first emerged on 30 January 2018 in a statement to Parliament’s Portfolio Committee

on Public Enterprises by Lucky Montana, former chief executive of the Passenger Rail Agency of South Africa (Prasa).

Montana said that, as part of an investigation into corruption at Prasa, the agency’s then chairman Popo Molefe appointed Werksmans to conduct a forensic audit into Prasa contracts.

“Werksmans Attorneys ran surveillance on certain individuals and/or companies in violation of various laws of the Republic,” read Montana’s statement. “The surveillance was mainly conducted through the following companies: Basileus Consilium Professional Services (that’s BCPS) and Crowe Horwath Forensics. They later enlisted the services of ‘Ukhozi’ and other individuals like the former SARS executive Ivan Pillay, Paul O’Sullivan and Deon Pienaar.

“Said companies and individuals subjected me to a vicious campaign of illegal surveillance. I was followed wherever I went. My house in Waterkloof, Pretoria was broken into three times where computers, memory sticks and documents were taken. Some of the documents taken illegally at my house found their way into reports compiled by Werksmans Attorneys.

“I had to take urgent measures to protect my family. I had to procure private investigators to establish the origin of this surveillance and the people involved.”

And writing in *Africa News* on 7 September 2018 about press coverage of his testimony, Montana complained that the media “deliberately left out

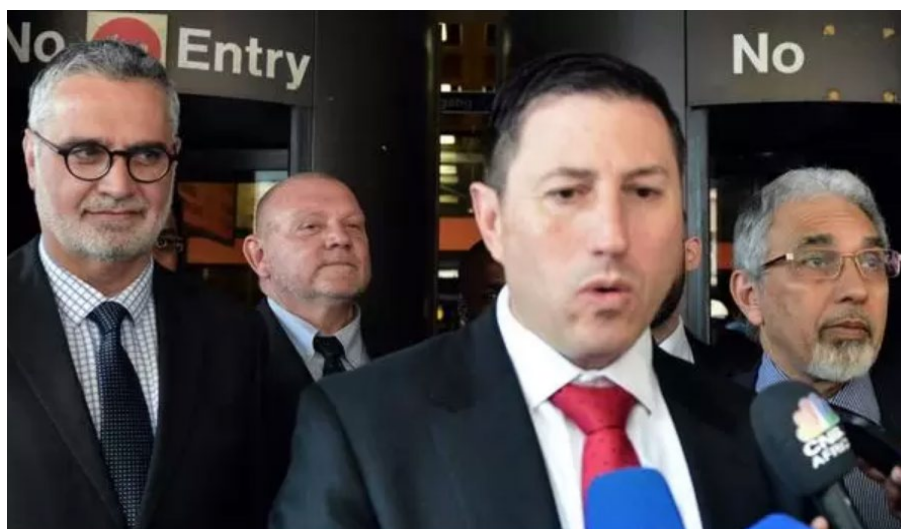


Floyd Shivambu

the critical issue of illegal intelligence operations by companies and individuals outside of the State. I mentioned the names of companies like BCPS, Horwath Forensics and the behind-the-scenes work of one company called Ukhozi Forensics, involving Ivan Pillay and some former members of the SARS Rogue Unit. These were the companies doing the dirty work for Werksmans Attorneys.”

In support of this extraordinary statement, Floyd Shivambu, deputy president of the Economic Freedom Fighters (EFF) has claimed that SARS’s rogue unit still exists. In a blog titled “Dismantling the Pravin Gordhan Cabal”, Shivambu said last October: “BCPS is owned and controlled by Warren Goldblatt, who regularly meets with Pravin Gordhan and always engages in forensic business dealings with Ivan Pillay and Johann van Loggerenberg. Ivan Pillay and Van Loggerenberg own a company called Ukhozi Forensics, which works with BCPS on a sub-contracted basis, and has illegal intelligence capacity and methods.

“Almost everywhere Werksmans Attorneys is appointed they bring along BCPS and a company called Facts Consulting Pty Ltd. In some instances they bring a black advocate, mostly senior counsel, to be the figure-head of forensic investigations reports they compiled through illegally acquired information... Werksmans Attorneys, BCPS and Facts are the same companies that compiled and wrote the VBS Mutual Bank report, issued under the name of Advocate Terry Motau SC [published by the Reserve Bank last October].”



Johann van Loggerenberg, ‘Skollie’ van Rensburg, Bernard Hotz and Ivan Pillay

So, what to make of the claims of Lucky Montana and Floyd Shivambu?

Little is known about Ukhozi Forensics and Facts Consulting, although volumes have been written on the antics of Warren Goldblatt and his controversial private security company which over the years has morphed from being Associated Intelligence Network (AIN) to Specialised Services Group (SSG) to its present Basileus Consilium Professional Services (BCPS).

Registration records show that Ukhozi Forensics and Consulting Services started business on 10 July 2015. This was just two months after Ivan Pillay's "amicable" May 7 resignation that year from SARS with a near-R10 million goodbye pay-off. Van Loggerenberg had resigned earlier, that February.

Ukhozi – it's Zulu for eagle – lists only two directors, Muhammad Seedat and Luvo Makasi, both appointed in September 2015. Muhammad Ameen Seedat, 42, is listed as a team member and "Certified Fraud Examiner" on BCPS's website. In company records he's listed as a former director of Warren Goldblatt's old SSG. Luvo Lincoln Makasi is a feisty 35-year-old who in his spare time is chairman of the Central Energy Fund, South Africa's national energy utility which in 2017/18 defied a budgeted loss of R670m to achieve a net profit R354m.

Makasi hit the headlines shortly after his 2017 energy fund appointment with allegations in *City Press* of a romantic relationship with Water

and Sanitation Minister Nomvula Mokonyane that had given him authority to run her water affairs department, or be influential in its tender awards. The newspaper reported claims that Makasi had visited Polokwane Mayor Thembi Nkadimeng and given instructions on who should get a stake in a R2.2 billion water project. Makasi's complaint to the Press Council about the story was rejected.

Apart from Ukhozi, Luvo Makasi has 13 other listed directorships. Which raises the question: as an attorney (he's with law firm Boqwana Burns), could Makasi be holding Ukhozi's shares and acting as a nominee director for a person or persons unknown?

Makasi may be a whiz heading the nation's vital energy utility, but its chairman appears to have scant knowledge about the mysterious Ukhozi. In fact, he tells *Noseweek* that he resigned as its director this January – or perhaps last December.

"Educated bullshit!" is his response when asked about Floyd Shivambu's claim that Ukhozi is owned by Ivan Pillay and Johann van Loggerenberg.

Do Pillay and Van Loggerenberg have any association with the company? "What happened, remember they left SARS and they used to do ad hoc consulting," says Makasi. "My understanding was that they consulted as part of the [*Ukhozi*] team that was doing data analysis and some stuff. But I don't remember them being shareholders. I can double-check for you."

So they did work for Ukhozi? "They were consultants, yes."

On what sort of projects? A cloud of uncertainty suddenly envelopes the chairman of state's Central Energy Fund. "If it was not Ukhozi it would have been BCPS," he hedged. "If you can just drop me a WhatsApp or email with all the questions that you want me to answer I'll check them for you and come back to you."

Within minutes our questions were winging their way to him. Were you representing others as a director/shareholder? Were either/both Pillay or Van Loggerenberg shareholders of Ukhozi? Why did you resign your Ukhozi directorship? What services does Ukhozi offer? How come the chairman of the Central Energy Fund was involved in a company like Ukhozi? Who runs Ukhozi on a day-



BCPS's director Paul Simpson with Martin 'The Punisher' van Staden at BCPS-sponsored joust

to-day basis? Where does the company operate from?

Alas, silence reined.

As *Noseweek* went to press, it was announced that Makasi has been fired as chair of the Central Energy Fund.

Facts Consulting, founded in 2004, offers skills that include cybercrime investigations, IT security, software development and intelligence gathering. From their offices in Pretoria's Lynnwood, director Jacques Malan confirms that Facts has done substantial work for Werksmans on a subcontracted basis [*just as the EFF's Floyd Shivambu claimed*].

