

COMMISSION OF INQUIRY
INTO THE SOUTH AFRICAN COUNCIL OF CHURCHES

HELD AT PRETORIA

ON 24 MAY 1983

CHAIRMAN: THE HONOURABLE MR JUSTICE C F ELOFF

COMMISSIONERS: MR S A PATTERSON
MR T L BLUNDEN
PROF P OOSTHUIZEN
MR F G BARRIE

CHIEF INVESTIGATING OFFICER: ADV K P C O VON LIERES SC

INVESTIGATING OFFICER: ADV ETIENNE DU TOIT

SECRETARY: MR M L MARAIS

ON BEHALF OF COUNCIL FOR THE

S A C C: ADV KENTRIDGE SC

ADV SOLOMON

LUBBE RECORDINGS (PRETORIA)

/VMD

WITNESS: BISHOP D TUTU

VOLUME 80

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THE COMMISSION RESUMES:

BISHOP DESMOND TUTU, still under oath:

ADV. VON LIERES: Bishop, at what stage of the Council's investigation into the affairs of the previous General Secretary, did you become aware, if you became aware, of the fact that Council's attorney was also the previous General Secretary's attorney? --- I think we have been aware of that for some time.

Before that investigation? --- I cannot really say now, I mean - PAUSE -

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Bishop, then I would like to deal with the Chetty matter. Now, at the time in 1979 when Mr. Chetty left the country, at that stage you were in Europe? --- When he left the country, I was here.

You were here? --- Yes.

Did you go overseas shortly thereafter? --- Yes.

And you met the Council's attorney in Paris? --- Yes.

Before you left, what instructions if any did you issue in connection with the Chetty matter? --- The most important that I can recall is for our attorneys to see whether there were any urgent cases on Mr. Chetty's books, of people whom we were assisting with legal defence, who needed to have those cases taken up.

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And what was the reason for the meeting with your attorney in Paris? --- It is part of the demonstration of an organisation that was not wishing to be involved in a cover-up, we were trying to establish what were in fact the facts of the situation, and there were many matters that had cropped up and it was thought that a visit to London on the part of our attorney would assist in clearing up these problem areas, if

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he / ...

he met with Mr. Chetty, and he was also seeking to set up a meeting between the two of us, that is to say Mr. Chetty and I, in order again to try and clarify the situation as best we could.

Was the meeting with you in Paris coupled with an attempt by the attorney to see Mr. Chetty in London? --- Yes, I do not know whether he did come from London or was on his way there, but he obviously was having to try and kill as many birds with one stone as he could.

At that stage when you were briefed in Paris, what was your understanding of the position of Mr. Chetty vis-à-vis the Council as far as accounts rendered and accounts paid were concerned? --- Quite frankly, I mean I would not be able to give you as it were chapter and verse. I have been given, I mean we looked at the kind of chronology which is the chronology that has been placed before the Commission, and that would be what sets out the picture for us, what I have put down and if you will allow me is a short statement relating to this Chetty matter, which might put, it might assist - it might not of course - it might assist in sorting out whether you want to ask me any further questions. 10 20

CHAIRMAN: Yes, give us the short statement? --- I said, if the SACC had been bent on a cover-up, they went about it in a strange way indeed. The SACC, through its lawyers, Bowens, has already submitted a substantial memorandum setting out a kind of chronology relating to this matter, and have included press cuttings, Executive Committee and Praesidium Minutes and other relevant documentation in the form of appendices to the memorandum. There is no evidence at all before the Commission of an organisation saying: let sleeping dogs lie. 30

On the contrary, we see a body of people seriously concerned to get to the bottom of a somewhat involved and complex matter. The SACC instructed its attorneys to assist them in unravelling the tangled strands. It also instructed its auditors to work out as far as it was possible with the documents at hand, a reconciliation of various amounts being bandied about. The SACC was keen to co-operate with the Transvaal Law Society in its own investigations. I want to submit respectfully, that this was hardly the conduct consistent with a desire to cover up - I do not suggest that anybody has said we have done this, but I need to underline that. The SACC was not goaded into this kind of action but undertook it off its own bat, and there was no reluctance at any stage at all. It is totally inconsistent with a plot to cover up an embarrassing situation to have our attorney undertake two overseas trips to see what could be done to resolve this matter - including the trip that Mr. von Lieres has referred to - when I was attending a different meeting in Tessa, and had to go up by train from the South of France to Paris, in order to have an emergency meeting - a 4-5 hour meeting at the Charles de Gaulle Airport. People who are intent on a cover-up would not have inconvenienced themselves to such an extent, financially and otherwise. They would just have let the matter drop and write off the debt as a bad debt, which is virtually what we have ultimately had to do. But if we had not wanted to get to the bottom of it all, we could have spared ourselves the bother of all that we did between the departure of Mr. Chetty and the reluctant writing off of the debt. Between 20 August 1979 and 29 November 1979 there were at least 16 different meetings of various kinds -

