

COMMISSION OF INQUIRY
INTO THE SOUTH AFRICAN COUNCIL OF CHURCHES

HELD AT PRETORIA

ON 8 AND 9 SEPTEMBER 1982

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 S W KENTRIDGE SC

ADV P A SOLOMON

LUBBE RECORDINGS (PRETORIA)

/Idem

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THE COMMISSION RESUMES ON 8 SEPTEMBER 1982

EUGENE LESLEY ROELOFSE, still under oath:

MR KENTRIDGE: Mr Roelofse, when we adjourned yesterday, I was putting to you the passage at the foot of page 52 of your memorandum, where you had said that Mr Barrett's firm was according to Mr Potter's report the second-biggest recipient of fees from the Asengeni Fund, and I was challenging your use of the word 'fees', and you said you thought you had taken that word from Mr Potter's report? --- Yes.

And I said I would like you to show that to us. 10
I referred you to Mr Potter's report at page 16. Can you just give us the reference number of the Annexure again? Is it 96? No, I do not think it is. It is 99, I think. It is Annexure 99 page 16. -- Mr Chairman, it is correct that the word 'fees' does not appear there. I thought that this was a fair interpretation of what was said in Mr Potter's report when he said that nearly R1 million of the disbursements of the Fund during the period under consideration was in respect of payment to attorneys for legal services. Now, as a non-attorney, when one talks about payments to 20 attorneys, one generally uses the word 'fees', and he says half of this amount of paid to Shun Chetty, who subsequently left the country; the other half was paid to a number of other firms, but mainly to Bowens. No, I would not dispute any evidence that Bowens received payments in order to repay other people. The fact is that there was a big flow of money through the firm of Bowens.

Well, I told you yesterday what percentage of it represented their fees. -- I would quite accept that, Mr Chairman. I have no dispute on that one at all, and if 30

I may just amplify what I said yesterday, it was a bit late in the afternoon, and perhaps I was not functioning on all my cylinders, if I could speak that way, but I wanted to make it clear that whilst there is no - not the slightest suspicion in my mind about the firm Bowens or about Mr Barrett in particular, who on the contrary I think very highly of, I must - and I perhaps did not make it very clear yesterday, that the situation in which he found himself, in which he was giving advice to party A about party B and both had relationships with him, is the one that I thought was a (10 foolish situation for him to get involved in, and I would not approve of that. Mr Chairman, if I might just - I said that I was a bit tired yesterday, and if I may just have your permission, and of counsel, to refer to one other point which also just escaped me yesterday, right at the end, you will recall that the question of bad debts ...

CHAIRMAN: Forgive me, I am going to give you that opportunity.

MR KENTRIDGE: I do not mind if he wants to say it now.

CHAIRMAN: Very well. -- I am so sorry. Mr Chairman, (20 the question of bad debts was raised, and - or bad debt provision, let me put it that way, and it was pointed out to the Commission that there was - as I understood it, that a considerable amount of the bad debt provision that was here, was in respect of Dev Craft, if I remember that correctly. Now, I think this was - this was an important matter that was raised there, and one that I did not - I have not paid very much attention to Dev Craft in the submissions that I have made or anything like that, but the point had been raised. Now, I think this is very important to (30

see/..

see that there is a resolution in March 1979, of the executive committee of the South African Council of Churches, which appears in Annexure 26 page 4. Annexure 26 page 4 says, at the bottom of the page under Finance:

"It was reported that Dev Craft had had to be subsidised to the extent of R20 000,00 to R30 000,00 per annum since its inception "

and so on. It says that Dev Craft cannot be made commercially viable and that in any case the SACC should not normally be engaged in commercial ventures etcetera. Now, to (10
me it looked as if Dev Craft was now being wound down, at that particular stage, in 1979. Yet when one looks at the bad debt provision for 1980, in that schedule of my report, page 47, paragraph 125, you will note that that bad debt provision was almost double what it had been in 1979. Now, it could be that there were still some commitments outstanding for Dev Craft, but the reason why this is important, and why I have raised it, just to put it in perspective, is that here we had a business enterprise that was being subsidised. I do not object to that, but it appeared to (20
me that here was a business operation that was being subsidised with SACC funds, or funds flowing through the South African Council of Churches. I know that the staff that they had, were paid rather moderate salaries. It had a ready market for its goods; it had apparently been given loans, because otherwise they could not have been - or bad debt provision or whatever you want to call it, somebody was carrying the can if things went wrong. I do know that it was told to me by the manager of Dev Craft that their mark-up on goods, this was normally curios made from beads etcetera, by (30

Ndebele/...

Ndebele and Zulu women, that the mark-up was 100% on this. I was also told that they were buying these goods on consignment. I am saying this not to say that it is wrong that they did this, but to say that this should, in my opinion, reduce operating expenses of a business, and yet this business was running at a very big loss. I have had complaints from an organisation in Zululand, I have seen correspondence that they have had with Starline, which is a newspaper column trying to sort out consumer problems, in which long after Dev Craft had ceased to exist, they were still trying (10 to recover some of the goods outstanding, and on those grounds I would like to suggest that Dev Craft itself might be a suitable organisation for the Commission to give attention to. I am sorry that I have taken long, but I just wanted to put that into perspective.

MR KENTRIDGE: Well, I am sure everyone will be most grateful for your advice on these business matters, Mr Roelofse. Do you have any business experience? -- Mr Chairman, my business experience is related to the receiving side, in other words, the consumer aspect of it. (20

Have you ever run a business? -- I have run a small little business myself, yes.

In what field? -- In the home repairs side.

When? -- That was before I joined the South African Council of Churches.

Well, I am sure that the Commission will give such attention as it thinks is necessary and suitable for your advice on what it ought to look into. I suppose on the basis of your - of the information you have put before it, SATCIC would also be a suitable subject for a commission of (30 inquiry/...

inquiry? --- Yes.

Yes, so there is really no end to it? -- But I - Mr Chairman, the organisation that I was suggesting, was on the basis of funds flowing through or from the South African Council of Churches, and as I understand it, that that falls within the mandate of the - this Commission.

Well, as I was saying in addition to your advice, your evidence, we will all listen to what - to your views on running businesses, but let us get back to page 52 and 53 of your memorandum. You mentioned this morning that Mr 10 Barrett was acting for the South African Council of Churches as their attorney and also for Mr Rees? --- That is according to the report that was made.

Do you not know that this was done with the knowledge and consent of both those parties? --- Mr Chairman, in terms of what was published at the time ..

Please answer my question, Mr Roelofse?

CHAIRMAN: Can you answer this with a 'yes' or 'no' or do you need to explain? --- I will accept that this could be so. 20

MR KENTRIDGE: Now, Mr Roelofse, a lot of what you say on page 53, and in particular what you say in subparagraph (c), (d) and (e), about the Asengeni records, and Mr Rees' conduct in relation thereto, is a matter which for reasons you mentioned yourself yesterday, I cannot go into with you. I just want to place it on record, M'Lord, that what is said here in relation to Bowens by this witness, the comments he made, are certainly not accepted by Bowens or the South African Council of Churches, but I do not propose to put any questions to the witness on what Mr Rees did or did 30

not/....

not do, what Mr Barrett and Mr Matterson did or did not do in relation thereto.