Is he familiar with Ukhozi Forensics? "Yes, I've heard of them," replies Malan.

Are Ivan Pillay and Johann van Loggerenberg employed or used by Ukhozi? "Look, I obviously won't be able to comment on that," says Malan. "I'm not aware of what they do. I have heard the name [*Ukhozi*] mentioned, but I have no idea who they employ or what they do. You need to speak to BCPS about that. We're not part of them [*BCPS*]. We assist Werksmans investigations, so I imagine that's where I've heard the name, but that's basically that."

A call to BCPS offices in Joburg's Rivonia Road and we are talking to a hostile-sounding gent by the name of Paul Simpson. Simpson has worked with Warren Goldblatt since the AIN days of 1999 and today is sole director of grandly-named Basileus Consilium Professional Services. Goldblatt is



Lucky Montana

travelling, says Simpson, and difficult to get hold of. "But what can we do for you?"

Simpson agrees that Ukhozi Forensics does work for BCPS, but when we ask if we can chat about that he snaps: "No, you can speak to Warren, if you can get hold of him."

At Werksmans, a senior member of the firm mutters: "Anything that Mr Lucky Montana says you can disregard."

We try to speak about the firm's relationship with BCPS with the relevant partner, Bernard Hotz, who heads the Business Crimes and Investigations practice. The services of this unit don't come cheap. The cost to the taxpayer of Werksmans' much-criticised seemingly never-ending investigation into corruption at Prasa, led by Hotz, by last October had reached R169m, which makes the attorney something of a rainmaker, as the legal parlance goes for big fee generators.

Sadly Rainmaker Hotz declines to answer our written questions about BCPS, Ukhozi Forensics and Facts Consulting; whether Ivan Pillay or Johann van Loggerenberg provided input to his practice's investigations; and whether any surveillance conducted by agents on Werksmans' behalf involved the monitoring of telephone conversations or computer communications.

Hotz does act as attorney for all three defendants in the pending high court rogue unit trial – Pillay, Van Loggerenberg and Janse van Rensburg – so he had the opportunity to give



Nazeer Cassim

comment on their behalf too. But the lawyer's written response merely states that our questions "appear to be attempts to advance a narrative that the Business Crimes and Investigations practice of Werksmans is somehow engaged in unlawful or unethical activities. Nothing could be further from the truth."

The Rainmaker adds: "Werksmans declines to engage in debate about the conduct of investigations that the Business Crimes and Investigations practice has been involved in."

But Lucky Montana and Floyd Shivambu aren't the only ones perturbed by the activities of Werksmans and Warren Goldblatt. Back in 2014 advocate Nazeer Cassim SC represented tobacco company Carnilinx and its boss, self-confessed cigarette smuggler and fraudster Adriano Mazzotti, then under investigation by Van Loggerenberg's HRIU. Cassim's negotiating skills were employed in settlement talks with Van Loggerenberg and SARS over Carnilinx's tax liability, estimated at between R600m and R800m.

Mazzotti and Carnilinx were historic clients of Warren Goldblatt's Specialised Services Group – it was that year, 2014, that Goldblatt exited SSG with its forensics team to form BCPS. So Nazeer Cassim, famously eccentric but with a strong sense of right and wrong, would have had a good idea of how Mazzotti operated. Cassim had a good relationship with

SARS's Van Loggerenberg and he also acted for Ivan Pillay in his successful 2014 application to the Labour Court to have his suspension from SARS overturned.

In February 2015, just weeks after the Labour Court matter and now sitting as acting judge in the South Gauteng High Court in an application involving the Resilient property group (see *noses* 136; 137; 145; 177; 191; 221 & 222), Cassim came out with a blistering attack on Werksmans and SSG after the law firm "brazenly" confirmed in an affidavit that they had used Goldblatt's SSG for corrupt purposes. (See Editorial, *nose* 191.)

"It is a regrettable but true feature of criminal practice that criminal lawyers... utilise private investigators who in turn have a network of policemen to do their bidding," thundered Cassim's judgment. "So rampant is the practice that Werksmans, a major Johannesburg law firm, do not query or find it distasteful to [*by their own admission*] hire private investigators SSG, who they know have an untoward relationship with senior policemen, who are at their beck and call.

"It is no secret... that... to obtain a successful prosecution it is useful, if not necessary, to obtain the services of private criminal investigators to literally prepare the docket on behalf of the police."

Ever heard the expression "things that go bump in the night"? ■



Luvo Makasi

SARS helps Mpisanes duck and dive – again

The Durban-based tender tycoons get a helping hand from the taxman. **By Jonathan Erasmus**

OVER THE PAST EIGHT YEARS, Durban's infamous bling couple Shauwn and S'bu Mpisane, have tried every conceivable trick to outwit the taxman – from bribing officials and hiding assets, to frivolous court actions – all to stall for time. And it would appear that SARS has been only too keen to help them along.

As previously reported in *Noseweek*, (noses 103; 125; 150; 195; 204; 205; 208; 209; 211; 213 & 233) SARS has already tried to help the Mpisanes out of trouble by scrapping a criminal investigation and waiving massive tax debt

through the swish of a pen in unofficial meetings.

First, in March 2009 Jonas Makwakwa, notorious former Chief Officer at SARS, illegally knocked R13 million off their then R33m tax bill. That was later reversed. Then in 2011/12 Shauwn Mpisane, along with her company Zikhulise Cleaning Maintenance and Transport CC, faced 119 criminal charges including forgery, tax fraud and the under-declaration of VAT where SARS was the complainant. But the taxman made a U-turn in 2013, using what would later be proven as false allegations levelled by the Mpisanes against the lead State prosecutor in the case, Meera Naidu, as a reason to no longer support the prosecution.

The man who took that decision was none other than former SARS head of tax and customs investigations, Gene Ravele (nose233) who told then head of the NPA Nomgcobo Jiba, KwaZulu-Natal's Director of Prosecutions Moipone Noko and the national director of the Specialised Commercial Crime Unit, Lawrence Mrwebi, that "the trial has been rendered unfair"; that "justice will best be served to stop the prosecution" and that "there is no hope of a successful prosecution".

The NPA was only too happy to scrap the case, acquitting Shauwn on all charges because of "prosecutorial misconduct". Prosecutor Meera Naidu was cleared two years later after an internal disciplinary hearing.

In SARS's latest attempt to derail their own probe, it has withheld payment of the fees of the curators they appointed in November 2016 to preserve the assets SARS seized from the Mpisanes in their latest tax spat with the family.

Due to the non-payment of fees owed to them – which at one stage stood at nearly R1m – the curators said they had been unable to secure all the movable assets or account for them, thereby gifting the tax-dodging couple ample time to dissipate their assets through what appear to be sham sales and questionable debt-repayment agreements.

The Mpisanes – who incidentally are divorcing – owe about R141m in taxes both personally and through their various companies. The main business is Zikhulise Cleaning Maintenance and Transport. Despite its name, the company has secured more than one-billion-rand's worth of contracts over a decade to build low-income housing from various KZN municipalities (mostly eThekwin Metro) and from government agencies.

By late last year the relationship between the curators and SARS had broken down completely. By agreement, SARS applied to the North Gauteng High Court to have them removed as curators. In that judgment, of November 2018, Judge Neil Tuchten agreed that the relationship had irretrievably broken down. He said "the core of the dispute... is the dilatoriness of SARS in making payments".

But this clearly did not suit the Mpisanes, who promptly lodged an appeal against the court's ruling.

To quickly settle the matter, curators Henk Strydom and Tshifhiwa Mudzusi themselves applied to the high court in Durban to be formally relieved of their duties. Judge Jacqui Henriques granted the order.

Zikhulise Cleaning Maintenance and Transport (ZCMT) is under provisional liquidation. While the Mpisanes



S'bu and Shauwn Mpisane



The Mpisanes living the high life

have managed to continue with some of their businesses, the majority of their assets are linked to ZCMT. If that falls, so will everything else.

The Mpisanes' delaying tactics are clearly outlined in several reports annexed to the curator's application in the high court, Durban, including an April 2018 KPMG report authored by Shawn Williams appointed as a joint liquidator of ZCMT.