four meetings of the Praesidium, two of the Executive Committee, two of the Finance Committee, three at least between the General Secretary and his lawyers, between Mr. Rees and the lawyers and two of the auditors, and financial adviser of SACC, and two between our lawyer and Mr. Chetty in London and in New York respectively. The Praesidium met four times specifically to consider the Chetty affair.

I really cannot see how any reasonable person given the evidence contained in the chronological comments submitted to the Commission, would come to the conclusion that there was a 10 conspiracy to cover up an embarrassing episode in the life of the Council. A reasonable person would wish to commend the Council for taking all reasonable steps to get to the bottom of this matter. A cover-up would hardly have helped to answer questions that the Chetty matter had raised, e.g. his political activism. Had for instance the SACC money been used to help people cross the border, etcetera? Was its financial administration in the shambles Mr. Chetty alleged? And I want to underline again, M'lord, that the Council operates transparently, openly and above board. I believe that is the 20 only way to operate, otherwise to do otherwise is to dishonour God, since truth will out. When it seemed that the matter had in fact been dealt with satisfactorily, naturally we heaved sighs of relief, and I am not certain that questioning me as it were on details is likely to elicit more than that particular point of view which I place before the Commission. But I mean I am in the hands of the Commission.

CHAIRMAN: There are a few questions which I think we just might have to put. --- Yes, M'lord.

ADV. VON LIERES: Bishop, yes, I will try to be as brief as 30 possible / ...

possible. At the closed session of the Executive Committee's meeting of 12/13 September 1979, you made a statement to the Council in connection with Mr. Shun Chetty. I will show you the statement in a moment. You say that when you took over, Bishop, the Asingeni was in deficit to the tune of nearly R500 000, that was on 1 March 1978? --- Yes.

You mention in paragraph 3 the firm of Shun Chetty which had a special situation in relation to the Council, and you say you could not alter the arrangement that had been operating for three years since 1976 without being 10 exposed to a damaging suggestion of being a token appointment with control in the hands of Whites. I think this refers to the position that Mr. Chetty was not prepared to have his accounts scrutinised by the Council's firm of attorneys? --- Yes.

You say in paragraph 4 that as it happened Mr. Chetty jibed at the new Asingeni Relief Fund modus operandi - those are the new directions you had issued on the handling of those funds? --- Yes.

And you say you learned subsequently that he wrote a damaging letter to overseas friends complaining that he would 20 not be able to operate under those conditions, and that the funds should be paid directly to him. Could I just pause a moment here? --- Yes.

Could you give the Commission some detail about the content of the damaging letter that he wrote to overseas friends, firstly the content, and secondly who were these overseas friends as far as you can recall? --- I do not have the details, it was something that was reported to me I believe by someone or other, I cannot now recall who did this, but it was something that can happen easily..(intervention) 30

Excuse / ...

Excuse me, Bishop, what was the gist of Mr. Chetty's letter? --- The gist was that we were obstructive, and not really assisting in a very important job of work that he was doing, and at the time you will recall that he had a very high reputation, I think deservedly, for being amongst the very few certainly Black attorneys who were taking on so-called political cases, and that whatever he wrote would be given a great deal of credence amongst those in Europe who were in a fairly - you know, highly competitive area of funds and so on.

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Now, these overseas friends he refers to, would this be the donors? --- Yes, yes.

Bishop, then your statement to the Executive continues, I am not going to deal with all of it, but there is one other paragraph that I would just like to discuss with you. In paragraph 6 you refer to the fact that you were still keen to have a happy working relation with him, because he was in a position to damage your relations with your overseas friends. I think you have dealt with that in broad outline? --- Yes.