There is just one thing on page 53 I want to refer to, Mr Roelofse, because it is simply another example of the way you jump to conclusions. Look at your last sentence in subparagraph (d). You say:

"On the face of it this seems strange as Mr Matterson was made a trustee of the Asengeni Fund by the executive of the SACC"

and you refer to Annexure 110 page 4. If you look at 10 that annexure, 110 page 4, do you remember it? Do you want to look it up? --- Yes.

Item 16, you see you refer to the statement which said that there would be two trustees, the General Secretary and Mr Matterson; a draft had been drawn up? --- Yes.

That draft was drawn up, indeed, but Mr Matterson never became a trustee of the Fund? --- I would accept that. The point is that if one reads that sentence further, it is stated that it was agreed that the General Secretary and Mr Matterson would administer the money, that a separate 20 trust account would not be drawn up.

Yes, it may have been agreed there, but Mr Matterson in fact never accepted office as a trustee? --- Yes, I would accept that he did not actually become a trustee. I am referring to what I understood from that particular paragraph in the minute.

I am saying to you that that is wrong, that Mr Matterson was never a trustee of the Fund. Do you now accept that? --- I can only refer to what - Mr Chairman, if that is the legal interpretation of it, I would accept it. 30

It/....

It is not a legal interpretation. I am just saying to you as a fact, Mr Matterson never became a trustee of the Asengeni Fund? --- I would accept that.

While we are on the question of attorneys, I want to refer to what I am going to suggest is a particularly offensive remark you made in your evidence about Golden Eagles, referring thereby to lawyers. Mr Roelofse, when your ombudsman's office became independent, did you have a new constitution? --- Yes.

Who drew it up for you? --- Bowens.

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What did they charge you? --- They charged me nothing for it.

Yes, Golden Eagles? --- Mr Chairman ..

Now, Mr Roelofse, you had a lot to say about this. Are you aware that after the Soweto disturbances in the middle of 1976 and during the ensuing 8 months, Bowens themselves represented some 360 accused in criminal trials resulting from those disturbances? --- I do not know that, but I would accept that.

And do you know that the average amount charged in respect of each one of those accused to the Asengeni Fund, did not exceed R100,00 including counsel's fees? --- None of this sort of information is ever made available to staff members, but I accept what counsel puts to me there. It is possible, and I would believe it.

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There is one other matter I want to take up with you, not because it is necessarily of importance to the Commission, but because you made so much of it, and this is what happened when your ombudsman's office became independent, Mr Roelofse. You have already said, I think that you

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were/...

were allowed to take the office furniture and equipment? ---
Yes.

Did that include copying machines? --- The office furniture and equipment.

Yes, including a copier? --- There was an old copier that we had bought second-hand, which in fact was in such a condition that we specially applied to buy, for a grant in order to buy that, and we got that from the Lutheran Church.

Yes, and you were talking at great length about 10
a member of your staff who required pay in December and you mentioned that she had not had her leave pay, and you worked in order to supplement her earnings in December? --- That is right.

Was this someone who had been in the ombudsman's office at the South African Council of Churches? --- That is right.

Was she employed by your independent ombudsman's office? --- Well, she was employed like all of us, all the ombudsman office paid through - from the ear-marked funds for the ombudsman office, by making out of a requisition, as for 20
all our other ..

But after you became independent, at the end of September? --- She was employed by us.

Yes, at a salary? -- Yes.

Did you pay her her salary? --- We were able to pay as we could, where we were able to pay a salary, we paid it; where we could not, we could not.

Now, when you and the other members of the ombudsman's office left the Council of Churches at the end of September 1980, by way of severance, did you get an additional 30

three/...

three months' pay? --- We got severance pay for three months. That is quite correct.

And this lady you are speaking of, was she one of those? --- She got severance pay. We all got severance pay.

So in other words she got the equivalent of her salary for the months of October, November and December 1980? --- That is right. But we had, Mr Chairman, a responsibility to pay this person, and because this person was now in the situation where there were loans outstanding, and had to make certain payments, we had the responsibility to 10 pay her salary. We could not get away with it. We had to pay it.

Yes, I agree, but she had, whatever salary she was earning from you, plus her salary for October, November and December from the SACC? --- Mr Chairman ..

Is that right? --- That is proved, but the point is that we had this obligation of paying her her salary, it was over Christmas time, we did not have money to run the office, and all we wanted at that stage was not a grant or largesses or anything. We wanted the return of our 20 outstanding pension refunds and this type of thing, in order - well, in my case to put it into the business.

You know that at that time SACCAS had ceased to act as accountants? --- I cannot recall exactly what - they did not act for us any more.

No, nor for the Council of Churches, and I am instructed by Mr Stevenson that when he was taking over the accountancy responsibilities, he found - wherever the fault may be - that the members of the ombudsman's office did not even have personal files? --- Mr Chairman, I have no idea 30

of what - I would accept the word of Mr Stevenson that there were not any personal files, but we had been asked for information, they knew exactly what to pay us, and you will recall that I have annexed several letters to the South African Council of Churches, and I think that if they are looked at, I cannot recall what annexures they are, but they are there, that you will see that throughout we preserved dignity in our approach to the Council of Churches and pleaded with them, and at no stage did we become aggressive about it; we had several 'phone calls about it, but you can 10 look at the letters, I think that they simply put our request repeatedly.

Yes, you see, you spent a good deal of time indicating that it took five months for the accounts office to come through with those payments? That was what you were saying, was it not? --- I said that it took five months, in fact we received it on 5 March 1981, for it to arrive to us. Now, we knew at that stage that some of this accounting work was being done in the SACC because we had time and time again 'phoned a certain Mr Roy Niftin who was assisting 20 Mr Stevenson, we had written to Mr Stevenson himself, there was this delay.

And you think that this delay of five months in the payment out of the pension fund is also a matter which this Commission should go into? --- I do not think so. It is a question that I have been trying to sketch the developments that took place. I did not very much - make very much of our repeated requests; I did not come and read out all those letters or anything like that, but this is a fact, and we got the impression that these delays were not 30

accidental/...

accidental.

After you had had your independent ombudsman's office, is it not a fact that the South African Council of Churches with its own funds continued to help you investigate certain cases? --- After we became independent?

Yes, do you remember the Popeye case? --- Mr Chairman, it is a fact that the investigation, my sort of leg-work in these issues, had already by then been completed, and in the case of Popeye Mangwane, it was a situation where the South African Council of Churches was continuing 10 to pay all the - for the continuance of an appeal on that, and in fact when it came to my notice that this appeal had been dealt with, I issued a press statement in which I drew particular attention to my thanks to the South African Council of Churches for continuing with that particular case.

Yes, thank you. Now, there is just one other matter about that matter of R11 000,00 which was standing to the credit of the SACC ombudsman's office. As you know, those funds had been donated to the South African Council of Churches for the use of the South African Council of Churches' 20 ombudsman's office? --- That is correct.

