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“THE SHAME OF THE WORLD”

Introduction

When something scandalous or disgraceful happens, and the dimensions of which are enormous, there is a saying in the Hindhi/Urdu language: “*Dunya ki sharam he*” meaning it is a shame or infamy encompassing the whole world!

The ANC led by its nose ring by the Stalinist SACP is capable of doing anything in pursuit of nefarious goals. Yet it is capable of doing nothing in pursuit of goals for the benefit of the population.

ZUMA AS PRESIDENT

For reasons not related to wise statesmanship and superhuman desire to do good for the people of South Africa, the SACP chose to parade Zuma as the next president of South Africa.

THE NEXT PRESIDENT NOT TO HAVE SERIOUS CHARGES HANGING ON HIS HEAD.

It was heard from time to time that people wanted Zuma as president whether or not he was found guilty of the serious charges for the simple reason that they believed him to be innocent and his conviction was no more than the result of a carefully planned conspiracy!

However, the more sober-minded realised that it did no good to the image of the country to have a president with all those charges related to dishonesty and corruption.

How does one make those charges disappear? The obvious way was to stop all the ducking and diving and take his place in the dock and answer to the charges. That is what an innocent man will do. But in the world inhabited by Zuma innocence is a rare and barely known commodity!

So the old tried and tested method of a mixture of threats and bribery was to be put into operation.

CASTRATING THE NATIONAL PROSECUTING AUTHORITY

1. The first step was to apply the rule since time immemorial – you kill the snake by destroying its head.
2. Thabo Mbeki had already done half the job when he suspended the head of the NPA, Mr Vusi Pikoli.

3. Instead of reinstating him after he lost his head (figuratively), Mbeki set up the Ginwala Commission of Inquiry
4. This Commission conveniently found some scapegoats to save the necks of Mbeki and then Minister of Justice Mabandla. In the end it found Pikoli to be a fit and proper person to perform the function of head of the NPA.
5. Too late!
6. The long knives were already out for Pikoli.
7. Through the office of the weak, unprincipled and hypocritical President Motlanthe, Pikoli was dismissed as head of the NPA.
8. His dismissal was placed before Parliament where every single one of the ANC members *lined up and voted for the dismissal of Pikoli.*
9. Hence it will be seen that there are no clean ANC MPs. Those we thought were decent flaunted their spinelessness. We refer to people like Yunus Carrim, Trevor Manuel and Barbara Hogan.
Barbara Hogan attacked the ANC government¹ in defence of the right of the Dalai Lama, hireling of imperialism, to speak in South Africa yet she voted for the striking down of Vusi Pikoli, one of those very rare individuals from the ruling caste who displayed courage and adherence to principle.
10. The dismissal of Vusi Pikoli cleared the way for the Zuma “hitmen” to lay siege and attack the NPA.
11. From the contributions made by various members of the NPA on the day Mpshe made his infamous statement, I conclude that these are a bunch of third-raters. They were dull and unimpressive without making a single useful point. *The fifth column* in the NPA was **Mr Willie Hofmeyr.**
12. He was the staunch ANC member whose function would be to twist the arm of the other NPA members to agree to drop the charges against Zuma. He has his own agenda, inter alia, being appointed head of the new body of investigators which is supposed to replace the Scorpions.
13. As we said, all sorts of arguments would have been used to persuade NPA members to capitulate.
14. The dishonourable deal was finally hatched.
15. About two weeks ago Mo Shaik spilt the beans about the deal.

¹ Ms Hogan had demanded that the ANC government apologise for denying a visa to the Dalai Lama, yet it in the end was she who had to apologise to the ANC for asking it to apologise! This is spinelessness of the bravest of the brave in Zuma’s ANC.