And you say that you had been worried about the level of his charges, and had passed them on to the Dependents' Conference to get an opinion on them. And then in paragraph 7 you say in connection with the R17 000 loan:

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"I had already asked him on a few occasions about the R17 000 loan to him last year. He alleged it had been repaid through adjusting his Asingeni accounting, but this had not come to my knowledge".

This is a summary. Now firstly, who prepared that particular summary or that statement, was it yourself or was it somebody else? --- I do not know, what are you referring to, which paragraph

Did you write out that statement yourself? --- Yes.

It is your own work? --- Yes, I mean I would probably have got assistance, but I think that, I mean people would have reminded me of things possibly, but it is my own work.

Allright. Bishop, then the next aspect of the Chetty matter I wish to deal with with you, concerns the handling and the receipt of a letter by Mr. Chetty addressed to you - sorry, just for clarity's sake, that statement was made to a closed session of the Executive in September 1979? --- Does it say so, I mean I have not checked to whom it was made. 10

Well the date at the back of that statement is 11 September 1979? --- That does not help me very much.

The Executive Meeting was on 12 and 13 September 1979?

CHAIRMAN: I think the Bishop is concerned about whether the Minutes indicate whether it was a closed session.

ADV. VON LIERES: Yes. --- Well I do not know, I mean whether that was made to..(intervention)

I will show you the Minutes, they say so "Extracts of a closed session" --- Yes, thank you. I do not see here reference to that particular statement. I mean these are 20 extracts of the Minutes of a closed session, but it does not mean that the whole session of that particular Executive Committee meeting would necessarily be closed.

No, Bishop, I did not suggest that at all, the open Minutes are before the Commission as document No.32, and the closed Minutes are attached to them, I will show you the open Minutes? --- Yes, thank you.

The Executive was in open session and then in connection with this matter it went into closed session? --- Thank you, that is true. 30

Bishop, then the next aspect I wish to deal with is the letter that Mr. Chetty had written to you. Now for convenience I have had that letter typed, the handwritten letter is undated, but on 27 September 1979 a copy of that letter was forwarded to the Council's attorney, Mr. Barrett - just confirm that please? --- Thank you, yes.

Could I just have it please, there are three questions I want to ask you on this letter. Firstly, did you read it, Mr. Chetty's letter? --- Yes, I did read it then.

I am talking about then? --- Yes.

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And did you notice Mr. Chetty saying that the R17 000 was firstly not something that he would have stolen because of his vast turnover? --- Yes.

And secondly, that the R17 000 was loaned some years ago during the time of Mr. Rees he thinks, and it was loaned at the end of a month in order to pay counsel's fees, did you note that? --- Yes.

And then thirdly, Bishop, I want to draw attention to the fact that he asked on page 3 that you should make a public statement and retract the implied allegations of misappropriation and dishonesty against him, and to confirm the background of the matter, and he would also appreciate your endorsement of him as an individual, whom you knew, do you recall that? --- Yes.

And then he refers to a situation where you had asked him to retract his position vis-à-vis the memorandum that he had sent to the German churches. Now do you recall that? --- Yes, I probably did.

Was this the reference to the damaging report? --- Yes.

Right. And did you discuss the content of this letter 30

with / ...

with the Council's attorney, or did you just post it to him?
--- At this distance I think I did not discuss it, I sent it
in the way that is reflected there.

I see. In any case the point is simply you were aware
that Mr. Chetty said it was money advanced, that R17 000?

--- Yes, and I was passing it on to the person who we hoped
would help to clear up the misunderstandings.

That is so. Now, at this stage were you concerned
that because of Mr. Chetty's various statements about
helping people to skip the country, that an impression or 10
association may be perceived to exist between the Council and
those alleged activities of Mr. Chetty's? --- I believe that
the Council issued a statement very soon after Mr. Chetty had
made those statements, to correct any erroneous impression
that might have been created by those statements.

Yes, that was a concern, that people may perceive you
to have worked with him? --- Yes.