On 26 February 2016 SARS brought an application for the winding up of ZCMT. Soon afterwards Shauwn Mpisane, applied to have the business placed under business rescue. In a separate action she asked the court to review SARS's decision not to enter into a payment arrangement with her. While both these court applications failed, they did succeed in delaying the liquidation by a further 18 months – until August 2017.

Then the liquidation application itself was postponed several times despite being on the unopposed court roll. It was finally set down for hearing on 23 April 2018 but just weeks before it was to be heard, ZCMT filed its intention to oppose. As a result the matter was taken off the court roll. It could take a year or more to have it re-enrolled for hearing.

During this time ZCMT had its main office lease transferred to a company owned by Shauwn's sister – who is not part of SARS probe. When the curators arrived, they claimed the Zikhulise group no longer operated from the site, despite ample signage indicating

the contrary. A search later turned up financial documents in a store room which showed that all the computers on site belonged to Zikhulise.

Shauwn Mpisane somehow – despite SARS's having issued an application for the winding up of ZCMT – had ZCMT change its identity from a Closed Corporation to a (Pty) Ltd. This created uncertainty as to the extent of the powers of the liquidators. They have been obliged to apply to the North Gauteng High Court for clarification as to whether they are still the curators of the entity which now has a different corporate status.

On 23 November 2016 SARS issued an application for the sequestration of Shauwn and S'bu Mpisane. Bizarrely, it was only enrolled for 21 June 2019.

In order to hide land and vehicles, the Mpisanes ceded ownership – despite no records indicating any change of ownership – of a farm and several personal-use luxury vehicles to Durban businessman Ishmal Desai of Blitzvinnig Trading CC.

He claimed he had an agreement with the Mpisanes after obtaining several debt judgments against two Mpisane-linked companies – and that the agreement had been made an order of court. The curators were compelled to bring an application to the court in March 2017 to force Blitzvinnig to give them access to the cars. In one note by (liquidator) Williams, he said there was a “strong indication that the agreements relied upon by Blitzvinnig to justify its possession of the assets

are a collusive ruse designed to conceal the intention to alienate and/or dissipate assets that can be used for the payment of tax debts”. Williams also said a cession agreement was signed in favour of a third party by the KwaDukuza Municipality – a client of ZCMT – despite SARS's having informed them of the winding-up application.

At a second meeting at the Mpisane's La Lucia mansion in December 2016 it was discovered that most of the furniture and electronics had been removed. The curator was told they were sold on auction although no proof of this was produced.

The curators' first attempt to gain access to the family's vaults at the International Bank Vaults, Gateway Shopping Centre, Umhlanga, failed. When they finally were able to get in, they “discovered that such vaults were empty”.

The Mpisanes purposely did not voluntarily submit any financial information to the curators; they misled the curators about the income of various companies; made false claims about the size of the staff; claimed tender documents were “privileged”; illegally transferred R500,000 to an obscure trust as “consultancy fees” among other payments – all of which required the curators to institute court action to have the money returned. The Mpisanes promptly lodged an official complaint that the curators were “destroying the business”. ■



Vineyards on the upper foothills of the Constantiaberg range

Klein Constantia and the two exhumed baboons

A primate murder mystery puts one of South Africa's best-known wine estates on the spot. **By Adam Welz**

KLEIN CONSTANTIA ON THE slopes of the Constantiaberg in Cape Town, is one of South Africa's most famously "green" wine estates. A WWF Conservation Champion, it touts its environmentalism widely. A 2015 book titled *The Wine Kingdom – Celebrating Conservation in the Cape Winelands* claims that it has "extensive soil erosion plans" and aims to build a cellar "that will be powered by solar energy". It mentions that Klein Constantia "has also experienced serious damage to their crops caused by baboons, but today most of this problem is taken care of by using baboon monitors during harvest".

Baboons can be prodigious crop raiders, and three troops inhabit the slopes above the wine estates in the Constantia area. The fruit-laden vineyards are a huge temptation because they back on to the baboons' natural territories in Table Mountain National Park.

While it may have been true in

2015 that Klein Constantia dealt with "most" of its baboon problem by using monitors – people using non-lethal paintball guns and the like to keep the primates out of crops and houses – recent goings-on suggest that the estate is no longer as wildlife-friendly nor as open and honest as it might like us to believe; in July 2018 it was revealed that Klein Constantia had been killing baboons, and in November a source came to me with unusual evidence suggesting that the estate and/or its contractors may also have been lying and breaking the law with respect to those killings.

The evidence was two dead and somewhat-rotten baboons, which the source said they had dug up the previous night from a shallow grave next to a pond inside the Klein Constantia estate. (One way to get journalists' attention is to bring them actual bodies. Beats smoking guns every time.)

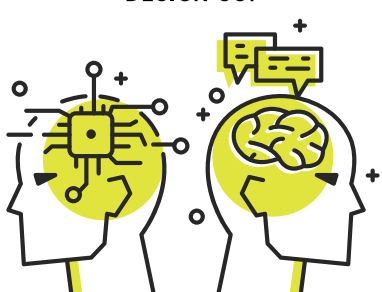
The source – who I'll call Baboon Corpse Retriever, or BCR – came to

me via Jenni Trethowan, a pro-baboon activist. BCR said the grave contained "many" other dead baboons, which were too heavy to carry out.

In October 2017, just over a year before BCR and their smelly evidence appeared, Klein Constantia and a neighbouring estate, Buitenverwachting, were quietly granted permits allowing them to hunt two baboons per day for a whole year – that is over 700 baboons in a year – by CapeNature, the provincial conservation agency. The permits were granted because the estates claimed they were suffering serious losses even though they had tried non-lethal methods of keeping baboons away.

According to provincial hunting register records from CapeNature, a professional hunter employed by the estates had shot two baboons, age and sex unstated, in January 2018. The stomach contents of both were recorded as "grapes". (Grapes are on the vines in January.) In June 2018, a further five baboons were recorded

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His life and works

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as being shot, four female and one male, with stomach contents of the first being listed as “raisons [sic], cover crop” and the remaining four as “seeds cover crop” – which also makes sense because that’s the time of year that there aren’t mature grapes on the vines, and the baboons sometimes eat the winter cover crop (usually barley) that farmers plant between vines. The records don’t specify the estate on which each baboon was shot.

The killings were revealed shortly afterwards, in July 2018, by Karen Watkins of the Constantiaberg Bulletin. Baboon activists protested, decrying the secrecy around them. They demanded to know why Klein Constantia and Buitenverwaching didn’t keep the primates out of their vineyards non-lethally, and why CapeNature had granted the hunting permits; baboons are widely known as a protected species on the Cape Peninsula.

The controversy got so hot that even Carte Blanche rocked up. Their TV piece melodramatically portrayed the baboons as fearsome creatures that everyone in their right minds should be terrified of, and the programme found no evidence of law-breaking – or evidence of anything much, really – leaving the impression that whatever the wine farms had done had probably been legal and rational.

The publicity nonetheless shamed Buitenverwaching into returning its baboon-shooting permit to CapeNature. (Unconfirmed rumours are that some restaurants stopped stocking their wine.)

Klein Constantia mostly kept its head down during the hoo-ha, issuing a bland press release and refusing many media interviews. Unlike Buitenverwaching, Klein Constantia made no grand gesture of returning its baboon-shooting permit; the Constantiaberg Bulletin reported that “farm manager Craig Harris said they still had their permit but had no intention of using it.” The estate clearly decided to commit to as little as possible and wait for the media interest to pass.

That strategy might have worked for Klein Constantia except that BCR and other informants have since been leaking rumours and hard information to me, prompting more questions about killings of baboons

in and around the Constantia-area wine estates.

The answers and evasions I’ve received give the unpleasant impression that law-breaking and baboon killings are being covered up, and these cover-ups are being perpetrated not just by wine estates, but by baboon management and conservation agencies, too. It’s also not clear what the rationale of the estates’ “lethal management” is; the little they’ve said doesn’t make sense in the light of the evidence.