And you know that after you became independent, the South African Council of Churches wrote to the donors to get their permission to hand it over to you? --- I do not know that. I was told that that would be done.

Do you remember at the Mbatha trial, speaking to Mr Matt Stevenson? --- I saw him there, yes.

Yes, and at that trial he told you that they were awaiting the response of the donors? --- Yes.

And that at that stage you told him what you have 30

told/....

told this Commission, that whatever the donors said you were not going to take that money? --- That is not true. I said that if the South African Council of Churches wanted to pay this money over, I think we should look at the date of the Mbatha trial, that was now 1981, January, was it?

Yes? --- If I remember correctly. My reply to Mr Stevenson at the time was, what is going on? We need this money, because at that stage we were still - in January 1981 during the - sorry, was it the Mbatha trial you were talking about? 10

Yes, I do not think it was as early as January 1981. --- No, it was after that.

Yes? --- Can we just have - I have I think a record of that here. I think it was - may I just check the date?

It was October 1981. --- Yes, it was October. I cannot recall that I said to him at that stage, we do not want the money any more, because I do know that at a later stage, this was the view of my committee, and if this was the dithering that was taking place in the SACC, number one, Mr Chairman, and secondly, if the SACC at this stage 20 was still uncertain about its own financial administration, then we would rather not have it, but we waited for this patiently and - by what counsel has said here now, it was at least a year that we waited, where we were going through this tremendous struggle, borrowing money privately, and trying to get other money to pay it back. But once we were now getting some funds in, at that stage we also had the stage when this enquiry was made of Mr Stevenson.

Yes, and I told you what Mr Stevenson tells me, and that is that at the time he saw you, they were still 30

awaiting/....

awaiting the response of the donors, and at that stage you told him you did not want the money in any event. --- Mr Chairman, if that is what Mr Stevenson has told counsel, I cannot say Mr Stevenson did not, the fact at issue here, the point at issue, as I see it, is that we had almost gone down the drain; we had gone through a pretty tough time. Now we had a situation where other donors were starting to show confidence in the work that we were doing, and they were helping us, but at the time when the SACC had at its disposal rather considerable funds to help in emergen- 10
cies and sort of good works, at the very time when the type of work we were doing was having the absolute moral support of the SACC, it was this problem of getting the financial support and the moral support lined up.

Yes, of course, Mr Roelofse, if you had indeed said to Mrs Haas what she says you said, you could hardly expect the South African Council of Churches to want to have anything to do with you? --- Mr Chairman, the matter should be seen in the light, not of this friend of Bishop Tutu's, Mrs Haas' statement, but in relation to this statement by Bishop 20
Tutu in which he responded to my plea for this paying over of the R11 000,00 and describe this plea as hectoring. You will recall that that submission was made, but we feel at this stage, Mr Chairman, I must just emphasise, at this stage until such time as the financial situation of the SACC has been clarified, I can speak on behalf of my committee here; that we would be very reluctant to accept a grant from the SACC, at this stage. We looked to them when we were on our knees, and they did not help. There may be very good reason; it does take a long time for donors to decide to - to 30

come/...

come to policy decisions, but we were on our knees, and we believed that the SACC could have helped us, and at that stage it did not.

Excuse us, Mr Roelofse, if we do not burst into tears. Why do you say that Mrs Haas was a friend of Bishop Tutu? My instructions are to the contrary? --- Well, when Bishop Tutu presented this telex at the - a meeting of the ombudsman executive committee, I got this impression.

You did. Well, it is just one of your wrong impressions, Mr Roelofse. Mr Roelofse, you have now produced 10 from your briefcase the record, apparently, in the trial of Mbatha? -- I have it with me, yes.

When did you get that? --- Mr Chairman, may I just ask for your ruling on this line of questioning? We now have - I happen to have something in my possession. I had a ruling from the Chair yesterday that anything in my possession I will show you. Now we again have the situation that I am being questioned. I happen to have a motor car licence in my briefcase here, and all sorts of other things, and I do feel it is irrelevant. 20

CHAIRMAN: Mr Roelofse, you may rest assured that I will not allow any probing into your personal affairs, but I do not think that is the object of the question. You will recall the question was simply, when did you get the copy of the record. You are not being asked to produce it. At a later stage I shall follow up the enquiry in relation to the documentation which has not been given. I am going to ask you to let me have a look at that, to see whether there is anything there which in fairness to the South African Council of Churches I should allow them to have sight 30

of/....

of, but you may rest assured that I shall not allow any probing into your personal affairs or anything which is not relevant to what we are inquiring into. --- Mr Chairman, I understood the question to be, where did I get it, not when did I get it.

MR KENTRIDGE: First it was when, but M'Lord, I am going to ask that question next. If I can explain for the witness' benefit, M'Lord, this witness has made much of his attitude that he is only here under subpoena, that he does not want to discredit the South African Council of Churches, and 10 I have been examining his motives for saying some of the things he has, and I would like to inquire into when, where and why he obtained this record, who paid for it, why it was paid for, with what object this record was obtained, from the witness.

CHAIRMAN: So you will understand, what is in issue is not the - is not whether you should produce documentation which is private. The drift of the question is to try and establish, I think, that you went out of your way to obtain documentation, possibly at some cost to yourself, to 20 discredit the South African Council of Churches. That is the underlying theme here, and that being so, I think it is a legitimate question, when and where did you get hold of the record? --- We obtained this after there was a transcription by the official transcribers, Lubbe Recordings.

You got it from Lubbe Recordings, and did you have to pay for that? -- Yes.

MR KENTRIDGE: 'We' being .. (INTERVENTION)

CHAIRMAN: What did you pay for it? --- I cannot remember that, but I do remember there was payment for it, and 30

the/...

the - am I being asked the object of why we ..

That has not been a question yet, but I suppose it will come. --- Well, let us say, the object was that I was eventually as ombudsman consulted by Mr Mbatha about certain features of this trial that took place; there are certain aspects that we are looking into. I believe it is a very, very important document, and we were happy to have it. As I have said to this inquiry repeatedly, we do have a large number of transcriptions of court records, and we are hoping to, if possible, obtain some features of this inquiry 10 as well. Now, you must bear in mind that we are an ombudsman office, we look at a lot of things. I was a witness in this case. I am not very satisfied with what happened there, and when I appear in a trial, particularly one of this importance, where all sorts of things can come up in a question later on, obviously I am interested, and we have got a special fund to obtain court records, because we always in the past have been in the situation that we have been - had difficulty in getting access to records, many magistrates refuse to show us records, so the obvious 20 way in which we are doing it is to ask Lubbe Recordings to give it to us, and we pay for it.

MR KENTRIDGE: This record, I understand, cost about R350,00? --- It could well be.

Yes, and .. --- We have paid a large sum of money for records, and if I can just add, in certain cases we do get our records from attorneys that recorded them for their own purposes, and we get a copy.

And you say you got this record because you had been consulted by Mr Mbatha? -- That is correct. 30

Thank/....

Thank you, Mr Roelofse. I have no further questions for you.

