



YELLOW FEVER
Impey's brilliant
Tour de France P25

RIVONIA REVISITED
The man they tried
to turn traitor P15



IT MUST BE LOVE
Andy Murray's new
biggest fan P8

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Mandela case built on a lie

Shocking claim about Nelson Mandela's health made to sway court's ruling on graves

STAFF REPORTERS
THE rush to rebury three of Nelson Mandela's children at his homestead in Qunu this week was based on a lie to the High Court in Mthatha. David Smith, an advocate representing Mandela's daughter Makaziwe and 15 others, falsely told acting Judge Lusindiso Pakade that the Mandela family had been advised to switch off life-support systems because the 94-year-old former president was in "a permanent vegetative state". Yesterday, Pakade declined to discuss the process or his ruling with the Sunday Times. Smith did not return repeated calls and messages and Makaziwe told the Sunday Times to stop calling her.



DON'T CALL ME: Makaziwe Mandela refused to answer questions when the Sunday Times contacted her

Attorney Wesley Hayes, cited by Smith as the source of the report on Mandela's perilous state, declined to say who had provided the report that doctors wanted the family to let Mandela die. This has emerged from various sources, including Mandla Mandela, who opposed the court action for the removal of the bodies from his Mvezo homestead, as well as medical personnel connected to the team caring for the former president at the MediClinic Heart Hospital in Pretoria. The false claim that Mandela's doctors would attest in an affidavit that he was in a permanent vegetative state encouraged Pakade to accelerate Makaziwe's claim against her nephew, Mandla, for control over the bodies of her three siblings.

Pakade ordered the reburial as a matter of urgency. The bodies, first buried near Mthatha, then in the village of Qunu to be nearer to other Mandela relatives and later in Mvezo were exhumed and buried for the fourth time inside the grounds of Mandela's Qunu homestead. The Sunday Times has now established, however, that the medical affidavit was never written. The chairman of the Eastern Cape Bar Council, Gerald Bloem, said Smith's conduct would be investigated if a formal complaint was made to it.

A source close to the military, which oversees Mandela's care, said it was 'highly improbable' that the treating physicians would have deposed the affidavit

He said it was "disturbing" and "odd" that a status of urgency was sought on the basis of a medical report that was not furnished. It is understood that Mandela's lawyers will file a complaint with the council. Hayes said yesterday he was contacted by the Mandela family last Monday to bring an application to the high court for the return of the remains. On Thursday, when it became public knowledge that Mandela's health had taken a turn for the worse, he and Smith decided to bring the application as one of urgency. Hayes said that he had liaised with the Mandela family, but the certificate of urgency was drafted by Smith. Hayes said he had also contacted Mandela's physicians to file supporting affidavits pertaining to the former president's condition. It was only after the matter was heard in chambers on Friday last week that they received official confirmation that the doctors had declined to provide an affidavit. Asked whether the family had specified that Madiba was on life support and that they had been advised to switch off the machines keeping him alive, Hayes said he could not comment. Mandela's family agree that he has asked to be buried with his family, including his children Makgatho, Thembekile and Makaziwe, who died before her first birthday. Where they are buried will determine where he is laid to rest when that time comes. The Sunday Times has tried over several days to get comment from Makaziwe. All she would say was: "I don't want to give comment to the Sunday Times. I said you guys should stop calling me." A source close to the military, which oversees Mandela's care, said it was "highly improbable" that the treating physicians would have deposed the affidavit. "The treating physicians are contracted to the military and are subject to the confidentiality clauses of the military. The commander-in-chief of the military is the president," he said. He said if a family member had asked a doctor to submit an affidavit, he would have had to first get "written, informed consent" from Mandela to divulge his medical information. "In terms of ethics, it goes against all doctor-patient confidentiality. The only person who can give permission is the patient himself," the medical source said. But Makaziwe's lawyer, Smith, reported to the court that she had told him the Mandela family was exploring "as a very real possibility" a decision to reburial. Hayes said that he had

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Joy Ride



Smanga Khumalo parades his winning horse, Heavy Metal, at yesterday's Vodacom Durban July. Picture: GALLO IMAGES

Golden boy Khumalo brings it home at July

SUTHENTIRA GOVENDER
SOUTH Africa's new golden boy, Smanga Khumalo, became the first black jockey to clinch the R3.5-million Vodacom Durban July yesterday. Nicknamed "Bling", Khumalo galloped to victory on Heavy Metal, which did not feature among the favourites.

Yesterday's win takes to three the number of premier races that Khumalo, a graduate of the South African Jockey Academy, now has under his belt. Amid cheers from the 55 000-strong crowd, Khumalo paraded Heavy Metal and threw his hands in the air, gesturing for more applause. Owner Chris van Niekerk planted a

kiss on Khumalo's forehead before the jockey threw his goggles into the crowd. Sporting a blond hairdo, Khumalo thanked his team of trainers, his mother and wife. "Yoh! I am just so happy. And I'm really grateful for all the support," he said. See Pages 3 and 24

Women the stars of Mile High Club

MONICA LAGANPARSAD
THE exclusive Mile High Club—the tongue-in-cheek name given to airline passengers who have enjoyed coitus while in the air—dates back almost a 100 years. So it is perhaps not surprising that more than 25% of women older than 75—those who lived through World War 2—have admitted in an online survey to being members of the unofficial club. So says online travel agency Travelstart, which did a survey among more than 7 000 South Africans to find out how many have slipped into a toilet cubicle for some entertainment other than the in-flight offering. Women were also more open to reveal their membership of the club—more than 50% admitted it compared with 48% of men. The most surprising result showed that 25% of female respondents over the age of 75 said they had had sex on a plane, whereas no men in the same age group had even tried it. Other results showed that: ● KwaZulu-Natal and the Eastern Cape are the least likely provinces for in-flight romances;

The results because men might have been fibbing about their sexual conquests

● Most passengers from the Northern Cape and North West admitted that they did not even know about the club; and ● Gauteng adults aged between 35 to 44 were the most likely to give it a go. Travelstart said the route between Johannesburg and Cape Town, one of the 10 busiest in the world, was the preferred route for in-flight romps. "This could mean an increase in the number of 'flings' experienced by single passengers travelling for business," the survey said. Data analysts, however, conceded that the results might be skewed because men might have fibbed about their sexual conquests. Some airline companies are getting in on the act. Virgin America has launched a "Get Lucky at 50 000 feet" campaign and US airline Flamingo Air Inc offers a Mile High Club flight with a private curtained aircraft complete with champagne, chocolate and a very discreet pilot to set the mood. Hein Kaiser, spokesman for local airline Mango, said: "Mango's sectors are quite short, so amorous activities on board are limited by the clock." "Guests who wish to claim membership of the Mile High Club must bear in mind that aircraft toilets are confined spaces and the only illegal aspect would be to enjoy a cigarette afterwards."

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