

An open letter from an arms deal opponent to the advocates of the NPA

To Advocates Mpshe, Downer and Steynberg:

As a citizen of the country and primary complainant in the matter of the State vs Zuma and Thint and Thint Holding Southern Africa, I feel personally wronged and betrayed that on a number of occasions I have given evidence under oath on this matter.

But I now learn from the National Prosecuting Authority itself that meddling and manipulation of the process in this matter by one of the most senior of the employees of the organisation that you lead, and who reported directly to you, has led to the withdrawal of charges against all the accused.

I am even more affronted that this conduct, which has absolutely nothing to do with the veracity of the criminal case against the accused, should be used as the reason to withdraw the charges – all the charges and against all three of the accused.

Leonard McCarthy was the Director of Special Operations at the time of this dastardly conduct.

The DSO was in charge of the investigation, not the prosecution. By the time McCarthy did what he did, the case had been investigated and was ready for prosecution – by a different and separate directorate of the NPA.

You yourself authorised the prosecution and stated publicly that this was your own decision and that there had been no interference in your decision.

McCarthy did not even recommend prosecution.

This was the prerogative of the investigating director, who in fact exercised his prerogative in this case.

So facts and logic dictate that whatever McCarthy did had nothing directly to do with the prosecution itself.

McCarthy also did not himself investigate Schabir Shaik, Zuma and the two Thints.

This was left to one of the most able and honest and hardworking

joint NPA-DSO teams ever in the history of the country's modern jurisprudence.

No accusations have been levelled at them. That this NPA-DSO team had to endure the final act of this pathetic eight-year pantomime up on stage, representing the tainted NPA and before the world's press, beggars belief.

Facts and logic dictate that whatever McCarthy did had nothing directly to do with the investigation itself.

McCarthy's hands were not clean, but that does not mean the juristic person called the National Prosecuting Authority also has unclean hands.

Indeed, very specifically, the hands of Advocates Billy Downer SC, Anton Steynberg and senior special investigator Johan du Plooy fall under suspicion.

If their hands are clean and those of their ultimate superior – that's you Advocate Mpshe – are clean, then why is it that you say that the NPA will go to court in this matter with unclean hands?

It does not make sense because it is not sense.

The only thing McCarthy did was interfere with the timing of the serving of the new indictment on Accused No 1.

This "timing" amounted to a period of no more than four weeks

at most; this relative to a period of some seven years of investigation, plus one instance where Accused No 1 should have been indicted and another where Accused No 1 was indicted, but had the case struck from the roll because of the inability of the NPA to proceed with the prosecution right there and then (but could have done so in a matter of days thereafter).

Such interference with the timing of the process, while clearly wrong and serving another purpose, can hardly be fatal to a well-founded case.

No reasonable person could conclude that such conduct is fatal to the case against accused Zuma.

And it is certainly not fatal to the case against Thint (Pty) Ltd and Thint Holdings Southern Africa (Pty) Ltd.

McCarthy's illegal conduct was clearly at that time a frolic of his own (as concerns being an employee of the NPA).

The saddest thing, however, is how you and your NPA management team seized on McCarthy's personal frolic and turned it into a group frolic of the entire NPA.

It is shameful and shameless. I am ashamed.

Richard Young
PrEng, PhD, MSc(Eng)

Beauty threatened by Eskom beast

The environment will suffer if a nuclear power plant is built at Pearly Beach, writes John Williams

A hugely ironic and tragic scenario of Shakespearean proportions has developed at Bantamsklip on the Overberg coastline near Pearly Beach – an integral part of the popular and economically important Cape Whale Route and globally significant in terms of its biological diversity.

Generally there has been significant confusion about Eskom's proposals for new nuclear power station sites on the South African coastline.

Despite plans for a new facility at Thyspunt near Cape St Francis, Eskom is also serious in proposing that a new 4 000 megawatt nuclear power station be built at Bantamsklip.

The Draft Scoping Report for the environmental impact assessment of the required transmission lines for the proposed Bantamsklip nuclear facility has just been published, and will be completed with a Final Draft later this month.

This proposed facility, close to Pearly Beach is – in our opinion – nothing short of cultural and economic suicide for those planning for a sustainable tourism future in this region or for those who view it as a choice of a holiday or a retirement destination.

The proposed nuclear site will occupy a registered SA Nature Foundation Natural Heritage Site that harbours 800 plant species, including 21 Agulhas Plain endemics of which six are restricted to the farm. This plant wealth ranks this property, Groot Hagelkraal, as the most extreme concentration of "point endemism" recorded anywhere in the world! And it has been recorded that this property represents the foremost conservation priority in the Cape Floristic Region and is regarded as the world's "hottest" of biological diversity hot spots.