CHAIRMAN: Mr Roelofse, I understand from your evidence that at some stage the relationship between yourself and Bishop Tutu deteriorated, and the deterioration became worse and worse. Was there a stage, however, when you and him were on a good footing? ---- Oh yes. Mr Chairman, I mentioned it in my report, in my report, in my annexures, that I was on a very good footing with Mr John Rees, the gentleman who followed him, and in the beginning with Bishop Tutu, and in fact I must say, there is a lot of quality in Bishop Tutu that even today I like. 10

Now, at the stage when you became part, shall I say, of the South African Council of Churches, Mr John Rees, was he still the Secretary-General? --- Yes.

What role did Bishop Tutu play at that stage? --- At that stage I had met Bishop Tutu informally; there was a mayoral function, there was a mayor at the time who wanted to bring various people together, and I was invited to a little tea party and I met him for the first time. 20

What I want to know is, what was his position in the organisation? --- I cannot recall, because I had met him as a person outside the organisation. The first time that I recall meeting him, was when he became General Secretary.

And since then, and up to the stage when the relationship between you and him deteriorated, was the relationship good? --- Oh yes.

I would like to know a little more about the relationship. Did you discuss various things? -- Yes, Mr Chairman, Bishop Tutu is a man of great charm, and one responds 30

to/....

to this, and we would discuss an immense variety of issues, and he went out of his way, I think, to create opportunities for staff to have informal discussions with him.

And did you have man-to-man discussions with him? ---
Oh yes.

What sort of discussions? What did he talk about with you? --- Well, we would discuss things like theology, where I thought he was very well-versed. We would discuss politics, we would together make witty remarks about anybody up to the Prime Minister level. We would discuss the eco- 10
nomics, we would discuss particularly the exploitation of the public through shops and so forth, the work that I was doing. He showed a tremendous interest in this, and I was very grateful.

Now, we have learnt from you a little about the critics of the - the reaction of the South African Council of Churches towards criticism; I would like to know from you, can you say what was the attitude generally of Bishop Tutu in regard to people who were critical to the South African Council of Churches? --- It used to vary. I think that 20
if we take as an example the Dutch Reformed Church, despite the fact that the Dutch Reformed Church, not necessarily as an entity, but people connected to it, and I am generalising now, he showed great compassion towards them, and he would go out of his way, and numerous letters were written to the Dutch Reformed Church to say, please, let us come together. So he would show in many cases a great compassion and understanding because of this big gap in outlook, and method.

Was that consistently his attitude? --- In the 30

case/...

case of people that were critical to him, no, it was not consistent, because in certain cases, like when the Voice for example wrote an article questioning this - the funds and so on of the Council of Churches, at least, sorry, not the Voice, the Nation, he reacted very strongly to that type of thing, and although he did have discussions with him, the editor told me afterwards that it was not done in a very compassionate spirit.

And other bodies which were critical of the South African Council of Churches? --- Well, you see, there 10 are cases where legal action was taken against - I think there was - against the Christian Science monitor at one stage, there was some - you know, the legal eagles were looking at that, and it used to vary, Mr Chairman, and I had this big problem, and I think this is symptomatic perhaps of the overall picture, that there was not to my knowledge, a sort of consistency about things. It often was played off the cuff, and it depended very often who the critical body was, and I suppose to what extent they were influential or what, but I am not suggesting that the SACC or 20 Bishop Tutu ever showed lack of courage in tackling enemies or adversaries. But there - I could not see a consistent pattern myself.

Well, now let us take one side of the inconsistency. You referred to action being taken. Was this a defamation suit or what was the action that you referred to? --- As I recall the Christian Science monitor had written something which probably gave the Council very good reason to take action, because the Council has always had its detractors, and up to a certain level one can be compassionate, 30

and/...

and after that one has got to take action. But there was this - my recollection of legal action being taken against something to do with the Christian Science monitor.

How do you see the question of the South African Council of Churches' role in regard to the need for reconciliation, generally in the country? --- Well, to me this was quite an inconsistency too. The Council had this department of justice and reconciliation, and I always looked upon it as inconsistent, or contradiction in terms, because in practice, to obtain justice, there is very little chance 10 of having reconciliation, and if you try and conciliate people, the chances of getting justice is another - is a contradiction, I mean, whether it is in the second-hand car market or anywhere else, this principle seems to apply that it is an inconsistency, a contradiction in terms. Now, to have the approach, and I notice this from time to time, to say, I want to reconcile with you, but I am going to beat you to the ground before I do so, it is a very difficult concept, this one. I am sorry if I am not helping you, but I was very confused about this whole concept. 20

Do you think that the South African Council of Churches had a role to play in the need to achieve reconciliation? --- Yes, indeed, I think we all have a role to play there, but on the other hand, while you have the practical situation, there are some people that want to grab everything, and other people that are the victims, to reconcile those two interests - I do not know, we read about it in fairy tales, but it is beyond me.

Well, looking at it from a slightly different angle, what was the attitude of Bishop Tutu, say, when he 30

was/....

was Secretary-General, in regard to organisations which were say, critical of the Government, such as the African National Congress or the Pan African Congress or such-like organisations? --- Well, if I could just give a general opinion first, it is part of human nature, as I know it, that structures that are antagonistic towards the same target, generally find some sort of way of co-operating with each other. So, this is not an unusual sort of situation. You do get the principle that your enemy is my enemy, therefore we are friends. It does not always work that way. So that is 10 the general part. Could I just have a repeat of the rest of your question?

Yes, what was the attitude of Bishop Tutu, I mentioned him specifically, at the stage when he was the Secretary-General, in regard to organisations which - to put it, critical of the South African Government, such as - I mentioned the African National Congress or the Pan African Congress? --- Once again I have a confusion there, because whilst a lot of people within the SACC and Bishop Tutu himself found a lot of good in what is written for example in the 20 Freedom Charter, now, I say myself, I find a lot of good in it myself. When it came to the question of actually backing the African National Congress, I do not think I can give a helpful reply to that. All I can say is that the attacks that have been made on the SACC by outsiders, that the SACC or Bishop Tutu himself, was in fact a hidden part of the African National Congress, or ..

I do not think I follow you? --- That - it has often been said that - by people that the South African Council of Churches is in fact the sort of local representative 30

or branch or the open side of the African National Congress. I do not believe that, and as far as Bishop Tutu's attitude himself was concerned, he did not indicate to me that he was - ever give me the impression that he was a whole-hearted supporter; on the contrary he often made - well, not often, but from time to time made rather snide remarks about people like Nelson Mandela and you know - I did not quite - I am sorry, I do not want to use the word 'gel', but I just cannot think of another word now. It was not to me symptomatic of somebody who was whole-heartedly pro-African
10
National Congress. I do not know if that replies to your question.

Would it be correct then to say that - to understand your evidence as being that he was not - did not align himself holus bolus with everybody that was against the South African Government; he was critical of some of the bodies that were critical of the Government? -- Yes, in fact; I know that he has more than once made rather heavy attacks on Communism, and on more than one occasion he had said publicly and privately, and in writing, that we have two
20
dangers in South Africa, of equal import, the one being Communism and the other one apartheid. He has adamantly condemned both.