16. Yet the NPA kept assuring the public that they were carefully considering all the representations which were made and that they had not reached a decision. **THEY LIED TO THE PUBLIC.**
17. If indeed they were truly busy, it could only have been about what to tell the public, i.e. how to mislead the public with their pretence of honest soul searching.
18. The Nation waited with bated breath while the mountain laboured. In the end it gave birth to a mouse! This turned on whether to serve the fresh charges before or after the Polokwane Conference. There was **NOTHING ELSE!**
19. It was clearly admitted by the spokesmen of the NPA that the *integrity of the case against Zuma was not in any way compromised.*
20. Mpshe and the hacks after him have repeated endlessly that McCarthy and Ngcuka had engaged in a serious abuse of power. They have yet to answer wherein lies the “serious abuse of power”
21. Remember Mpshe himself preferred that the charges be served on Zuma *after* the Polokwane conference. He claimed this decision to be his own and not influenced by anyone. *After* Polokwane was also what Ngcuka wanted. So where is the prejudice?
23. Under the new constitution of this country, the legal mechanism of review has assumed tremendous importance. Prior to the new constitution, a successful review against the decision of a quasi judicial officer or against the administrative action of a State official could only succeed if bad faith or mala fides could be established or that official acted beyond the powers conferred on him or her by the law or that person did not apply his or her mind to the matter. In practice success was uncommon.
24. Under the new constitution the review mechanism is very effective. The applicant has to establish that there was no rational connection between the decision and the reasons given for that decision. Hence the reasons given for the scrapping of the charges, viz., interference in the timing of handing the charges bears no rational connection to the scrapping of a winnable case of eight years of investigation and legal expenditure of R110 million.

THE EVIDENTIAL VALUE OF THE AUDIOTAPES OF THE CONVERSATIONS BETWEEN BULELANI NGCUKA AND LEONARD McCARTHY

The general rule of evidence is that evidence obtained illegally will not be admitted in a court of law.

By all accounts the tapes of the recorded conversation by the National Intelligence Agency were obtained unlawfully (without a warrant from a judge). The tapes are for the use of five specialized units of the State and not by anybody else. Any private person in possession of the tapes is guilty of an offence with heavy penalties in waiting.

It is for this reason that the Hofmeyr faction chose to introduce the tapes in meetings of the NPA but not in a Court of Law.

According to Senior Counsel, Paul Hoffman, instead of adding a further charge against Zuma for being in possession of the tapes unlawfully, the NPA drops all charges against him.²

THE DRAMATIS PERSONAE OF THIS TRAVESTY OF JUSTICE

1. **Mr Judge Willem Heath - formerly Judge Willem Heath and recently Willing Heath or Villain Heath.**

Readers will remember Judge Heath as a relentless pursuer of the white collar criminals through his Assets Forfeiture Unit. They will also remember Judge Heath had developed a habit of getting on to TV and proudly announcing his successes in this field from time to time. So relentless he was and so uncompromising against the criminal that former president Thabo Mbeki would not have hidden or hid him in the Committee formed by Parliament to investigate the Arms Scandal. We know that Heath then appealed to Mandela who appointed the Heath Investigating Unit in the first place. Mandela sent him packing. Whatever Mandela might say in public, he was not going to put in jeopardy the “good name” of the ANC. By this time Heath had abandoned all prospects of getting back on to the bench. So he did a spot of drifting and landed up in the “Think Tank” of the Zuma Brigade.

So the incorruptible pursuer of corruption changed profession and became the ardent defender of Zuma, who

² Mail and Guardian Online = “Dumb and Dumbfounded” 11th April 2009

like the sly fox, had one hundred and one tricks of evading his pursuers.

The other night I saw this miserable turncoat in a panel discussion, pathetically defending Zuma's antics and the dropping of the charges. I have little doubt that all his years of training at the Bar and on the Bench must be revolting each time he has to defend Zuma. But then Zuma has paid him well to sing that song.

When one of the panelists mentioned Schabir Shaik's case and how the evidence implicated Zuma, Heath jumped in to say that Zuma was not a party to those proceedings and therefore the judge's opinion of him did not matter. I have heard that line of defence of Zuma before.

But the answer stares everyone in the face. What stopped Zuma from becoming a defence witness for Shabir Shaik and in his evidence to say what he regards as the truth? By doing that he would have endeavoured to do two things:

- a. He would have gone to the rescue of his friend and benefactor Shabir Shaik
- b. He would have cleared his own name in the process.

It will thus be seen that Zuma had the opportunity to say his piece in Court but made sure that he kept off as far as possible from the witness box.

JACOB ZUMA – THE MAN WITH A HALO!