And that gave rise to that particular statement.
Bishop, the next document I want to deal with is the letter
written to the vice-president Reverend Storey dated 9 October 20
1975, by Mr. Rees - I am sorry, 1979, copy of which was also
sent to you, and I am fundamentally only going to refer you
to the first three paragraphs of this particular letter. Mr.
Rees writes to the Reverend Storey as follows:

"Dear Peter - Just recently again I have been questioned
by Oliver Barrett concerning the payments which were
made to Mr. Shun Chetty, the lawyer, who had subsequently
left South Africa. Again I have been asked to try and
remember the circumstances which gave rise to the making
of two advances to him in the sum of R29 000. I have 30
explained / ...

explained to both Mr. Barrett and latterly to Mr. Wentzel that I can clearly remember making the first advance against projected counsel's fees in the sum of R17 000. I think the blue requisition slip bears witness to this. The second amount of R12 000 I am afraid to indicate that my memory fails me completely. Suffice it to say that once again the blue requisition slip speaks about this being a loan. The loans that I have ever advanced to Shun Chetty were in the area of advance payments for advocate's fees".

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--- Thank you. Yes.

Do you remember having received a copy of that letter?

--- Yes.

And subsequently also a copy of Reverend Storey's reply to that particular letter? --- I do not remember it now offhand.

Well I will just show it to you, nothing much turns around it, but it is dated 1 November? --- Thank you.

Now, Bishop, at this stage what did you do with this copy of the letter, did you refer it to the Council's attorneys, 20 did you keep it in your file or what happened to it? --- I do not remember now, but I would have thought that in line with what I did with Mr. Chetty's letter, the reasonable thing would be to pass on any further information to the person who was handling the sorting out of this particular affair. And I believe, I mean we may have passed it on but I am not positive.

Allright. Bishop, then the next item I want you to identify is a letter written to you on 9 November 1979 by your attorneys, concerning Mr. Shun Chetty, and the relevant portion is marked, it says:

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"It / ...

"It may as well, if you think it advisable, be to write to Shun Chetty - I think I would be able to get hold of him via Millard Arnold - and ask him whether he would be prepared to assist us to reconcile the figures as the SACC has been placed in a rather awkward position, and would be very reluctant for it to come out that Shun Chetty had failed to account for moneys or had misappropriated moneys if this was not the case". Will you please just have a look at this letter? --- Thank you. Yes.

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And your response to that is in the letter dated 13 November in which you say to the attorney:

"I would be very grateful if you could deal with this whole matter".

--- Yes.

And, Bishop, just for the sake of clarity, the blue requisition slip for R17 000 in fact together with a cheque which I will show you, does bear out that it was a loan to Mr. Chetty? --- Yes, though obviously it does not mean that it could not be an advance.

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No, obviously, but the thing is it is a loan, whether it is an advance for counsel's fees or whatever does not matter? --- Yes.

At this stage. Then, Bishop, the next item I would like to discuss with you is an honorarium for R500 dated 21.12.79 it appears right at the bottom? --- Yes.

That was an amount that was paid to the Council's attorney? --- Yes.

What was the idea of that honorarium, Bishop? --- We had appeared to have sorted out, I think, a difficult

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situation / ...

situation, and I felt, I mean, that our attorney had been particularly conscientious and had worked very hard, and I thought one ought to be able to give some tangible expression of appreciation for the amount of work that he had put in.

Then from time to time you were kept abreast of the development in the investigation, one such letter is for example a letter dated 3 December 1979 addressed to you by your attorney, with a copy to Mr. Stevenson, and in this letter we find the following in the second paragraph:

"As discussed with you, it appears that the R17 000 10
which appeared as the third last item on page 2 of
the draft report relates to the FELCSA agreement,
and as far as I have been able to understand it was
originally entered as a loan as the payment was made
prior to Shun Chetty submitting an account, which
appears he did prior to John Rees taking over. I have
spoken to John Rees about this in an endeavour to
clarify the position but it seems he is no longer
able to remember the incident with absolute clarity.
He does, however, agree that this was the most likely 20
reason for the payment".

Oh yes, then the other paragraph is this:

"I think it is necessary for you to satisfy yourself
that the R17 000 is not a loan but is in fact in
respect of the FELCSA agreement and once you have
done so that you write a letter to the auditors
advising them that you looked into the R17 000, and
you are satisfied that it had been properly spent".

A copy of that draft report is attached, will you just have
a look at this letter, it is dated 3 December. --- Yes. 30

Bishop / ...