Let’s start with one justification for the wine estates’ application for permits to shoot baboons: their claim that they had tried their best to keep baboons off their property by non-lethal means. It appears they haven’t

**‘We are not at
all refusing to
comment, however,
as it is right now, we
feel we have nothing
to comment on’**

tried their best, and I can say this with reasonable confidence because Groot Constantia estate is in the same area, also abuts baboon territory, and does not report a baboon problem. Why? Because Groot Constantia has a much better electrified fence. Baboon activists also say that both Buitenverwaching and Klein Constantia’s fences are poorly maintained, so perhaps if the two estates had spent more on fences, they would have no reason to shoot baboons. It seems that bullets, being much cheaper, were seen as a good alternative solution.

It seems to me that any vineyard manager should have an end goal and a strategy for reaching it when deciding to kill baboons, otherwise it’s just mindless carnage and cruelty.

I’m speculating here, but it seems that if you want the baboons to disappear, then your strategy is to

kill them all – humanely, of course.

If you don't want to kill them all, but do want to keep them out of your vineyards, then perhaps you follow the advice of a hunter's old wives' tale that says "shoot a few of the troop in the growing season, and the remaining baboons will be afraid to come near your crop until you harvest it". If you just want to remove individual baboons that are particularly proficient raiders, then you target those individuals.

Buitenverwachting's CEO, Lars Maack, emailed me to say that they had done the latter. "In June 2018 we engaged a professional hunter to remove three dangerous baboons, all of which were physically compromised", he wrote. "The baboons had a history of raiding homes and damaging or killing our animals. Furthermore my staff are also very nervous about the safety of their children, as baboons raid our farm creche and kindergarten." He added that they had requested CapeNature to cancel their permit, "as our intentions were misunderstood".

This appears reasonable (aside from the bit about misunderstood intentions; I mean, their intention was to kill baboons, and that's what upset some people!) None of us would like kids' safety to be put at risk by marauding baboons. If these particular baboons were disabled and could not fend for themselves in the wild, maybe shooting them was justified (if you discard the option of improving fences, of course).

The thing is, neither of the corpses dug up by BCR show signs of physical disability. So I asked Maack for details of the three troublesome animals' disabilities. They were "partially paralysed", he wrote; this might not be visible in the corpses, of course.

Let's accept Maack's opinion that a baboon can be partially paralysed and still very dangerous. I can imagine a partially paralysed big male being dangerous, but can a very small baboon be legitimately dangerous? Because another notable thing is that one of BCR's dead baboons is a small juvenile, estimated at between 18 months and two years old by Jenni Trethowan and her experienced colleagues. It could not have presented any danger, she says. "They would actively get away from people." (The second corpse appears to be a young adult female.)

Of course, Maack's emails only



Two baboon corpses during pathologist investigation

account for three of the seven baboons recorded in the hunting register; the other four should have been shot on the orders of Klein Constantia. So maybe Buitenverwachting's three paralysed-but-dangerous baboons are still in their grave, and the two corpses brought by BCR were both shot on Klein Constantia? Maybe Klein Constantia's strategy included killing healthy and very young baboons – and probably in the season when there were no grapes to steal, as BCR's corpses were at the top of the grave and thus probably shot in June.

If so, why?

I emailed Hans Aström, Klein Constantia's managing director, to ask what his estate's lethal management strategy is and why at least one very young baboon was killed, apparently in the season when no grapes were at risk, among other questions. He refused to give a meaningful reply, referring me to an old, irrelevant press release and then ducking and diving for weeks on end. "We are not at all refusing to comment," he wrote, "however, as it is right now, we feel we have nothing to comment on." (Klein

Constantia's PR people should know that this sort of response makes the estate look guilty as sin, but whatever.)

Another strange thing about BCR's dead baboons is that they appear not to have had their stomach contents checked, a condition under which the CapeNature permit was granted. An experienced forensic pathologist who normally works on humans examined the baboons in my and Jenni Trethowan's presence, and the larger baboon did not have its abdomen or stomach cut open. The young juvenile had a small perforation in the stomach and gut, but this appears to be the result of being (painfully, and unhumanely) shot in the abdomen, not of having its stomach contents checked.

Checking the stomach contents of the dead baboons was a condition under which the CapeNature permit to shoot them was granted, so at the very least it appears that the professional hunter and/or the wine estates lied on the documents they submitted to the agency.

Did the estates shoot more baboons than disclosed? Perhaps they checked stomach contents of seven, but then shot more which they buried without checking: BCR repeatedly told me that there were more than five corpses left in the



Buitenverwachting's CEO, Lars Maack

grave after they had retrieved "their" two.

BCR could be lying, but a census done at the end of June 2018 by Human Wildlife Solutions (HWS), the company paid by the City of Cape Town to monitor baboons, showed 40 baboons missing from the troops that live near the Constantia winelands. Sources say some of those were probably killed by suburban homeowners in Constantia – but not all. (HWS can't speak to the media).

The day that BCR brought the baboons out, Trethowan contacted Deon Hignett of CapeNature to say that she had indications that more than seven baboons had been shot, and that perhaps they were in the grave. (Hignett had granted the permit.) He promised to do an inspection that day and later emailed Trethowan to say that CapeNature had seen a freshly disturbed gravesite on Klein Constantia at the place indicated.

Trethowan asked to see CapeNature's photos of the gravesite and their written report, to be sure that there weren't more than five corpses left in it. CapeNature refused, and refused again when Trethowan's lawyers filed a Promotion of Access to Information Act request. There is no written report, they said, and Klein Constantia had objected to the photos being circulated; they didn't want Trethowan sensationalising them.

Trethowan has offered CapeNature access to BCR's baboon corpses, so that CapeNature can check their age, health, and confirm that the stomachs were not opened by the hunter. The agency has shown no interest.

Did CapeNature really visit the site? Why is CapeNature taking orders from Klein Constantia about CapeNature's own photographs? Why is the agency so uninterested in following up?

Just before this story went to press a tagged baboon was found dead on Buitenverwachting's land. CapeNature has labelled its cause of death "undetermined". ■



Healthy Chacma Baboons of the Western Cape

'It's complicated'

Noseweek takes a look inside the mind of one of South Africa's political stalwarts. By Sue Segar

ON A HOT FEBRUARY SUNDAY, Roelf Meyer stared out at the sparkling ocean from a hotel dining room in Bloubergstrand, Cape Town whilst trying to explain the politics of Myanmar, a country in which he's been spending a lot of time.

Best known for his role in negotiations to end apartheid, Meyer now spends one week a month in Myanmar in an advisory capacity to the head of government, Aung San Suu Kyi. And it's no walk in the park. Recently he visited the refugee camps in Bangladesh where about a million Rohingya Muslims live "in appalling conditions, with no services, nothing".

Through Meyer's non-profit organisation, the In Transformation Initiative which he founded with four others in 2013, he is also involved in peacekeeping missions elsewhere: in Harare, from where he has recently returned, and South Sudan, where he is due shortly, to advise on conflict resolution there.

At 71, Meyer still has his boyish good looks. His blue-eyed charm and diplomatic restraint remain. But he looks tired.

When we met, he was in Cape Town briefly for a meeting with a group of women involved in rebel activities from a range of countries – including Myanmar, Columbia and the Philippines – to "share the South African experience with them".

But the project closest to Meyer's heart is the Public Private Growth Initiative (PPGI), aimed at spearheading joint action by South Africa's private and public sectors to fix the economy.

He also spoke about his role in land reform, particularly

in developing an agricultural development agency aimed at developing about 10,000 commercial farms for black farmers and at "restoring the dignity of rural families across the country" which he said is "critically important".

Meyer said he still enjoys a close relationship with President Cyril Ramaphosa, and described the day he became President as one of the best days in democratic South Africa. "I've been saying for years that if he were president, he'd put us back on the high road. I don't expect to see him often, but he knows I'm involved in the PPGI in the best interests of the country."

Meyer spoke of his love for historic books and biographies – "there's a lot to learn from the past" – and of his fascination with Winston Churchill and Jan Smuts.

The prevailing narrative on Myanmar is that, three years after taking power, Suu Kyi – a Nobel Peace

Prize winner and once an international icon of peace and a champion of democracy and human rights – has refused to speak out against the persecution of Rohingya Muslims in Rakhine State, and has failed to acknowledge the massacres carried out by the military or oppose the

prosecution of journalists.