That is all I want for the time being. I may come back to you at a later stage. Mr Kentridge, this might be new material?

MR KENTRIDGE: No, M'Lord, not at all, but simply as a matter of information, arising out of one of your questions to the witness; my information is that Bishop Tutu joined the South African Council of Churches as General
30

Secretary and had no place or position in it before that; he was Dean of Johannesburg, and then Bishop of Lesotho, and he left that Bishopry to become General Secretary, but had no office or membership in it at all before that.

CHAIRMAN: Now, Mr Von Lieres, I turn to you. This is not a trial, so it is not a question of evidence-in-chief, cross-examination, re-examination, but are there points - questions you would like to put to this witness arising from the evidence he has given so far?

MR VON LIERES: Mr Chairman, there are just a few points that I would just like to clear up. I think the first thing - this is just for the convenience of the Commission, is, I would like to make available formally and hand in the subpoenas.

CHAIRMAN: Yes, I think it should become exhibits.

MR VON LIERES: There are two; the second subpoena is just - is the one dated 2 August - 31 August, which requires his attendance here. I will mark that EXHIBIT ER 12(b), and the first subpoena is the one on which he was questioned, and I think the important point is that he was required to produce all books, documents, objects relating to your investigation into the affairs of the South African Council of Churches including all notes and complaints lodged with the Public Accountants and Auditors Board in respect of Messrs Pim Whiteley & Close.

Is that the subpoena you received, Mr Roelofse? --

Yes.

That will be EXHIBIT ER 12(a), for the record. Now, Mr Roelofse, you have explained to us that you were sponsored by the South African Council of Churches and you have

attached two annexures, I think 5 and 6, which contain letter-heads setting out that fact. What did the sponsorship entail with regard to the finances to run your office? --- That was totally taken care of by the South African Council of Churches through their officers and connections; they were the people that got the donors to contribute towards our funds, or towards a fund through - from which all expenses of the ombudsman office could be met.

How would you know, for example, on what you can budget for a particular year as far as expenses were concerned? 10 --- Well, it was my responsibility to draw up a budget, present it to the General Secretary of the Council of Churches, who would look at it. I presume that the finance committee would have looked at it as well, and then in terms of that budget they would get the financing, but at the very beginning it worked the other way around, that they got the financing and we sort of worked according to that budget.

Now, I see that in the accounts of the South African Council of Churches - I will refer you to the annexure now - you were listed as an administered fund? --- Yes, Mr 20 Chairman, that side of things was a bit of a mystery to me always. Now, I suppose that - yes, it would be called an administered fund.

Does that mean that you did not really concern yourself where the funding to do your work came from? --- Well, on the contrary, we were concerned where the money came from, because we had to give reports to these people, and when I went overseas, I then would make a special effort to visit these people, because they always appreciated personal contact. 30

The reference to you as being an administered fund, is Annexure 96 Schedule 2 on page 12, where you are so listed.

--- Yes. Normally we used to talk about an ear-marked fund, but I suppose an administered fund would be the same sort of thing.

Would that be moneys allocated for that specific purpose? -- Yes.

Now, the question arises whether you were known to the South African Council of Churches as what you were, at the time when you joined in July 1976? --- I .. 10

You said - you described yourself as a pain in the neck. Were they aware of the fact that you may be a pain in the neck, in 1976? --- Well, Mr Chairman, if one - I did put into my memorandum, into my annexure, Annexure 4, in which I had been described as the prophet Amos. Now, saying that somebody is a prophet Amos, is actually not a very nice thing to say. It does imply that one gets the job done, but it does say - also imply that one ruffles a few feathers in the process. If I might just be permitted to read one little text to you, which will show you the sort of 20 man Amos was. I read from Amos 9:1:

"I saw the Lord standing upon the altar and He said: 'Smite the lintel of the door, let the post shake and cut them in the head, all of them, and I will slay the last of them with the sword; he that fleeth of them shall not be away".

In other words, we have a situation where in this very context of seeing that justice was done, there was not really very much chance of reconciliation, and in other words, it was not an unknown quantity; it was a situation that, 30

if/....

if a job had to get done, there was a pretty good chance that the ombudsman will get it done, quickly, not necessarily politely, but it would be done, and I think that is reflected in the reports.

Yes, but do I understand that your attitude is that you achieve this function of an ombudsman, to have justice done, there is very little chance of reconciliation because the two things are clashing? --- Basically, yes.

And is that the reason that in paragraph 3 of this Annexure 4, where they say: 10

"Mr Roelofse recently resigned a presumably well-paid job as a director of the Consumer Council; his reason, the failure of either the Council or the powers that be to do anything about his complaints about exploitative practices".

Does that sort of reflect your attitude towards justice and reconciliation as being virtually irreconcilable? --- Yes, I sacrificed a pretty senior job for this principle, that either, if I am paid, and this was a rank of assistant secretary of the Department at the time - if I am paid to 20 protect the public, I am going to try and do so, but if I am prevented because of nods and winks, but I have to have the facade of protecting them, then they can give the job to somebody else.

This Annexure 4 is an extract from the South African Council of Churches' newspaper, Kairos, Volume 7 No 5, May 1975? --- Yes, that is before I ever had any contact with them.

I see Dr Berglund appears to have been the editor at that stage? --- That is correct. 30

Now/...

Now, could I just get a perspective on your involvement in the investigation of financial matters in which the South African Council of Churches had an interest? I understood you to say that basically you set off on this internal inquiry of yours by starting investigating security aspects and fire hazard aspects at St Ansgars? --- Yes.

That then - correct me if I understand you wrongly, but that commenced approximately during October 1978? --- That is right.

And that by itself led to your interest in SATCIC? --- That is right. 10

And your interest in SATCIC, did that in turn give rise to your later expressed interest in the auditors' reports? -- Yes, because, if I can just amplify, the report produced by the auditors of the Council, in relation to SATCIC, where there was talk about 81% of payees not being identifiable etcetera, that was the one that I had expected, a big row to have resulted from, and when it did not, I took that and at the same time then took some other documentation which was available there, and put it into this memorandum of mine of - I cannot remember, I think it was November 1979, if I remember correctly, it is one of the annexures here, which triggered off this whole unfortunate episode. 20

Now, Mr Roelofse, your dissatisfaction with the number of people that you told this Commission about, this dissatisfaction, did it arise all at once or did it arise in relation to your various investigations, or how did this develop? --- Mr Chairman, the - this is something that escalated. One finds a certain situation that you ask questions about, and of course, one must accept that I am working in a theological/.... 30

theological environment, and what I found a little difficult was, when I was asking a direct question about money, I was getting a Biblical text in reply, and this was not helping me, because I was not asking for a text; I was asking for vouchers, and this one thing - it made me dissatisfied and I thought, look, I will draw up a report about Mr A and give it to the General Secretary, and eventually I had to draw up a report about Mr B, and so this thing escalated. It was not a sudden grouping together of people that were now under suspicion. These things developed over a long 10 period.