Bishop, two or three questions on that letter. Firstly, when did it come to your knowledge the first time that there was a FELCSA agreement with Mr. Chetty? --- I cannot put a date to it but I think that Mr. Rees told me about this quite early on in my general secretaryship.

So he in fact knew about this FELCSA or the existence of a FELCSA agreement, Mr. Rees? --- Yes.

And in relation to the Chetty matter, how did it come about that this FELCSA agreement may possibly explain the R17 000 as far as you can recall? --- I think, I mean that 10
the FELCSA agreement as far as I understood it, was that when work had been completed over a certain period of months then a report would be submitted which would justify the payment of the firm Shun Chetty and Company for that work relating to Pass Law offences.

Yes, what I am asking is in relation to a possible explanation for certain payments made to Mr. Chetty, when did the FELCSA agreement as a possible explanation - PAUSE --- First enter the picture?

Yes? --- I do not know. 20

Did you raise it or did other people raise this possibility? --- No, I do not think I raised it.

I see. You were in possession at the date of that particular letter which was 3 December, you had already received Mr. Rees' letter - or rather you had already received Mr. Chetty's letter in which he says the R17 000 was a loan, a copy of Mr. Rees' letter to the Reverend Storey, in which he says it was a loan. Was any new evidence offered to show that it may not have been a loan as far as you can recall?

--- I think I mean what was happening was that attempts were 30
being / ...

being made to reconcile figures that were not at the time telling, and we were seeking to find all the possible explanations we could get for the discrepancies, and I mean the description for instance of that R17 000, there was no agreement really as to how, for instance, it was going to have been settled. Because you will recall that Mr. Chetty wrote somewhere that - or I referred to the fact that he had said that this amount which was in the nature of an advance had in fact been accounted for by his taking it off an amount that was due to him. And therefore you are trying to discover as much as you could in the murky situation, just what the true facts could be. 10

In response to that letter, Bishop, you wrote on 13 December:

"We are unable to provide you with the documentation or assurance you require with regard to the R17 000".

--- Yes.

So what you say is: I know nothing about FELCSA, I do not know? --- No, I do not recall that.

Have a look at the letter and then you can perhaps respond? --- Thank you. The point that is being made here is that we were not able to determine one way or the other what was the actual state of affairs. I mean so far as I was concerned I could not say one way or the other whether it was or was not what it was being claimed to be, and since it was something that had been dealt with really, or had come about during the general secretaryship of my predecessor, he would have been the one to have said so. I think, I mean if one had wanted to finish off all this one could just have said straightforwardly: oh yes, I think I will give you the 20 30

assurance / ...

assurance you want, and I could not do so because I did not have the evidence to support me in doing that.

Subsequently on 16 January you write another letter to your lawyers, and you say:

"I am happy to accept John's statement, I know absolutely nothing about this R17 000, except that it was outstanding, so I would be willing to write to the auditors accordingly".

This was after a statement had been provided to you by Mr. Rees, in which the explanation for the R17 000 as being a payment on FELCSA was provided? --- Yes.

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Did you perhaps, Bishop, in the light of Mr. Rees' letter - or rather in the light of Mr. Chetty's letter of September and Mr. Rees' letter of 9 October, did you perhaps go into the matter or did you not go into the question?

--- Well I mean I think we had gone into the question as much as we could with the available documents, I mean that is why I have made this statement. I mean the easiest thing - and I had the right to do it, I could have said straightaway at that point that we write off this thing and "kant en klaar", I mean I could have done that.

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The auditors of course wrote it off "kant en klaar" the next year? --- Yes. I am only saying that I did all that we could humanly have done, and that is I think the most important point, the most important is do you have a group of people here who want to sweep unpleasant embarrassing facts under the carpet, or is evidence that you have in front of you, the Commission has in front of it, is it evidence that points to people who are trying to get to the bottom of a situation which could in fact be embarrassing to the Council, I

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mean / ...

mean it is proving slightly embarrassing now. But I think one can hold up one's head proudly and say that given the circumstances we did all that was humanly possible.

Bishop, tell me, were you subsequently told about a letter that Mr. Rees had written to the Council's attorneys in which he said that he had put his neck on the line? --- I do not remember, I mean I cannot say offhand either way.

So your position was you had a lot things to do and the inquiry into this matter was really in the hands of your attorney who had to deal with it? --- Our attorney and I think 10 we can say the concurrence or assistance to some extent of the auditors.