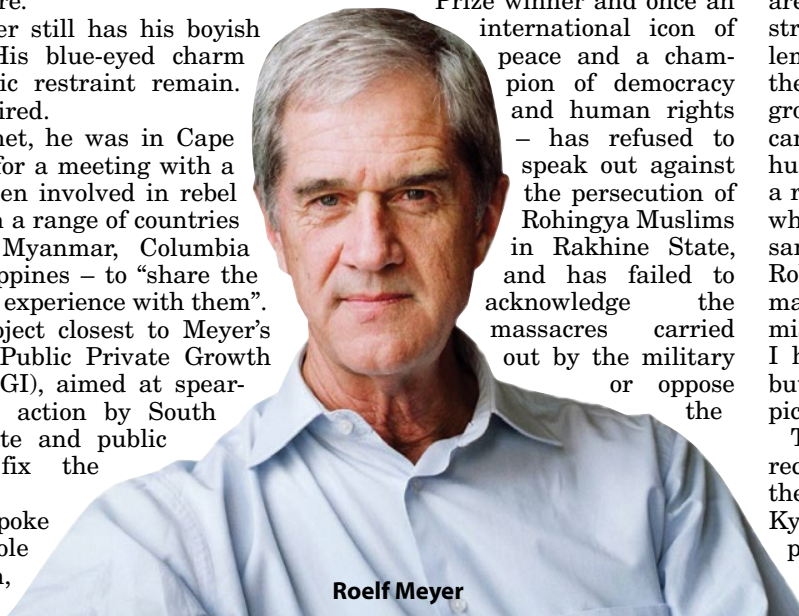
But, insisted Meyer, it's far more complicated than that. "The biggest challenge is the fact that the democratic government and the military government are two different governments in the same country, to the extent that they don't talk to each other. The military government has sovereign power over four ministries: defence, police, immigration and border affairs.

"Their constitution gives Aung San Suu Kyi no power over these ministries. That is the heart of the problem. I find it difficult to get people to understand this. From the outside it looks as if she has complete control, but she does not. I'm not saying she hasn't made mistakes but the reality is that these issues should be addressed in terms of the role of the military powers, police etc, over which she has no authority.

"From my personal discussions with her, I know what her difficulties are in terms of how far her authority stretches. There are many other problems in Myanmar, such as the fact that there are more than 15 armed ethnic groups there. I have seen refugee camps in Thailand which house hundreds of thousands of people from a range of ethnic groups in Myanmar who have been there for years. The same atrocities happening to the Rohingya Muslims have happened to many others. I am not trying to minimise the Rohingya problem, as what I have seen is totally unacceptable, but we must also look at the bigger picture."

The eternal diplomat, Meyer – recognised internationally as one of the few people whom Aung San Suu Kyi listens to – determinedly downplays his personal relationship with the Myanmar leader.

"I feel very comfortable with



Roelf Meyer

her. As fellow politicians, we understand each other. She trusts me and I want to retain that. She finds herself in a very difficult position. She meets with me whenever I want to – but she doesn't have to listen to me or take my advice."

He met Suu Kyi when she was still in opposition and has served in an advisory capacity in the overall peace process in Myanmar for several years.

Myanmar is nowhere near the toughest country he's had to deal with, Meyer insisted, and he does see light at the end of the tunnel.

On top of his work in Myanmar, he's also doing advisory work in Zimbabwe, Lesotho, Madagascar, Central African Republic (CAR), DRC and South Sudan.

"In Lesotho, the council of churches invited us to help with reconciliation. The small nation has far too many political parties, and there is conflict between them."

In DRC – "where it's generally accepted that the man who was sworn in as president was not necessarily the winner of the election", the ongoing task is to ensure there are "no new disturbances".

In CAR, where the United Nations forces have a bigger budget than the country's budget, the task is also about building reconciliation. "That country is the worst failed state I have seen. There is nothing there. It is chaos. South Sudan is busy with a new peace process – for the fourth or fifth time. We were asked by the UN to help."

In Zimbabwe, said Meyer, "there's an urgent need to start a process of dialogue (between Zanu-PF and the MDC) but there's a complete disconnect on what the dialogue should be about. There's a very real fear that Zimbabwe is on its way to becoming a failed state. If that happens, the consequences for South Africa will be dire. It will be much, much worse than now. People will be running across the border."

Born in the Eastern Cape and brought up in the Free State, Meyer, who became a National Party MP in 1979, played a prominent role in South African politics, holding the positions of deputy minister of Law and Order and of Constitutional Development between 1986 and 1991, and minister of Defence, Communication and of Constitutional Affairs between 1991 and 1996. He was the National Party government's chief negotiator

in constitutional negotiations and his relationship with the ANC's chief negotiator, built up with Cyril Ramaphosa, is now the stuff of legend, paving the way for South Africa's first fully democratic elections in 1994.

In 1996, he retired as an MP and as Gauteng leader of the National Party and the following year founded

'Aung San Suu Kyi has no power over these ministries in the constitution...'

the United Democratic Movement with former Transkei leader Bantu Holomisa. He retired from politics in 2000 to run a business-consulting firm.

Since 1994 Meyer – along with Ramaphosa and others – has been involved in conflict resolution in one way or another, starting with the Northern Ireland conflict.

"We brought the opposing groups, the unionists and the nationalists,

to South Africa in 1997... both sides said publicly that the experience was the turning point which made them realise it was possible to find a solution.

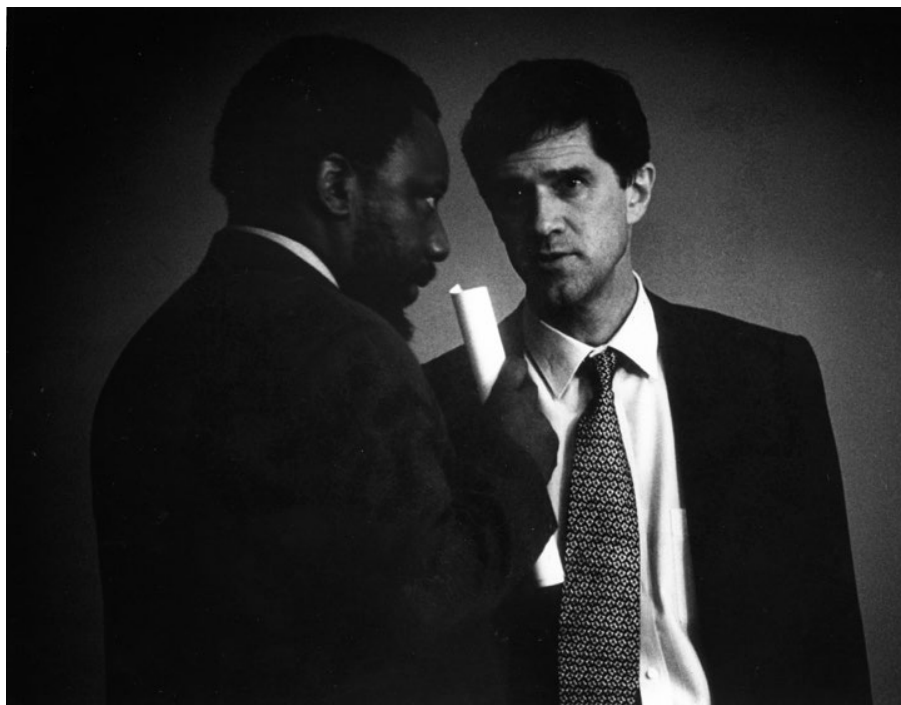
"When they visited in 1997 they were still not prepared to meet in the same room. They were sitting in two different rooms in a conference centre and when Nelson Mandela came to speak to them, he had to make the same speech twice. The next year they signed the Good Friday agreement.

"Even in those early days, there were some of us who were regularly working on a request basis in places like Sri Lanka and the Middle East."

In 2013, Meyer was one of four veterans of South Africa's transition to democracy who formed the In Transformation Initiative to work in an advisory capacity in conflict zones and the building of democracy and political transition.