Could I just turn to one of the problems that you raised in connection with one of the auditors' reports. You were referred to Annexure 103 yesterday, page 1, paragraph 2, in which it was pointed out to you that the auditors stated that their audit responsibilities do not extend to the funds set out in Schedule 1 of that particular annexure, which reflects the statements of account up to 31 December 1980?

--- Yes.

And there was this two-page schedule of trust and 20 other funds which they say they have no responsibility to audit. Were you aware whether any other firm of auditors had been appointed to audit these funds, these trust funds set out in Schedule 1? -- No, and it did not even occur to me, for the simple reason that here we now had a report from Pim Whiteley & Close themselves, talking about the flow of funds, without themselves mentioning that - you know, there were other auditors, and I had assumed that if these funds were audited, they would be audited by the auditors who had incorporated these figures into the accounts 30

that/...

that they were presenting. I may be wrong, because I do not know that sort of technicality.

But it appears to us quite clear from what is written here, that Pim Whiteley says they are not responsible to audit those funds? --- That is right. I from there understood that if they were not responsible to audit, then nobody was responsible to audit them.

You are of course, I presume, aware that the normal responsibility of an auditor is governed by his contract, the party whose audit he does? -- I think - I picked 10 that up in the minutes. I had understood that an auditor's responsibilities is basically what is expected from him in terms of his duties to the Public Accountants and Auditors Board.

Now, just as a matter of interest, before I finish these few questions of the finances; do you know what the staff - the strength of the staff of the Council was in 1979, 1980, or at any given stage? How many staff members were there? --- I would say about 50, 60 maybe.

In Annexure 93, which reflects the annual report 20 of the General Secretary for 1979-1980, the bottom of the page .. --- Sorry, may I just have a repeat of that?

Annexure 93, this is the annual report prepared by the General Secretary for 1979-1980 and it is dated September 1980; it indicates that there were 72 staff members. --- Yes.

Are you prepared to accept that figure? --- Oh, it is quite possible. You know, there was sometimes a dispute as to whether people working for the peripheral organisations were in fact members of the staff or whether they 30 were/...

were not, and you will bear in mind that that is dated September 1980; by then Mr Matt Stevenson had come in, and he had done a lot to get this sort of administrative problem sorted out.

Now, could you turn to Annexure 96, Appendix "L", and this is a portion - this document is not a complete set of the annual financial statements for 1977 prepared by the auditors; it is just a small portion. Is that correct? --- Yes, that is right.

Now, in the third-last paragraph on page 1 of 10 this report, which is dated 7 July 1978, it says, in terms of Clause 7(b)(ii) of the constitution no expenditure in excess of R250,00 may be undertaken without prior authority of the finance committee. Were you aware of this provision in the constitution? --- Yes, Mr Chairman, I knew about this, but if I may add, it was such an anti-diluvial type of provision, you could not have run an organisation of this nature in terms of that clause.

You mean the constitution was not updated? --- That is right. 20

To become more modern at that stage? --- No. But I could quite have understood that it was an impossible provision in the constitution.

And the next paragraph that reads:

"Disbursements made during the year were not always supported by satisfactory documentation for audit purposes, and we have accepted the approval of members of the committee for such disbursements being included in the record".

Did that give you any concern? --- Yes, you will note 30
that/....

that I have continually come back to that in my memorandum, firstly that there was this lack of documentation, repeatedly; secondly, my doubts as to whether the members of the committee, that is of the finance committee, had any authority at all to give such approval for this to be included in the financial statements.

Now, Mr Roelofse, in respect of the 1978 financial year, Annexure "M" to 96, we find basically the same complaint, problem expressed on page 2, points 2 and 3, in the report dated 23 July 1979. The first one again concerns the R250,00 clause, and the second one again concerns the question of disbursements? --- Yes. 10

And it was these references that you used, if I understand this correctly, to compile your report? --- That is right.

Now, then in 1980, Mr Roelofse, the Annexure "N" deals with the report of the auditors to the National Conference for the year ending 31 December 1979. There two aspects appear to arise; first in paragraph 2.2 on page 1, under the heading Administered Funds, Inter-Church Aid Development Fund, the auditor state that generally projects sponsored by Inter-Church Aid Development Funds are not controlled by formal reporting procedures, and consequently we are not able to express an opinion on whether the funds granted for the majority of these projects have been used for their specified purposes. Now, what did you understand under this statement of the auditors? --- Well, I understood that from that, that the auditors or the SACC had a responsibility towards providing this documentation, because I would have found it rather odd that the auditors say in 20 30

a report as a comment, what they are in fact saying is, we cannot express an opinion whether the fund had been used for A or B, when it was ear-marked for A, because it is not controlled by formal reporting procedures. If it had nothing whatever to do with the Council, what was happening to that money, I would have thought, why sort of include it in here, in the main body of an auditors' report? This implied a responsibility to me.

Did you understand these formal reporting procedures (a) to relate to the Council or (b) to recipients of 10 the funds the Council provided? --- Well, I thought that the people who got the money, should have reported to the Council or to the Inter-Church Aid Development Fund, and the Inter-Church Aid Development Fund to the finance committee, or whoever was above them. In any case, what it did imply to me was that there was a requirement of formal reporting; there was a requirement to report, let us put it that way; whether they were formal or not, I cannot say. That was not being complied with.

Now, in Annexure "O" which is attached to the same 20 exhibit, 96, a number of examples of the problems that the auditors found in connection with the Inter-Church Aid Development Fund, are set out? -- Yes.

And the problems are set out in the notes to the receipts and payments account for the year ending 31 December 1977. I am sorry, that is the 1979 one? --- That is right.

That is not the 1979 one. Now, if we turn to the next page, that is page 2 of Annexure "N", in paragraph 3 we find this following remark by the auditors, in respect of the remaining funds, that would now exclude 30

apparently/...

apparently divisional and other funds, as well as administered trust funds. The income and expenditure account of the balance sheet, we report as follows:

"In our opinion proper books and records have not been kept by the Council for the reason outlined in our report to the President of the National Conference dated 25 June 1980".

Now, are you perhaps in possession of a copy of the auditors' report to the President of the National Conference? --- 25 June 1980? No. 10

You are not. Do you know to what specific other funds this statement that proper books and records have not been kept, refers? --- No.

Then I would also like to take you to Annexure 103, page 2, paragraph 8. This is where the auditors report dated 6 May 1981 in respect of the financial statements for the year ending 31 December 1980. This extract also does not appear to be a complete financial statement for that particular year, but I see in paragraph 8, it is stated that because of the material nature of the items mentioned in paragraphs 4 to 7 above, we are not able to express an opinion on whether the income and the expenditure account fairly represents the results of the Council's operations for the year ending 31 December 1980. Furthermore, because of possible misallocations between funds of the Council and trust funds, we are not able to verify that all assets have been properly recorded. Comparing the remarks by the auditors from 1977 to 1980, did you come to any conclusions? --- Yes, I found it to be odd, and this is the sort of thing that I - or points from it that I tried to summarise 20 30

in that report of mine of which I just cannot remember the annexure number.