1. If Zuma is innocent as he claims to be, he could only have made that claim if he was acquitted by a court of law.
2. Yet Zuma moved heaven and earth and R100 million of taxpayers' money *to avoid* establishing his claim to innocence.
3. That sounds so irrational and senseless that the reasonable person is entitled to assume that Zuma avoided the witness stand because he was *guilty as hell* of the offences charged.
4. So he gets to be president of this country with a dark cloud hovering over him. He will forever be regarded as "Mr Fraudster President!" But Mr Zuma denies that there is a cloud hanging over his head. Deep inside him he honestly believes that people are mistaking a *halo for a cloud!*

WILLIE HOFMEYR - THE MODERN DAY JUDAS

Willie Hofmeyr's loyalty to the ANC and treachery to the NPA carried the day for Zuma. It was Hofmeyr who began negotiations with the Zuma legal team which ended in what the editorial of "The Citizen" newspaper called the death of "our constitutional democracy."³

In the fight against corruption Hofmeyr was the fifth column for the corruptocracy. All these years he played out his role as the incorruptible. When the real crunch came, he was told by his ANC bosses to stop playing his crime-fighting role and to rescue Zuma who had used up every trick in the trade to evade justice, a true *legal fugitive from justice* if ever there was one.

It was Hofmeyr who used his very powerful connections in the ANC to bludgeon those, like Billy Downer, who wanted the trial of Zuma to continue, into submission.

Stefaan Brummer of the Mail and Guardian described Hofmeyr as a person who would not compromise his principles but for whom *compromise was one of his principles.*⁴ (*Our italics and bold print*)

As a reward for his loyalty and for "liberating" Zuma, Hofmeyr is said to have been chosen to head the Directorate for Priority Crime Investigating, the alleged substitute for the Scorpions.

"Purists might have found Hofmeyr's sidling up to power distasteful; might have blamed him for taking Heath's job under those circumstances; and might blame him now for his role in overseeing the Scorpions' demise."⁵

What a way to start a new crime fighting post!

And what happened to the oath Hofmeyr took when he assumed his duties in the Assets Forfeiture Unit – to fight against crime and to act without fear or favour!

MOKOTEDI MPSHE

1. His track record should not find its way into his CV.
2. When he applied for the post of Director of Public Prosecution for Kwazulu Natal, there were objections.

³ "The Citizen" 7th April 2009

⁴ Mail and Guardian: Article by Stefaan Brummer – 6/3/09

⁵ *ibid*

3. The Pretoria Bar Council where Mpshe has previously practised had been taken a decision to have him removed from the Roll of Advocates for misconduct.
4. Then there was the bizarre attempt to try and have the warrants issued against the notorious Selebi withdrawn. Mbeki used him as an errand boy. Mpshe first tried his luck with a magistrate who had *not issued the warrant*.
5. When that failed he tried to get High Court judge Mojalepo to withdraw the warrant. That too failed.
6. The Pretoria Bar Council sought to remove Mpshe from the Bar on seven grounds of misconduct. These included dereliction of duty by not appearing in Court for his client on four occasions; theft of use of his client's car when the latter was incarcerated and then allegedly trying to bribe his client with an offer of R6 000 if the latter withdrew the charge against him.
7. Dullah Omar and (believe it or not) Bulelani Ngcuka who was then head of the NPA were approached to save his neck.
8. In the event, Mpshe's neck did not go on to the block. When Vusi Pikoli was suspended the mantle of Acting National Director fell on Mpshe's shoulders.
8. When pressure was applied on Mpshe, he wilted and did a somersault. Yesterday he was head of the NPA which relentlessly pursued Zuma, today he led the retreat on totally flimsy grounds and opened the gates for Zuma to become president of this country with no charges hanging over his head.
9. The latest scandal erupting around this wretched man is that he had plagiarised the most important section of his statement from a judgement of a Hong Kong High court. As it turned that judgement was overturned on appeal. Mpshe was obliged to disclose the source of that portion of his statement as well as the fact that the judgement from which he uplifted that portion of this statement was overturned on appeal. He did neither. One can thus better understand why the Pretoria Bar Council had resolved to have Mpshe disbarred.

Thus ends a sordid chapter in the history of this country.

The shame of the world!