Since their formation, the team has been called upon by governments, international organisations, and individuals throughout the world to advise on creating peaceful solutions in, among others, Sri Lanka, Colombia, Zimbabwe, Kenya, Cyprus, Yemen, Iraq, Spain (in the Basque region), Bahrain, and India (on the Naga question).

However Meyer was most enthusiastic about the Public Private Growth



Cyril Ramaphosa and Roelf Meyer



Myanmar's Rohingya Muslims

Initiative (PPGI) which he set up along with Johan van Zyl, CEO of Toyota Europe and Africa.

The initiative has the full backing of Ramaphosa. In January the PPGI laid out their plans for him: "We wanted to get the different sectors of our economy together to say what they can each do to grow the economy and create jobs."

The PPGI has so far managed to get key players from 22 economic sectors to join the government in this mission and has identified at least 18 specific projects with this purpose.

So seriously is Ramaphosa taking this that he mentioned the projects in his recent SONA address. They range from agriculture and forestry to aerospace, construction, manufacturing and the renewable energy sector.

A document on the projects reveals some inspiring plans: the automotive industry aims to localise the manufacture of automotive components over the next five years to unlock growth opportunities in a stagnant market; the Trade and Industry department is working with the Association of African Automotive Manufacturers to develop a Sub-Saharan Africa automotive pact, aimed at bringing major automotive economies on the sub-continent together to identify production and market opportunities.

In the financial sector, projects include a drive to work with the Treasury to remove barriers that prevent South Africa from becoming the insurance and financial services hub in the region as well as the preferred insurance placement

market for the rest of Africa.

In tourism, a number of measures will be implemented that are aimed at doubling the size of the sector, such as addressing visa, safety and communications issues.

In terms of small business: "Only about 30% of our towns (local government structures other than metros) have functioning business chambers and less than 20% have functioning local government structures. We aim to go for a grass-roots revitalisation of local small businesses throughout South Africa through business chambers and a framework for strong collaboration with local government structures as a matter of urgency."

Meyer was clearly excited about the work of the PPGI. "At last we have a man in (the president's) office who understands what needs to be done," he said.

"Although Johan van Zyl lives in Brussels, we also have Nick Binedell, the retired head of the Gordon Institute of Business Science (Gibs) working full-out for the PPGI.

"You'll be amazed at what a huge resource base we have... we are able to tap into individuals who are willing to work with us on specific issues.

"There are so many people working behind the scenes for South Africa on this; some are retired and just want to give their time. People are coming forward all the time... they were inspired by Cyril's SONA address and want to be part of building this country again. One gets the feeling that, in all the sectors of our economy, people desperately want to turn things around."

Meyer lives in Pretoria with his second wife, Michele, a writer. He has three adult children. His daughter



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Annerine died in a car accident near Middelburg in the Eastern Cape in 2002, when she was 24. All three children live in Pretoria. “I am very fortunate. Michele has two daughters, one studying in Stellenbosch, the other working in Cape Town.”

Whenever they can, Meyer and his wife spend time in nature and the bush, or driving through the small towns of the Karoo and “doing nothing, except reading and relaxing”.

He will soon be back at work in Myanmar to focus on a new strategy there based on “intercommunal dialogue” in the beleaguered Rakhine state, in the north-west of the country, bordering Bangladesh, the state most affected by the violence.

“I believe this is a situation that can be helped by the South African experience... along the lines of the peace committees we set up in South Africa in the 1990s. Those committees focussed on creating dialogue at grass-roots level. Many South Africans participated in these and I still believe that was a major contribution to our own peace – and way less recognised than they should be.

“Our colleague Fanie du Toit is already on the ground in Myanmar where we will run a pilot project. We already have a joint planning committee of about 30 people, including Buddhists, Muslims and representatives of the minority groupings. They are all ready to work together in what we have called a sustainable peace and development committee, and are planning the first steps of how to implement this dialogue. We aim to launch the pilot by the end of March and then to do the same in the other 17-or-so townships in Rakhine.

“By starting in the most trouble-



Myanmar’s President Aung San Suu Kyi

some spot, we can send a message to the other townships and roll it out.

Meyer clearly has a lot on his plate. “I am working way too hard for my age,” he grinned. “But I am doing it because I want to. As long as I find the energy to do it and as long as my mind is active, I will carry on.”

In South Africa, the project that excites him as much as the PPGI is the establishment of the agricultural development agency.

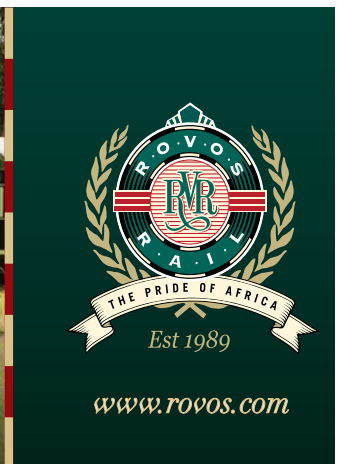
“There’s a vacuum in terms of giving emerging farmers the opportunities they deserve to become good farmers – not only in terms of making land available but in creating spaces for security, funding and transfer of skills. South Africa’s agricultural potential is huge, much bigger than people realise. We are a net exporter

of no fewer than 26 agricultural commodities. There should be so many opportunities for new people to come and farm. What is needed is a focussed capability. The government departments for this are not good enough. There is a vacuum. This initiative must be steered by people with the right knowledge base and experience. Sector wise, this is the number one project for me.”

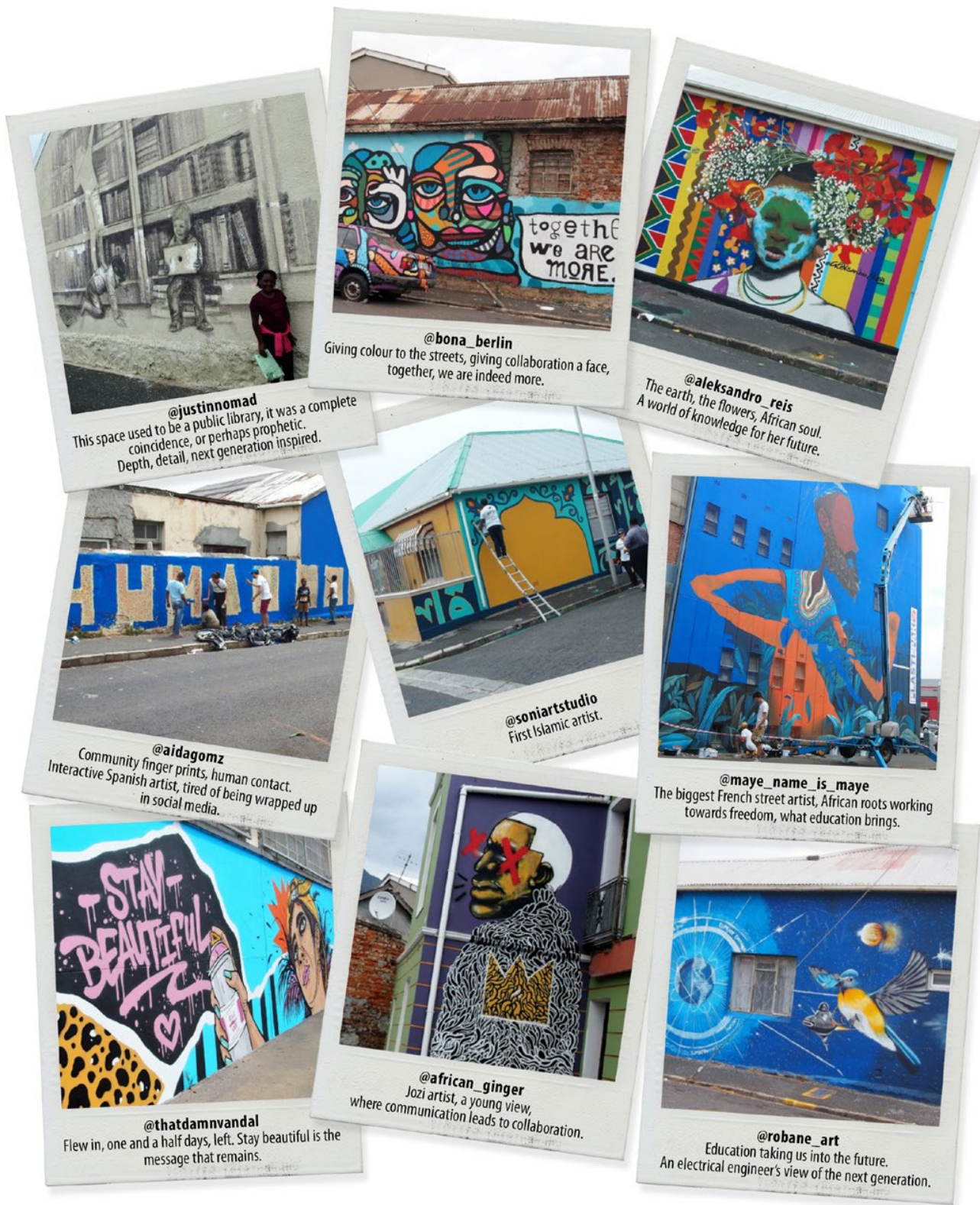
Is Meyer optimistic about South Africa’s future?