Just basically, what were your conclusions? --- Well, I thought that there is something wrong. There are continual references by the auditors saying, we have not got the vouchers, we cannot look at this, we could not check that, there are not reports about something else.

As you understood the reports, was this position improved? --- No, in fact, the 1980 report that you have just referred to here, which is Annexure 103, to me looked 10 like a worse report than the ones that I had complained about in the past. Now, it could be that it looks worse because the auditors in their comments had set it out more specifically. That is possible, but it looked worse to me than the others.

CHAIRMAN: Might this be a convenient stage to adjourn?

MR KENTRIDGE: M'Lord, before you adjourn, the passage just read, paragraph 8, says "Because of the material nature of the items mentioned in paragraphs 4 to 7 above"; I understand that the Commission does not have in front of it 20 the previous page with 4 to 7 above. We have it. We can certainly make it available.

CHAIRMAN: I have the previous page, auditors' report, and I have before me paragraphs 1 to 6.

MR KENTRIDGE: We do not have it in ours. I do not know whether the members of the Commission have it.

THE COMMISSION IS ADJOURNED

ON RESUMPTION:

EUGENE LESLEY ROELOFSE, still under oath:

MR VON LIERES: Mr Roelofse, the Mrs Haas matter, will 30
you/...

you turn to Annexure 81 of your memorandum please? I understand that Annexure 81 is a letter that you had written to Bishop Tutu on 3 July 1980? -- Yes.

And did you yourself draft this letter? --- Well, the letter arose when - no, I did not draft it myself. The answer to that is that it was drafted by Mr Oliver Barrett, who had taken a tremendous interest in trying to keep us on even keel, that the content, I was quite prepared to sign that, I thought it was a very good letter and it certainly had very good results. 10

I see in the third paragraph of the first page of this annexure, it says:

"One of the things I was told is that it was reported to you that during my recent visit overseas I had said to a person or persons that you were to face fraud charges shortly and that an indication of this was your high standard of living, such as the house you live in, the cars that you and your wife drive".

Now, this is more or less the same as we find in Annexure 84, which is the telex dated 30 July 1980, some 27 20 days later, which emanated from Basel in Switzerland and is signed by Mrs Haas? --- I see the similarity now. I had not noted it before.

Now, what is the position? In Annexure 81 you write that you had said these things during a recent visit overseas, or rather, that you had heard that you had said these things during a recent visit overseas, and Mrs Haas says, no, you told her in South Africa during April of 1980 about it. What is the correct position? --- Well, I had been overseas, but I never saw Mrs Haas overseas. I saw her 30

in/...

in the Vryburg town in the Northern Cape.

Something else that struck me was that Annexure 84 commences after you got the telex number and so forth, and the date, Basel, Switzerland, 30/7/1980, it says:

"At the request of SACC officers we transmit the following statement made by Mrs Haas".

Do you know who these SACC officers were who requested the transmission of this telex? -- No. You will recall, if I may just comment on that, that I did say in my report, somewhere, that this telex was put before the ombudsman office committee, and that it was read out and that there was not a discussion as to the validity or explanation or anything like that. 10

It would appear then, if you have regard to Annexure 83, which is the special meeting of the ombudsman office committee held on Tuesday 13 August 1980, page 2, that - in which these allegations are dealt with, on the bottom of page 1:

"Mr Roelofse had allegedly made unfortunate statements about the General Secretary whilst the ombudsman was overseas, that the General Secretary was facing corruption charges and that he lived in a mansion on the outskirts of Johannesburg and he had two cars", 20

continuing on the next page:

"This was confirmed by the Deputy General Secretary who returned from abroad"

and then the second paragraph:

"In view of this (that is now these allegations that were made overseas) the committee has decided to 30

revert/...

revert to the original decision of the praesidium and would sever links forthwith".

Is my understanding correct that these allegations then finally made - or finally caused the original decision of the praesidium to sever links with the ombudsman forthwith, did they finally cause such severance? --- I am sorry, I did not quite hear that?

Do I understand the position correctly that the allegations that you had made these statements overseas, was the cause why the moratori was stopped with regard 10 to your association with the SACC and your links with the SACC, that is the links of the ombudsman's office, were severed forthwith? --- Yes, because that is confirmed in fact in Annexure 86, where Bishop Tutu wrote to me in response to a request for the payment of that outstanding balance, and he said, here you are, you made this apology, it was accepted, and then certain events took place.

Now, Mr Roelofse, in this Annexure 81, which is a letter Mr Barrett drafted on your behalf, in that same paragraph that I referred to earlier, you state, immediately 20 following on the portion that I read out:

"I want to assure you immediately that at no time did I say or infer any such thing, and in fact I of course did not even think this. I am astonished to hear that somebody has said this of me, and I cannot even begin to imagine what basis it was said that I had said it".

So your response to these allegations is in fact contained in this particular letter, Annexure 81, as early as 3 July 1980? --- Yes.

Now, just let us come back to the fundamentals. 30

Did/...

Did you make such statements overseas or did you not? --
No, I have repeatedly denied them.

Where would this have come from? Do you know? ---
I do not know. The situation is, if I could just explain:
we had a very, very good relationship, inter-personal relation-
ship as members of the SACC. There were of course odd lit-
tle things that used to crop up from time to time, but gene-
rally speaking, I have never ever enjoyed such warm relation-
ships with people as I experienced within the structure of
the South African Council of Churches, and this is 10
something which I will always treasure, the memory of that
sort of relationship. The only diversity of opinion and
antagonism, every single one of the adverse type of human
relationships that I can think of that happened there, was
triggered off when there was - there was always money at
the bottom of it.

Would you know, Mr Roelofse, whether during July 1980
there were any SACC officers overseas? --- I am not sure,
but I do think there is a reference in the minute that you
have just referred to, about Mr - some officer - yes, 20
could I please just get the reference of that annexure in
which the minute ..

That is 83; that refers to the Deputy General Secretary
who was then abroad; that was Dr Kistner? --- No.

I am sorry, Mr Stevenson? --- I believe that Mr
Stevenson - yes, was abroad at the time, because in my cover-
ing memorandum I do think that I mentioned that Bishop Tutu's
reaction, he used it as an additional thing that what Mrs
Haas had said had been confirmed by somebody who had spoken
to somebody and who had repeated this to Mr Mat+ 30

Stevenson/...

Stevenson or something.

That would be one person, but this telex refers to plural, officers, more than one person? --- Yes, well, that could just perhaps be a typographical error.

Does the SACC have telex links with overseas? --- Yes.

CHAIRMAN: Mr Kentridge, would you please just refresh my memory about the documents which you thought that Mr Roelofse had and which you wanted to look at? How would one best describe them collectively?

MR KENTRIDGE: Well, I would describe them as the 10 documents in Mr Roelofse's red file, marked Supplementary Documents.

CHAIRMAN: Would you just let me have a look at that, then I will have a look and see whether there is anything which I, in fairness to the South African Council of Churches, I shall let you have a look at? I do not think there is anything here which I in fairness to the South African Council of Churches I need give you.