And the nett effect subsequently of this whole inquiry was then that it was found that Mr. Chetty - how was it put here ..(intervention) --- Well I can tell you.

Yes, sorry? --- I was only going to say that at one point it seemed as if, I mean the figures were saying that instead of him owing us we were owing him, I mean the figures ran around like nobody's business, I mean almost like mercury.

That was the end result? --- Not quite. 20

Well that was the final auditors' report that you owed him R2 000? --- Yes.

Bishop, you referred to this whole matter at one stage as a messy business, if I can quote you? --- Yes, yes.

Why messy? --- Well we have not even emerged from its messiness, I mean we have had your auditors, we have had our auditors, we have had a consultant, and nobody seems to have been able to come to any agreement about what the actual situation is.

Could I just summarise the position then, as far as 30
you / ...

you are concerned, in November 1979, you gave instructions to your attorneys to sort the matter out? --- Yes.

You were briefed from time to time on what was happening? --- Yes.

You were consulted from time to time? --- Yes.

You had other things to do, running the Council and so forth? --- Yes.

And when you wrote this letter to Pim Whiteley accepting the explanation on the R17 000, you were satisfied with the statements on which you based that letter? --- In the absence of anything else and in the presence as it were of a statement from someone held in very high regard, I cannot imagine that there was any option left for me. 10

Allright, thank you. Bishop, then the last questions which I would like to deal with from my side, I showed you this Pim Whiteley letter dated 17 August 1979? --- Yes.

Earlier on, and I asked you whether you could identify the handwriting, whether it was yours, you told us it was not yours, it could have been Miss Matterson's, I would just like to put a portion of the record to you in this connection and I want to refer you to pages 343 and 344 of the record, part of the cross-examination of Mr. Roelofse. Mr. Roelofse was asked where he obtained this particular document, that is line 20 on page 343, I would like to read this to you: 20

"Do you remember a letter from Pim Whiteley to the Executive Committee of the SACC of 17 August 1979? 17 August? That was the Pim Whiteley report on the SATCIC?"

--- Yes.

That is the one you have got in front of you? --- Yes. 30

"Where / ...

Where did you get this document? - Mr. Roelofse: This was tabled at a meeting to the best of my recollection, this was one of the documents that was tabled at a meeting of the SACC.

Yes? A. You will recall - if I can just explain, that I referred to the facts contained in these letters - in this particular letter. I referred to those facts when I produced my original memorandum to Bishop Tutu which was a confidential one, and quoted some of the statistics to him.

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Yes, you quoted some of the statistics to him. Now I am asking you where you got this document? A. To the best of my recollection I got it at the Executive Meeting of the SACC.

You see there is certainly no objection, I make no comment on you having this information. Do you see a handwritten note at the top, can you read it out?

A. 'For executive meeting 12/13 September'.

Yes, do you know whose handwriting that is? A. No, Sir. well I will tell you, it is Bishop Tutu's handwriting.

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This happens to be his personal copy? A. It could well be".

Now, did you tell your Counsel that this was your handwriting, Bishop? --- I do not recall doing so.

Allright, thank you. No further questions.

ADV. KENTRIDGE: Bishop, let us just clear up this last thing that my Learned Friend has mentioned. On the day in question when Mr. Roelofse was giving that evidence you were not in Court? --- No, I was overseas.

Yes, I think that is right. M'lord, the fact is when I was / ...

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was cross-examining this document was passed up to me and I had instructions from Mr. Stevenson that this was the Bishop's personal copy as could be seen from the handwritten note at the top. I am afraid I misunderstood that instruction to mean that it was Bishop Tutu's writing. In fact it was Miss Matterson's writing, but it was a note made by Miss Matterson for Bishop Tutu. The point of the cross-examination was that this is Bishop Tutu's personal copy, and that as I still understand from Mr. Stevenson is the case. I regret that it was put in this way, but the point in cross-examination 10 was that this is Bishop Tutu's personal copy, and those were in fact my instructions and remain my instructions. But the information that came to me came not from Bishop Tutu but from Mr. Stevenson, which I apparently misunderstood, but the point about it of course is that it is Bishop Tutu's personal copy with a note on it by the secretary for Bishop Tutu. Bishop, can I just ask you one or two questions arising out of what has been put to you. First of all the questions you were asked about the R60 000 cheque drawn by Mr. Rees? --- Yes.