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CUSTOMS MAKE KILLERS

Really difficult, from where to start and how to start? Yesterday the whole world was celebrating International Women's Day and everywhere were seminars, walks, rallies and other programs to raise awareness for peace, protection and better working conditions for women. Many gave flowers to women; many talked for their social and economic freedom, many sent them love messages and so on. Radio, TV, WebPages and newspapers were full with the title, International Women's Day. How ideal it was? Will it really happen? Perhaps for some people it has happened already. What percentage of women in the world is aware even of this day?

On the same day, when in big Halls and City Squares there were seminars, talk shows and rallies of hundreds of women rights activists, I read very small news on BBC Urdu Webpage and some other local newspapers, that three girls have been killed, in a small town of Karak in North West Frontier Province (NWFP), Pakistan. Ahhh, these three girls, named Hajira 12, Hamida 12 and Khalida 14 of the same family and a boy named Muhammad Raheem 24 were killed sometime around midnight between 7th and 8th of March 2009, the night many women rights organizations were preparing for talks and seminars.

Ahhh these three girls, Why were they killed? Because they were suspected violators of the custom. The Customs which are taught during their infancy, even I will say, which are fed in the mother's milk. A famous poet and writer of Pashto language Ghani Khan said very rightly about it in his book, The Pathan (The Pashtoons):

you call it law and keep it in big books. He calls it custom and keeps it in his wife's treasure chest. You have to be either a judge or a criminal to know your law. He knows his customs before he knows how to eat. It is bred in him. It is mixed in his bones and works in his liver. He does not have to go to a learned man in a wig to know the law against which he sinned. He knows it as soon as he does it. He is his own judge and jailer. His ancestors have seen to it that it is so.

Ahhh, Why they forgot about the punishment before they committed this violation of custom. It is our custom to keep the custom alive. Violation of it turn brothers, father, cousins and all loved ones brutal, in order to protect custom. Law and mothers are silent and men determined on such occasions. Mother the most loving relation in the nature is helpless to the extent to drink their tears and soak before they come out. They are not allowed to cry loudly, or even to cry at all. Why? Because it is a custom. They can also be blamed as helpers of the violators and can be tortured or killed. Mothers cook food, wash clothes, and extend all possible help to the killers of their loving daughters who were killed for one sin. Ahhh Prisoners of custom.

The police said, we are investigating the case, but it will never come out of the police office, and will be a part of bundles of files, and will be forgotten after few weeks. According to police, they were killed by unknown persons, but normally in such cases killers are known and they are mostly their very close relatives. For such cases I will quote once again the book, "The Pathan" by Ghani Khan, where he describes it so,

But does the Pathan (The Pashtoon) realise any of these things when he lifts his rifle to shoot the culprit? He does not. He is mad with anger. He must shoot, there is no alternative. If he does not, his neighbours will look down upon him, his father will sneer at him, his sister will avoid his eyes, his wife will be insolent and his friends will cut him dead. It is easier to be misunderstood by a judge who does not speak his language and be hanged by a law that does not understand his life. He does his duty by his people. He will play true to his blood even if he breaks his heart and neck in the bargain. He will walk to the gallows with proud steps with his hands covered with the blood of his wife or sister. And the admiring eyes of his people will follow him as they always do those who pay with their life for a principle. "Hero," shout the Pathans. "Murderer," says the judge. And I have never been able to find out who is right.

To err is human, every one even, the killers of these young girls, are also human beings. They are also expected to commit such violation, but death and then such a brutal death, never. Ahhh these three young girls, I have in my mind their flower-like faces, then I think how they resisted to escape from death as according to post mortem report there were signs of small wounds and scratches on their bodies, and how they were bathed in blood, because there were some empty magazines. It was small news in the newspaper, but it made a big wound on hearts, for those who have hearts.

The writer is a Pakistani national, studying for PhD degree in Experimental Endocrinology at University of Erlangen-Nuremberg, Germany. He completed his schooling at his village at Karak,

Pakistan. He studied Zoology at university at Peshawar and Islamabad.

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“JUDGEMENT” AGAINST FORMER JUDGE NAVANETHEM PILLAY

Introduction:

In the good old days you rarely, if at all, came across news of a judgement being given against a judge. Judges took the precaution of ensuring that they did not open themselves to judgements as a result of careless, unbecoming or improper conduct.