“I can see why people have fallen into a state of despair... particularly in light of what’s coming out in all these commissions.

“But I am optimistic enough to say that this is the country where my children have chosen to remain and where I wish to see my grandchildren live.” ■



The Salt River area of Cape Town came alive with colour during the International Public Art Festival in February. Pietermaritzburg's Jono Hornby won the mural festival. Photos/captions by Tori Packer





A Ladder to the Sky by John Boyne (Doubleday)

JOHN BOYNE'S NEW NOVEL, HIS eleventh, has met with such near-unanimous acclaim elsewhere that I hesitate to air my opinion, which is that it is contrived, unconvincing and not very well written. It does, though, have a certain compelling quality, not unlike a mediocre Netflix series, and I finished it, not without enjoyment, in two sittings.

The central character, then, one Maurice Swift, is a would-be-author and a sociopath – and it is part of Boyne's point, I think, that those two identities all too often coincide. When we first meet Maurice, he is a waiter in a Berlin hotel, and we see him through the infatuated gaze of an elderly successful novelist, Erich Ackermann, who, responding to Maurice's flattering interest and his beauty, takes him under his wing, thus becoming the first of Maurice's victims.

Maurice's problem is that, much as he wants to write, he can't really come up with a plot, and thus has to steal one. Thus he extracts from Erich, not very subtly (and not very plausibly), the story of his youth in Nazi Germany, and uses that story as the basis of his first, highly successful, novel and also as a means to ruin Erich's career.

Having destroyed and rejected Erich, Maurice moves on to another elderly and successful gay author, Dash Hardy, whom he also discards once he's got from him what he could.

There is an entertaining interlude in which Maurice, accompanying the infatuated Hardy, visits Gore Vidal on the Amalfi coast. This section, centred on the obsessively name-dropping

Vidal ("Greta Garbo slept in that bed once ...So Did Bettino Craxi. Nelson Rockefeller. Princess Margaret... Paul and Joanne"), is the liveliest in the novel: Boyne does the bitchy perceptiveness of Vidal very well, and it helps that Vidal is the one character who sees through Maurice – it being one of the weaknesses of the book that an implausible number of people fail to see what an appalling person he is.

The third section, set some years later, is narrated by Maurice's wife, the up-and-coming young novelist, Edith. We gather that she has just published a very highly regarded novel, whereas Maurice's career has been in the doldrums after the failure of his second novel. The young couple are now living in Norwich where Edith is teaching creative writing. Much is made of a loose railing on a staircase that Edith repeatedly asks Maurice to fix... No prizes for guessing where this ends up. Like many other outcomes in this novel, the reader spots it long before the oddly obtuse characters do. Exit Edith, leaving behind a brilliant novel, which Maurice publishes as his own, to great acclaim.

When we next meet Swift, in another Interlude, the first section of the novel narrated from his point of view, he is living with the son that we have repeatedly been told is all that he wants, other than fame and riches. Since we are informed quite early on that the boy has an asthma nebuliser, we guess, accurately as it turns out, that this is the Return of the Loose Stair Railing. Swift is now the editor of a literary magazine, where he spends his time mining rejected

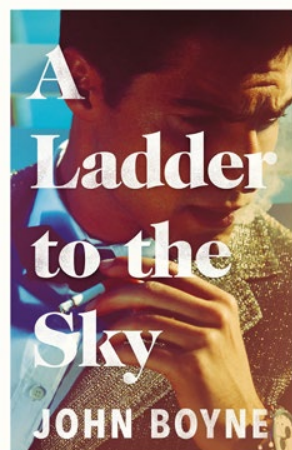
fiction submissions for plots to use in his own novels.

Moving to London after the death of his son (that nebuliser!) Maurice is on the skids again, but regains something of his old flair and duplicity when he is approached by a young man who, flatteringly, wants to write a biography of him, and who eerily resembles his dead son. The young man's father happens to be an editor at a leading publisher, and Maurice foresees a return to the limelight. Over several meetings, he becomes ever more dependent on the young man... and the rest is as predicably and as implausible as almost everything else in this novel.

To say that the novel is unbelievable is perhaps to miss the point that this is just a very dark satire on the nature of literary ambition, and as such was never intended to be read as a realist novel. Still, it is very much rooted in the recognisable details of its various locations (Boyne is clearly a well-travelled man), and the implausibility of the plotting bumps up against the realistic surface of the story.

As for the writing, it is flat and often careless: nothing a good editor could not have fixed, but here Boyne has not been blessed with one. His syntax is often lame, with long sentences joined with a series of "and": "I sat alone in the bar later, lost in my thoughts, and when Maurice rejoined me he had taken a shower and smelled of soap, his hair a little damp on his head, and this was exhilarating to me"). He has little sense of the shape of his sentences, inadequate punctuation at times leading to unintended ambiguity ("he watched as a car began to ascend the hill and let out a deep sigh"), and dangling modifiers leading to nonsense: "Uncomfortable with speaking German, ...an actor had been hired to read a chapter of my novel."

Still, I am in a minority here. Read the novel by all means: statistically, you are likely to enjoy it. ■



A LADDER TO THE SKY
by John Boyne
(Doubleday)

Letter from Umjindi

BHEKI MASHILE



Man oh man those dreaded three letters

I AM SORRY TO BRAG AND BOAST ABOUT what recently turned out to be one of the most wonderful days I ever had. The reason I say “boast” is that, with all the trials and tribulations we often must endure daily, it is rare to have just a brilliant day, the kind that puts a stupid smile on your face which absolutely nothing could wipe off.

When I say nothing, I mean nothing, not even if your day ended like the lyrics of a country song describing how you find out that your spouse has been cheating on you with your best friend, your car gets repossessed, your house catches fire (of course, you are a few months behind on your home insurance premiums) and your beloved dog Rover runs away, probably because of the fire.

Granted I could have used smile-wiping-off examples from here in Mzansi, such as load-shedding and our now-regular daily reports on just how vast corruption is. But I think we have become so accustomed to all this that instead it prompts a different sort of smile – more like a sarcastic grin – which is always accompanied by a shaking of the head followed by the remark, “I can’t believe this s**t!”.

Alrighty then, let’s get on with why I had such a wonderful day. First, bear in mind that the *Noseweek* reader would generally be described as educated and sophisticated – and probably doesn’t attend a church where you can be brought back from the dead! There I go, I’ve got that smirk and I’m shaking my head and muttering “Can you believe this s**t?”

I am certain I do not have to spell out the threat of the HIV virus which, as we all know, does not give a rat’s behind whether you are an educated, sophisticated Nosey One or

not. How can I be sure I do not need to spell it out? Well, I shall do so in the hope that, if there is anyone battling with the question of getting tested, my recent experience will help you with your dilemma.

The chance of contracting the HIV virus can happen to even the most sexually responsible of us, such as when betrayed by someone you’ve put your trust in. In other words, your lover cheats on you and that betrayal of trust leaves the cheater with a regrettable “present” – which is then brought home to you. Ouch!