You took it up with him? --- I did.

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And you were given an explanation? --- I was given an explanation.

In terms of the explanation you received, had the money been used by Mr. Rees for a purpose within the parameters of Asingeni? --- Yes.

Now, although his drawing the cheque was irregular, did it appear to you then to have been dishonest? --- No.

Did you suspect Mr. Rees of dishonesty or theft? --- Not at all.

At that stage did anyone as far as you know? --- Not

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as / ...

as far as I know.

You were asked now whether you should not have been suspicious of Mr. Rees. Did you have any feelings of suspicion at the time? --- Not at all.

Now, as far as the audit of the Asingeni Fund is concerned, if your auditors believe that they can audit the Fund consistently with its confidentiality and with your discretion, would you have any objection to their doing so? --- Not at all.

Now, Bishop, one of the things that you were asked about this morning in connection with the question of communication, was some of the comments you had made on the South African Broadcasting Corporation, and you mentioned a very recent broadcast of theirs, made in fact on the 20th of this month following the Rees trial? --- Yes.

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Now, let us leave aside what they say about Mr. Rees, you have said that they said things here about the SACC, and yourself, which you thought were unwarranted. Could you just look at this transcript of that broadcast, cast your eye over it. I do not know whether Your Lordship has a copy of this, I think copies were made for the Commission. Now I do not want to ask you to comment on the comments on Mr. Rees or his trial, just look, however, in the third paragraph where the writer says:

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"What is of concern, therefore, is not primarily the apparent ability of an official to divert donations of churchgoers to his own purpose, it is that those people who gave for Christian charity in fact do not know what their donations were used for".

Well, do the donors to the SACC know what their donations are

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used / ...

used for? --- Oh yes.

Let us have a look at the top of the second page. The writer or the speaker is asking what to make of this and that, and at the top of page 2 he says:

"Or even of the admission under cross-questioning of the present General Secretary, Bishop Tutu, that hundreds of thousands of rand has been drawn from discretionary funds to finance boycotts and demonstrations and for other political purposes".

--- That is quite untrue.

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Well, is the fact untrue firstly that you made such an admission? --- I did not make such an admission.

And is it a fact that hundreds of thousands of rands have been used to finance boycotts and demonstrations?

--- That is untrue.

I think you did say in your evidence that there were certain bus boycotters and people who demonstrated, say, at Crossroads in the Cape, and there when these people were in need you made payments to them and their families? --- Yes.

Then, just look at the last paragraph:

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"The secrecy with which the SACC or its officials operate in the South African politics cannot be countenanced. When the charitable donations of the country's churchgoers are used for such ends, they have the right to know and to express themselves on the practice".

Now, first, as far as donations come from your member churches in South Africa, do the member churches know what the money is used for? --- We send regular reports as we have indicated before this Commission to our church leaders, to the general

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secretaries / ...

secretaries of those churches, and we report to the National Conference of the SACC, which is made up of representatives of the churches, and therefore we for our part have done all that we could to inform them of how the Council operates and how their funds are used.

Then it goes on:

"When funds are derived from foreign sources the people at large have the right to information on the origins and objectives of political actions that influence their situation and beliefs".

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Well, to the extent that you can make some sense out of that sentence - do you know what political actions are being referred to? --- No.

Do you know who "their situation and beliefs" refers to? --- It is ambiguous but it may seem to be referring here.

To what? Well I suppose we have got enough to do here without interpreting the language of this particular writer. Now there is something else which I would like you perhaps to explain or expand upon, it was raised by Mr. von Lieres in cross-examination. He was dealing with a speech or a statement in which you had said that Blacks who join the South African Defence Forces and are perceived to be in uniform are perceived by other Blacks in this country as - I think the word used was "traitors" was it? --- Yes.

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Now, let us just take it from the factual point of view. Is that the way other Blacks do look on them? --- Most Blacks yes.

And the second question you were asked is what your feeling is about it, do you perceive it in that way? --- I would be distressed if someone close to me was in uniform

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because / ...

because I could not understand what he was seeking to defend.