The other day while surfing the internet I came across a recording of an interview of Judge Pillay, now UN High Commissioner for Human Rights and who I shall for the sake of convenience refer to as Judge Pillay. The interview was done on behalf of the then University of Durban-Westville Documentation Centre. By Mrs Vino Reddy and it took place on the 11th August 2002.

While reading the interview, it struck me that Judge Pillay was not too careful about facts. For example she attributes ANC membership to her principal Mr NT Naicker in 1960 whereas in fact NT was *never* a member of the ANC. It was only about 30 years later that the ANC admitted non Africans as members in South Africa. BY that time NT was dead!

Judge Pillay used the interview to off-load her gripes with the Unity Movement. In doing so, she does not come up with a single new complaint. They all were the dreary old moth-eaten criticisms by the Communist Party and Congress groupings:

- Arm chair politicians
- Creating enemies all round
- Alienated themselves from many other people.

Judge Pillay then goes on to make a startling accusation: that there was no gender sensitivity and that the Unity Movement attitude was :”Liberation first and your gender liberation later.”

This attack is a complete fabrication. You will not find a single statement in all the thousands of pages of Unity Movement literature to that effect.

The Unity Movement was first amongst the political organisations to formulate and highlight the triple oppression suffered by women – as a member of the black oppressed, as a worker and as a woman in a patriarchal society. Points 1 and 6 of the Ten Point Programme speak of the equality of women.

As far back as 24 August 1938, Halima Gool, a firebrand non Stalinist Marxist who later was to play an important role in the National Anti-Cad, an affiliate of the Unity Movement, addressed the inaugural meeting of the Non-European Women's Suffrage League.

Women like Halima Gool and her illustrious sister-in-law and comrade, Jane Gool, Dora Taylor, Mrs Helen Kies, Mrs Phyllis Jordan, Dr Zulei Christopher and others played a leading role in the Non European Unity Movement.

So why does Judge Pillay cook up these gripes? The fact of the matter is that she is no longer a member of the Unity Movement.

What Judge Pillay *fails* to mention is that the hallmark of Unity Movement politics and its obligation on membership is the strict and uncompromising adherence to *principles*. It has a set of principles which constitute a guide to action and activities. No departure from principles is permitted.

I believe that the insistence of adherence to principles is what made Judge Pillay say: "I didn't like the controlling atmosphere in the Unity Movement."

Consorting and socialising with Collaborators

1. All segments of the Liberatory Movement took an uncompromising stand against the Tricameral Parliament.
2. There was a nation-wide campaign to boycott the elections under this parliament
3. There was bitter war being waged between a small core of collaborators who were willing to work with the racist Botha government and the rest of the oppressed people.
4. Among the collaborators was a certain notorious Mamoo Rajab.

5. Unfortunately, Mr Rowley Arenstein, formerly a revolutionary and renowned human rights lawyer, made his services available to the collaborators and was severely condemned for his role.
6. Judge Pillay was discovered socialising with Arenstein and Rajab at her home.

Concerning US Imperialism

1. At a time when the whole world was turning against the racist regime in South Africa, the latter received full support from US imperialism. Readers will recall the name of Chester Crocker and the term “Constructive Engagement”.
2. Thus US imperialism became the hated enemy of the oppressed people.
3. It was during this time that Judge Pillay’s career was being designed and fashioned by Harvard and the US. She was being groomed to occupy a prestigious position in the international arena. It was also during this period that Judge Pillay had an unending stream of visitors from the US.
4. Judge Pillay was then found to be frequently visiting the US embassy in Durban.
5. The political organisation she belonged to was the Durban Branch of Apdusa. Apdusa Durban became disturbed at Judge Pillay’s visits to the US embassy in Durban, especially their frequency.
6. Apdusa then called Judge Pillay to an enquiry to deal with:
 1. The entertaining of Rajab and Arenstein at her house
 2. Her links with the US embassy.

A copy of the letter calling on Judge Pillay to attend the enquiry is annexed hereto and marked” A”
7. To the best of my recollection Judge Pillay did not attend the enquiry.
8. In expectation of severe disciplinary action Judge Pillay’s links with Apdusa were severed.
9. Surprisingly Judge Pillay thereafter surfaced publicly at a conference of the New Unity Movement.