MR VON LIERES: Mr Chairman, could we just for convenience formally hand in Mr Roelofse's memorandum and annexures 20 as EXHIBIT ER 13?

CHAIRMAN: Mr Roelofse, you are going to be asked a few questions by Mr Patterson.

MR PATTERSON: Mr Roelofse, the South African Council of Churches is not governed by any statutory legislation such as the Companies Act, and the auditors' duties and responsibilities are therefore governed by arrangements made between them and the South African Council of Churches. Are you aware of such a record being in existence, setting out the duties and responsibilities of the auditors? --- Mr 30

Chairman/...

Chairman, I saw somewhere in a report in 1980 that such a letter had been sorted out, and I recall having been told or seen that - before that time, that there was some dispute as to what their responsibilities exactly were. That is all I can say. I do not know the technicalities of it. As far as I was concerned, it was simply a question of, where an auditor says something is right, it is right; if they do not say it is right, then there is something funny. I have an immense regard for an auditor in that position, I mean the profession. 10

Mr Roelofse, have you undertaken any formal training or post-matric studies in any subject, and have you covered Economics or Accounting, Administration in any studies? --- No, I have not covered Economics of Accountancy or anything like that. My post-matric studies are in the field of marketing and that type of, public relations field and a few others, not in Accountancy.

The General Secretary of the SACC, Bishop Tutu, did he have an understanding of administration, of accounting, of Economics for instance? --- I would not be able to 20 respond to that question. I do not know.

Would his duties as General Secretary perhaps cover the responsibility for the administration of the books and records? --- Mr Chairman, if I can again - yes, it is so, if I can just refer to the manner in which he set out his responsibilities and duties in the evidence in the Mbatha trial, which appears in Annexure 17, if I remember correctly, where he gave a very good and pithy summary of what his duties and responsibilities were. Sorry, did I say the Mbatha trial? I mean the Mokoena trial, Annexure 17. 30

Thank/...

MR PATTERSON: Thank you, Mr Chairman.

CHAIRMAN: There is one thing I omitted. Some reference was made to a document which is part of, I think, the auditors' report for one year. I think it is the year ended 31 December 1977. I think the suggestion in cross-examination was that that omitted reference to something connected with the ombudsman's office. Page 16. Have you studied that particular page? --- No, I have not. I have not got it with me, and I intend to do so, but ..

Will you assist, Mr Von Lieres? Is there any- 10
thing there which is of importance, which we should know about?

MR VON LIERES: It is Annexure 96, M'Lord, and it is -
19 it is Annexure 96L, and page 16, with the title Schedule 3, was the missing page which has been made available. I will give my copy to the witness. --- Thank you. I will have one in my office. I note that.

CHAIRMAN: Is there anything you would like to comment about this particular page? --- Well, I see here that there is a grant made by Mr J C Rees, R1 000,00, credited 20
to the ombudsman office account, in - on that, and I see there is a transfer from theological education, of R1 000,00, theological education - let us just see.

MR VON LIERES: That appears on page 17, M'Lord. --- The other side of the entry is on page 17.

CHAIRMAN: What do these two entries together tell us? Do you know? -- It would appear that they - ombudsman office - I am sorry, this has caught me out now. I am not ..

I do not know how important this is. I am trying to find out. That is all. --- Well, under theological 30
education/..

education, on page 17, you will notice that there is a transfer to the ombudsman office of R1 000,00, which is then - from theological education brought in to the ombudsman office vote on page 16, of R1 000,00. I am sorry, I am a little dim here, but ..

Well, let us leave it at that. I was merely trying to find out whether you could possibly assist me in gauging the value of this or the omission to include this particular page from your documentation. --- Yes, thank you.

Mr Roelofse, that is all for the time being. 10
Thank you. The Commission will study in due course the transcript of your evidence, and if there are further points arising, which we should like to trouble you about, you will be notified in due course, but for the time being, thank you for your attendance and your contribution.

NO FURTHER QUESTIONS

CHAIRMAN: I think that brings us to the end of today. I am told, Mr Kentridge, this need not go onto the record. I am told that tomorrow's evidence will be taken up 20 largely by the production of documentation. It is more mechanical than anything else, so I mention this because you might think it unnecessary for yourself ..

MR KENTRIDGE: Mr Von Lieres has been good enough to tell me, M'Lord, that it is going to be taken up entirely with documentation.

CHAIRMAN: Entirely, but the point of it is that I do not know whether you think it necessary for yourself to be here.

MR KENTRIDGE: No, we are certainly going to save the expense of having counsel here for that sort of thing, 30
and/...

and Mr Von Lieres has also - I am glad to say - indicated to us that if there are documents which are not ready to be handed in tomorrow, he will just let us have copies in due course, without having any formal attendance necessary for that purpose.

CHAIRMAN: I think I should perhaps emphasise too, I am told by Mr Von Lieres that their investigation of the documentation in the South African Council of Churches' offices is not yet complete.

MR KENTRIDGE: No, I understand. 10

CHAIRMAN: So that the Council must understand that that process is still going on.

MR KENTRIDGE: Yes, we do.

CHAIRMAN: Then I think that when that is over, that will complete the evidence which will be presented at this stage of the inquiry, but if there are any witnesses which the South African Council of Churches would like to - you would like to call now, the opportunity is there.

MR KENTRIDGE: No, I do not think - we thank you for the opportunity, but we will not be doing that. If I can 20
raise one other thing ..

CHAIRMAN: Is this something which should be on record?

MR KENTRIDGE: No, I thought everything had to be - no, I do not .. (SIMULTANEOUS) Mr Von Lieres has also said that he will try to give us the statement of the Commission's own appointed accountant as soon as possible, but he has indicated that it may be some time before we get that, and he has also been good enough to indicate that when other witnesses are called, he will to the extent possible try to - or desirable, try to give us their memoranda in 30

advance/...

advance so that we will not have to ask for adjournments more than is necessary. May I raise one aspect there, which would be helpful to us if we could get some guidance? We know, and I have discussed it with My Learned Friend, that he and Mr Du Toit were seeing witnesses or possible witnesses in the United States. Now, I do not know whether any of these are actually going to be called or whether we will have to deal with them, but there particularly I would ask if there is any evidence written or oral, from American witnesses, if we had it in advance, it would enable us 10 to deal with it; we might have to make enquiries ourselves in the United States. I know that My Learned Friend interviewed a Mr Lefevre; I do not know whether he is going to be a witness, but if so, if there is any memorandum, we would like to know in advance so that we could be ready to deal with it. M'Lord, other than that, as I understand it, we are going to be back here on 25 October?

CHAIRMAN: Yes, at the conclusion of the evidence to be led tomorrow, possibly thereafter, the Commission will adjourn until 25 October, at which stage the financial 20 evidence will be heard.

MR KENTRIDGE: That will be the financial evidence?

CHAIRMAN: The financial evidence, yes.

MR KENTRIDGE: And then, would you excuse Mr Solomon and myself from attending?

CHAIRMAN: Yes, you are excused.

THE COMMISSION IS ADJOURNED