This is exactly what happened to me. However, instead of getting angry I confronted the matter with the utmost maturity. Fortunately I was immediately informed about this

betrayal through the appearance of one of the more common STIs. Fine, I rushed off to the doc, injection, injection, sorted.

Did I say sorted? Not in the least actually. Next I had to contend with the nightmare thought that my “present” could be accompanied by the more scary – nay, dreaded – three-letter acronym HIV. Three words described by actor Charlie Sheen as the “hardest three words to swallow”.

But then Charlie relished his conquest of porn stars. Talk about you reap what you sow.

Anyway I knew what I had to do, get

tested. But this is when that old saying, “easier said than done” is given real meaning. You know you have to get tested, awareness messages everywhere you look are reminding you to get tested, and of course friends will urge you to get tested.

You know that ARVs are available so what’s the big deal? Not that simple; deep down inside you really don’t want to know and so where is your mental state now? It’s in the battle zone.

Well, after two months of this mental torture I summoned up the courage and went for it. End result? Negativotivo baby. (“Negativotivo”? Yes I know this is not a word but I love the way it sounds).

So man oh man, getting the “negativotivo” result was like being born again. Driving home from the clinic my Toyota Hilux bakkie felt like a Porsche. When my MP3 music selection got to Dylan’s *Knockin on Heaven’s Door* I yelled out the window “not today buddy”.

The Klipdrift brandy I bought to celebrate tasted like the best cognac money could buy and my cheap cigarettes were like Russian Sobranes, supposedly one of the best cigarettes money can buy – if one can describe “cancer sticks” as such.

So suffice it to say, listed above are the overwhelming feelings one has when you take on the HIV test battle and you win with a “Negativotivo Baby!” result.

The very kind and extremely professional nurse who tested me asked, “What would you have done if you had tested positive?” Without flinching (Why would I flinch when I’d just got a negativotivo result) I said I would request that you open a file and start me on my ARVs pronto.

I mean, really, what else can one do? Withdraw into the mental state of the battle again, what is there to battle about? It is what it is.

Instead, we can all be grateful for the work of the Treatment Action Campaign. ■



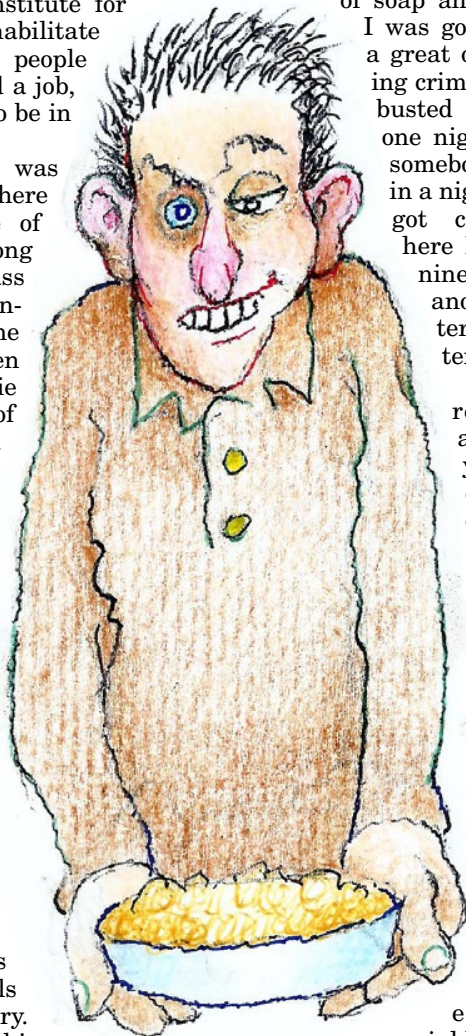
When you need a fresh start

IN BOEP MONEY WAS KNOWN AS START. You don't have any when you're inside, but if you've done a long term they give you a little bit of it when you leave, so you can make a new start outside, see? Plus a suit from a certain cupboard full of suits. Also they give you the address of Nicro, the national institute for something or other to rehabilitate criminals, they are the people supposed to help you find a job, laaik. I mean so it used to be in my day.

In my day a prisoner was called a bandiet, and there was this bandiet name of Blackbeard who was long and skinny and had a glass eye which he would fix unblinking on you when the tronkboer banged open your cell door so Blekkie could shove your plate of porridge under the grille. Along with a quick whispered joke in this dismal silent solitary section of the boep, so I missed him when he'd pushed his fifteen years for theft and departed with his Start and his boep-suit.

And then six months later Wham! my cell door is slammed open and there he is again, shoving my pap under the steel grille. Yirra ou Blekkie! I whisper, is't jy? Ja, says he, iet's me orraait. I decided boep is where all my chinass are and I get three meals guaranteed and I sleep dry. Seems he went to Nicro in his boepsuit and they directed him to the municipal parks department and he started a new career as labourer in the Bot. Gardens. In his boepsuit. That was all the clothing he had. He would

sleep naked in the flophouse where he dwelt and put on all this clothing in the morning for cleaning up rubbish and weeds and stuff in the gardens. Nobody spoke to him except to accuse him of stealing their things. Ja, says ou Blekkie, then one day there was a hell of a row over a cake



of soap and I decided I was going to have a great old time doing crime until I got busted again, and one night I nicked somebody's jacket in a night club and got caught and here I am again, nine to fifteen, another indeterminate sentence.

All this I remembered a couple of years later when I came out of boep. Desperate, man, desperate for work. As a final act of despair I decide to give Nicro a shot. I haul in at a bleak office where sits at a desk a small exceeding

wrinkled mid-aged woman like a sun-dried tomato, only she's not red, she has the complexion of a corpse. Framed degree certificates and diplomas adorn the walls; seems she is

Doctor Groats of Something Sociologically. Doctor Groats raises her gaze to me because that's her job, looks as if she wouldn't mind actually smiling a bit but then again it's a hot Durban day, isn't it? Yes, she says, as if in answer to some question.

Finally she reveals her teeth, but not too many of them and only the tips, and says What can I do for you?

I tell her of my plight, the Security Branch menace any employer who even thinks of finding me a job, but even as I speak she starts wearily shaking her head and finally she just talks me down and with the utmost patronage says You know, you people out of prison always think the police are against you. They are just doing their job, and part of their job is to help you find your way back into community life now that you have repaid your debt to society.

Jesus, think I, after my years in Pretoria Central I could teach you a thing or two about criminology, mis-sus. Yes, say I, but I'm talking about the Security Branch, the political police, the Gestapo, you know? But she won't stop shaking her head, patiently, sanctimoniously, this too being part of her job. For sanctimony you can't beat a skilled sociologist. It is all in your mind, says she, there is no such thing. She has never even heard of the SB. The whole Apartheid structure is so designed that you needn't hear of it if you're white. Nor see it, speak it, if you don't want to.

You know you do have to try, says she. I conjure up a few images of her trying to perform upon herself the sexual indecency I have in mind. But what the hell, man, I go home and chop down an ageing avo tree which is about to fall on my kids, with a bloody big axe, sharp, sharp, shaving sharp. I hack away the roots and turn the stump over with a wire strainer and bury it in its own hole and feel much better, thank you. ■

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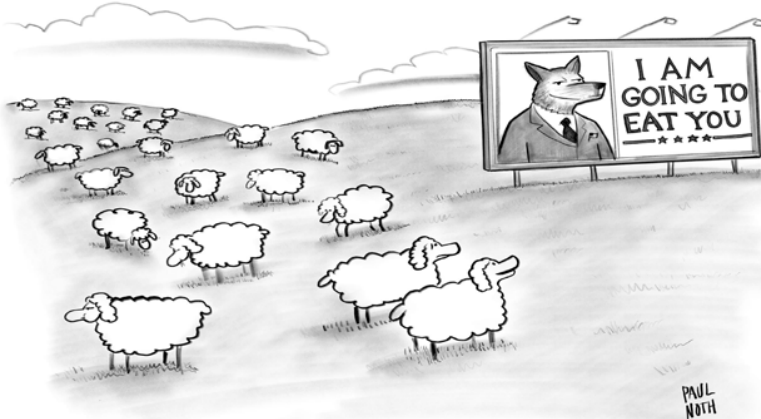
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