Secondly, the proposed nuclear

power plant will spew out its power lines and cut the Agulhas National Park and the Nuwejaars Wetland Special Management Area (SMA) in two, destroying the vision of rehabilitating and conserving this wetland system through co-operative integrated land management.

Further, the Hagelkraal or Bantamsklip coastline has the highest level of marine biodiversity and endemism found in southern African coastal waters.

Dyer Island Nature Reserve, situated seven kilometres due south of Bantamsklip, is a Great White Shark and seabird sanctuary of global importance. It has the highest concentration of Great Whites in the world and there are six Red Data bird species breeding on the island, including a large colony of African Penguins.

Of critical importance is that Eskom is bound by environmental legislation as it applies to highly sensitive areas of coastal and marine habitats, and particularly with activities involving thenegative impact on the survival of species listed in the Convention on the International Trade in Endangered Species (CITES).

It is crucial that the seawater temperature regime in this marine reserve area remains between 14 and 18°C, as this is the temperature of the White Shark's preferred habitat at Dyer Island, and it is also critical for kelp ecology.

It's interesting to note that this coastline experiences the highest wave energy (waves and swell action) anywhere in South Africa, because it is prone to huge seas experienced during south-westerly gales that co-incide with high spring tides. This combination effectively powers massive kelp beds on which the inshore ecology is based.



The Overberg coastline and its inhabitants – both in and out of the water – faces great danger if the proposed Bantamsklip nuclear facility is built

The nuclear power plant will produce a thermal discharge of 100 cubic metres per second of hot water (condenser cooling) which will alter the water temperature, presently averaging 16°C, by between five and 15°C above ambient.

This permanent influx of hot, unseasonal water will cause thermal shock and, in some cases, alter seasonal migration and kill marine organisms and larval fish suited to cool water conditions.

It will quite likely alter the ecology of the Dyer Island Marine Sanctuary and the spawning grounds and nurseries of the economically important pelagic fisheries (anchovies and pilchards), not to mention the marine habitat of the Southern Right, Humpback and Bryde's Whales that all occur close inshore on the Agulhas Bank adjacent to the proposed Bantamsklip site.

Chemicals and biocides will be used to treat the plant's piping, to

prevent biofouling organisms taking hold within the cooling system.

This will also create a pollution cocktail, isolating the movements of cow-calf pairing of the Southern Right whales moving between the breeding grounds in the marine reserve off De Hoop to nurseries in the trans-Agulhas/Walker Bay areas, and the breeding of endemic fish species of the Sparidae family such as red and white Steenbras, Roman, Red Stumpnose, Panga and Silvers.

The power lines are proposed to be split into two corridors with a servitude width of some 700m each. Four towers, up to 70m high, will be placed alongside each other at 400m intervals.

These power lines are set to traverse major "Scenic corridors" on the R326/R43 routes and also "areas of scenic value", such as Stanford Village and Stanford Valley, 35km from Hermanus.

The preferred route for the proposed power lines will dissect the

unique Flower Valley and Baardskeedersbos hamlet surroundings, creating an image and magnetic pollution only experienced in a doomsday movie. Attention Blue Cranes, detour ahead!

Viewing all this with indifference, or seeing it as a platform to extract economic patronage – like construction contracts and real estate windfalls – or as a strategic imperative over which we have no say nor control, would be tantamount to committing mass suicide.

I SUPPOSE it's happening all over the world. People are having their freedoms reduced piece by piece.

In particular, their freedom to take risks.

Driving along the winding lanes of Cornwall and Devon in the south of England this week I was rather startled to see a little red warning flashing on the car's dashboard. It said "2.00hr."

I was following my son, who was in another car, and when we came to a stopping place I pointed out the flashing light and asked whether it was something vitally important.

"Oh," he said crossly, "that's to warn you that you've been driving for two hours and should stop for a rest. It drives me crazy."

What cheek! Imagine a piece of machinery telling me when I'm getting tired! I regularly drive for up to five hours at a stretch when I travel through the Karoo, and my Little Tata does not nag me and tell me stop and rest. Maybe the Makers of Tatas recognise that if you're clever enough to drive a car you're probably clever enough to know when you're getting tired.

I read in an English newspaper that all British citizens registered with the National Health system (that means practically everybody) are soon to receive orders to report to their doctors to have their body mass indexes checked.

They will then be informed whether they are within the normal healthy range of BMIs, or overweight or grossly obese.



DAVID BIGGS
Tavern of the Seas

Those who are overweight, or more, will be put on to diets and exercise regimes.

(There was a final line saying that people did have the "right" not to undergo the BMI test if they did not want to.)

I noticed that many of the sweets sold in Engand had their calorie content printed on the wrapper in large letters. A small Kit Kat bar, for example, warned me it was worth 145 calories.