It will thus be seen that Judge Pillay’s account of the Unity Movement and her complaints against it are incomplete in important respects. The “controlling atmosphere” is actually a requirement that members behave in a principled and consistent manner, you don’t call for a boycott of the tricameral parliament today and tomorrow you entertain the tricameral collaborators at your home or elsewhere. You don’t denounce the predatory

and bellicose activities of US imperialism today and tomorrow
you begin frequenting the hated US embassy.

Judge Pillay then engaged in sneaky conduct. Instead of making a public declaration of her dislike of and disagreement with the Unity Movement and then facing a response which would include her unprincipled behaviour, Judge Pillay chose to surreptitiously slip-in her dislike and disagreement into a document centre in the hope that it will lie safe there and surface when all those who knew about her unprincipled conduct would be dead and there would nobody around to refute her attack. It will thus be seen that Judge Pillay has not behaved in an open and transparent way.

A copy of this document will be sent to the Documentation Centre

Yours faithfully
Kader Hassim
Editor : Apdusa Views

"A"

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Dr N Pillay

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27 June 1991

Dear Madam

At an APDUSA (Natal) meeting held on the 9th, June 1991 it was decided that you should be called upon to explain your conduct and behaviour in respect of certain events which are set out hereunder.

Before taking any decision as to our future relationship with you, we believe it is fair and just that you be afforded an opportunity to answer certain criticisms levelled against you, namely :

i. the recent presence of known collaborators Mamoo Rajab and Rowley Arenstein at a dinner function at your house;

ii. Your relationship with the American Consulate.

The executive of Durban Apdusa wish to meet with you for you to explain your conduct and behaviour as outlined above.

A provisional date has been set, namely, Wednesday, 10 July 1991 at 6 p.m. at the APDUSA Offices 3rd Floor, C N R House Durban. Please confirm your availability.

Yours faithfully

for ~APDUSA (DURBAN)

Note to the Reader: A photographic copy of Annexure "A" is available on request. It is a massive 25,4 megabytes in size.-
Editor

A FEW WORDS ABOUT MR N.T. NAICKER

With the name NT Naicker cropping up, it brings to memory our meeting him in 1972. The circumstances were not ideal. "NT", as

he was known had been imprisoned for defalcation of trust monies⁶ and for fleeing to Botswana to escape his prison sentence.

We met at the notorious Leeukop Prison. Our group was on its way to Robben Island.

It was sad to see this dignified man in prison clothes. He was in “summer outfit”, ie. Short pants and short sleeved shirt – both khaki. In prison, seasons are determined by dates and not by temperature. It can be freezing but you will be allowed to wear only the “summer uniform” if the thermometer froze on a date still in the “summer period”.

NT with his warm and broad smile welcomed us. I do not think that he knew any of us personally except that we were of the Apdusa/Unity Movement.

We spent three months with him at Leeukop. They had sardined-packed us in a cell which had a gangster-informer and his “wife”. 17 of us. There were 18 when a Lesotho PAC member came in for a few days. We experienced the sensation of when one of us wanted to turn while sleeping the whole row had to turn.

NT brought great cheer and humour into our lives. Those were the first months of our imprisonment as convicted prisoners. He taught those of us interested to play bridge. He could with words and gesture transform boiled hard mealies into savouries from the most popular Indian shops of Grey Street Durban.

You did not see NT sad or depressed except when he related to us how he fled the country to get the ANC to secrete him out of Botswana and give him work in the service of the freedom struggle. The ANC would have nothing to do with him and he therefore became a prohibited immigrant in Botswana and deported back into South Africa.

Proudly he related how Judge Henning, a man with a foul temper, demanded of him: “Yes Naicker! Where have you been?” And there was NT’s classic retort: “Out”

We promised him that when we reached Robben Island we would convey his complaint to the ANC leaders.

In due course we raised the matter with Kathrada whose response was that the ANC was not going to protect people who stole money and there was no way the ANC would have helped him.

⁶ His banning and house arrest orders led him to the excitement of punting on horses. When he lost and could not pay his gambling debts, he unlawfully used his trust account to settle his gambling debts.