At all events did you think that it was a proper thing to inform Whites of this in this country, of the very different way in which Blacks look on these things? --- Yes, I thought it was incumbent on anyone who sought to find a peaceful solution to ensure that people knew what the real facts of the situation were.

CHAIRMAN: May I enquire just from the point of view of fixing the short adjournment?

ADV. KENTRIDGE: I have got five minutes at the most, M'lord. 10

CHAIRMAN: Carry on.

ADV. KENTRIDGE: Then, you were asked a number of questions about some of the interventions of churches and churchmen in the United States. It was put to you that various letters sent by people in the Presbyterian Church to the South African Government and the South African Ambassador in the United States, that this was not spontaneous, it had been called for by the Presbyterian Church? --- Yes.

And it was suggested that this lack of spontaneity might detract from the weight of those letters? --- Yes. 20

What do you say about that? --- Well, I tried to indicate that first of all people in parishes are not always aware of situations in different countries, and it is the business of as it were head office to bring to their notice matters that may be matters of moment, and it is proper for the heads of those churches to appeal for people to respond to that particular need in some way or other, and their response will be a spontaneous response in that nobody is being compelled, and I did give the example at the time of how for instance churches in this country will have made people 30
aware / ...

aware, say, of the needs of people in resettlement camps, and it would surely be an extraordinary statement to say that the response of ordinary church people in gifts and in prayer was not a spontaneous response because somebody else drew their attention to the need.

Right, thank you, Bishop. There is just one other thing which does not arise out of Mr. von Lieres' questioning, it arises out of a document which is a memorandum by the Director General of Social Welfare to this Commission, it is dated I think 22 February 1983. It largely deals with the legal situation under various forms of legislation, and we have been given the opportunity as counsel to deal with the legal aspect, but I think I must just ask you for your comment on the last paragraph of it which is paragraph 11, I do not know if Your Lordship remembers it?

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CHAIRMAN: I recall it fairly well.

ADV. KENTRIDGE: It is the last paragraph. Perhaps you had better read the paragraph out?

--- "Vir u inligting word genoem dat hierdie Departement tans in samewerking met die Departement Finansies die Suid-Afrikaanse Polisie, Justisie en Mannekrag ondersoek instel na wyses waarop en middele waarmee die aanwending van buitelandse fondse vir ondermynende bedrywighede bekamp kan word. Die Departement van Justisie koördineer die ondersoek. Vanselfsprekend sal fondse wat die SARK uit die buiteland ontvang tydens die ondersoek onder die soeklig kom en word u Kommissie se verrigtinge dus met belangstelling gevolg".

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Now, if you would just stop there for a moment, it

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seems / ...

seems that there is a competitive investigation going on at the moment, Bishop Tutu? --- Yes.

But you see here this other investigation is into the use of foreign funds for "ondermynende bedrywighe", and the writer says that it goes without saying that the funds which the SACC gets from abroad will come under scrutiny in this investigation. What do you say to that? --- Well, I take very great exception to the juxtapositioning that has happened between that first sentence which relates to subversive activities, and the "vanselfsprekend" investigation 10 of the SACC's funds, as if to say in a very clever way that those funds appear to be funds that fall under that particular rubric.

Well it seems to be that there are a great many Government departments which are hostile to you? --- Yes.

However, you have simply got to accept that. As far as this investigation goes, though, the one mentioned here, has it ever been brought to your notice by the departments concerned? --- No.

Now then just the last sentence, just read the last 20 sentence?

--- "Daar sal dan ook met graagte gebruik gemaak word van tersaaklike dokumentasie en getuienis wat reeds aan u Kommissie aangebied is".

Now, what do you say to that? --- Well our documents were subpoenaed by this Commission, and I certainly, speaking here, would say that they would not be made available we hope, I mean, that after this Commission our documents would come back to us.

M'lord, I have no further questions for Bishop Tutu. 30

Chairman / ...

CHAIRMAN: Bishop, thank you very much for your contribution.

--- Thank you.

ADV. KENTRIDGE: Now, M'lord, as I have informally indicated and Your Lordship has indicated to us, that there are certain questions which you would like to put to Mr. Barrett. Well we are getting the documentation together, and could I ask the indulgence of an adjournment at this stage so that Mr. Barrett can begin his evidence at 09h30 tomorrow.

CHAIRMAN: That will be done.

THE COMMISSION IS ADJOURNED