All these are just little indications of the way people are being nursed and pampered. The sad part of it all is that we will most certainly end up expecting somebody else to be responsible for our safety and wellbeing at every turn.

That's when we turn into a population of litigators, like the Americans.

If you fall asleep at the wheel and

have an accident, you rush to your lawyer and sue the car manufacturer for having a faulty two-hour driving warning light.

Stumble over a tree root and the first thing you do is find the owner of the tree so you can sue him for having a dangerous tree, instead of realising you're a clumsy sod who should learn to pick up your feet when you walk.

I hope our own government backs off from our private lives enough to allow us to make our own mistakes, even if it does mean an occasional stubbed toe.

Last Laugh

Joe arrived home from work early to find his wife on the bed having a heart attack.

He was about to call the doctor when one of his kids said: "Dad, there's a naked man in the wardrobe."

He opened the cupboard door and there was his neighbour, Fred, crouched among the dresses.

"What sort of neighbour are you?" demanded Joe. "Sally's having a heart attack and you're playing hide-and-seek with the kids!"

The Wanderer

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Zuma decision has tainted many reputations

I CAN'T remember a time in our recent political history when so many great reputations were slaughtered in such a short time. Another one bites the dust almost every week.

This week it was Mokotedi Mpshe's reputation that was rubbished unceremoniously – along with those of his former colleagues Bulelani Ngcuka and Leonard McCarthy. And, unless we get strong evidence to the contrary soon, that of Mpshe's deputy, Willie Hofmeyr, will also go down the tubes.

I got to know and really like Mpshe when he was a prominent legal mind in the employ of the Truth and Reconciliation Commission. This week he went from zero to hero in the eyes of the Zuma cheering command when he dropped all charges against Jacob Zuma and a shady French arms company – in the presence of his senior colleagues of the Prosecuting Authority who had begged him not to do it.

Let there be no doubt in anyone's mind: Mpshe's career prospects have just soared dramatically.

I have little doubt in my mind that history will one day clearly show it was a grave mistake to not let a judge of the high court decide whether political interference in the case justified a dropping of all the charges against Zuma.

Willie Hofmeyr, a true struggle



MAX DU PREEZ
Maximum Headroom

hero from the UDF days, has established a reputation as a tough and clever crime fighter in recent years. He became the key link between the NPA and the Zuma team – the man who negotiated and facilitated the dropping of charges. I hope he will explain his role at some point, because until then I have no reason not to think he caved in to ANC pressure and compromised where we dared not compromise.

And what can one say about Ngcuka and McCarthy? Men who commanded respect and loyalty now turn out to be Thabo Mbeki's poodles, breaking the most fundamental rules of their profession and compromising the work over eight years of a proud and professional team of

investigators and prosecutors. Unforgivable.

Which bring us to Mbeki. Isn't it just tragic how his once spectacular reputation is sinking deeper and deeper into the smelly muck the more we get to know of his wheeling and dealing and the more time we have to ponder his legacy?

Another reputation regarding the Zuma case that was tainted this week was that of the National Intelligence Agency. They should stop calling themselves NIA and simply call themselves ZIA.

But it wasn't only politicians and bureaucrats involved with the Zuma case that saw their reputations bite the dust. Foreign Minister Nkosazana Dlamini-Zuma's standing took an international and domestic nosedive with the bizarre handling of the refusal to grant a visa to the Dalai Lama.

And then there is the ANC's Number One Intellectual, the formidable Dr Zweledinga Palo Jordan, Minister of Arts and Culture. His reputation is in the gutter after his almost criminal neglect of the jewel of our national intellectual crown, the National Public Library of South Africa, came to light.

Some reputations I would personally have preferred to stay intact, but sadly the cracks are showing. Like that of a man I have always called a decent, principled and brave politi-

cian, the SACP's Jeremy Cronin. For years now he has single-handedly preserved some of his party's respectability in the public eye.

But the mask is slipping; Cronin simply has had to make too many compromises in order to avoid falling out of favour. This became clear to me once again when I saw Cronin's rather pathetic response to my column on the culture of corruption in the ANC two weeks ago.

Writing (of all places) in the internet newsletter of former diplomat Denis Worrall, Cronin could do no more than attack me personally, accusing me of "hyperbolic mood-swings" between "bubbly euphoria and abject despair". (I can't remember when last I was guilty of "bubbly euphoria" about the state of the nation, Jeremy.)

Cronin doesn't get to the point of a culture of corruption at all, instead saying our expectations of South Africa were unrealistically high. "The danger in delusions of grandeur is that, when reality bumps into your script, you are liable to move into denialism (about Aids or Zimbabwe), or blame some improbable conspiracy ("it's the West", or the "ultra-left"), or you plunge into an overwrought and generalising post-colonial despair (we are just like the rest of Africa)."

Another one bites the dust.