

## **Provisional submissions to the Panel concerning 9.2 of the Terms of Reference**

Once again, we apologise for any typographical errors or structuring clumsiness/repetition, however, we are working under huge time constraints in the midst of a community as we previously said which is reeling as a result of the cruel and dishonest allegations against them and the heritage of these past 50 years. What compounds our time constraints is the obvious strategy of News 24 to harass the Mission with endless questions in addition to those raised in their “documentary/video (Exodus)”, no doubt in the hope that they can be seen to have given us an opportunity to respond before they publish. As will be seen hereafter, we will not be distracted and will be focusing on the said video, upon which the pack of cards rests.

### **Final reference point for judgment**

Once again it is crucial to emphasize upfront that at all times Kwasizabantu Mission (the Mission), seeks to be obedient to Jesus and His revelation in Scripture. This includes that every single person is of infinite value and worth, and must be treated accordingly. Where this does not happen it must be brought into His light and promptly dealt with. Obviously, this by definition makes violence against children and women totally unacceptable in His eyes and full account must be made to Him. We must stress that given this worldview, the final judge in this regard is an all-knowing Jesus. The Mission simply cannot afford to be anything but completely transparent about something like the alleged abuse of children and women, because even if it escapes the justice of our criminal justice system it will not escape the judgment of Jesus.

### **Introduction**

As previously stated in our initial submissions, this past week the Mission has been the subject of a severe onslaught of allegations, including rape, sexual assault, money laundering and being a cult. We repeat, Natural Justice requires that every accused person amongst other things be informed of the charge with sufficient detail to answer it, to have adequate time to respond, a presumption of innocence and crucially to test the “evidence” presented against it.

In these submissions we primarily will focus on 9.2 of the Panel’s mandate, namely: “the Mission has tolerated and overlooked claims of rape, sexual and physical assault of both women and children.”

As in our previous submissions, and as we see in paragraph 5 of the “Terms Of Reference Of The Panel”, this is restricted to the allegations made in the “documentary/video (Exodus)” (hereafter “the Exodus video”) which was published on 19 September 2020. **This specific focus of the Panel is necessary if there is going to be any semblance of granting the Mission the ingredients of Natural Justice highlighted above.**

Most of these allegations are as vague as Erika Bormann claiming that “all these rapists are walking free” when in fact in the Exodus video she identifies no perpetrator, nor indeed a victim of rape.

Or as vague as Koos Greeff saying that he knows “of large numbers of ladies who have been raped” whereas in the Exodus video he likewise identifies no perpetrator, nor victim.

**Furthermore to the best of the Mission’s knowledge, these alleged large numbers notwithstanding, neither of them have made one single report to the police of an incident involving rape at the Mission. Here it must also be noted that in correspondence by News24, it revealed to us that one of the alleged victims of sexual assault is a family member of Koos Greeff, and he was her custodian, and yet to the best of the Mission’s knowledge he has made no report in this regard either.**

**As previously stated by the Mission in its submissions to this Panel, it is precisely because of this vagueness that the Mission has laid charges against the accusers. The hope is that if there is any merit in these allegations whatsoever, Ms Bornman, Mr Greeff, or whoever else is making similar allegations will go to the SAPS with sufficient particularity for them to investigate and the Mission will then be in a position to respond meaningfully.**

**As also indicated in our first submissions, the two colonels who visited the Mission yesterday indicated that all they had received was an e-mail from News24 which did not have sufficient particularity for them to pursue an investigation. (The timing of this email also warrants investigation – we wonder how long News 24 has had the information about the alleged mass rapes, and yet it would seem as if they only sent an email this week after publishing the Exodus video. If it was concerned about the alleged victims, the nature of the alleged offences demanded immediate action by News 24, regardless of the timing**

**which suited their publishing interests.) In this regard we also point out that the producers of the Exodus video also have a legal and civic responsibility to provide the SAPS with any particularity which they have in their possession. If they do not, they then become accomplices after the fact to the crimes they allege have happened at the Mission.**

We also would once again highlight that in addition to the above, given the massive impact on the Mission, its people and its work, and that much of the press have simply ignored the presumption of innocence, we have been compelled to prepare these submissions under great time constraints, particularly for incidents which go back up to 35 years ago. This difficulty is greatly compounded by the fact that often the alleged perpetrator is not identified or has passed away and we have not been able to test the witnesses themselves.

As also mentioned by us before, the obvious intention of this machine gun attack strategy is to make it difficult for us to cover every aspect of the attack. No doubt the hope is that even if one suspicion remains then the accusers would have succeeded.

However, this notwithstanding, in what follows we will endeavour to show that where there is sufficient particularity it is clear that the specific allegations have no merit whatsoever and clearly are part of a malicious and criminal plan to discredit the present leadership of the Mission. In this regard, we once again attach "Motive For Smear Campaign" marked **Annexure "A"**.

### **Context and other considerations**

In assessing what follows we would request the panel to have regard to our previous submissions, particularly as regards the general credibility of the accusers and the producers of the Exodus video. In this regard we gave specific examples in our previous submissions.

A further example as regards Mr Greeff, is his allegation as regards his involvement with the security police. The Mission has no knowledge of whether a person such as Lt Hans De Lange actually existed. Its investigations so far in this regard have hit a blank wall. It will continue its investigations in this regard. However what is telling is how he uses it to try and undermine the credibility of Ms Lydia Dube. This is further evidence of his real motive, highlighted in Annexure A. Strategically he wants to ensure that control of the Mission not be influenced by the need for

black economic empowerment. Here it also must be highlighted that he has been given a “Power of Attorney” for Mr Friedel Stegen, his father in law.

What is also important to keep in mind is the nature of the ministry at the Mission, not least of all that many of the people who come to the Mission for help come as a last resort **as society and its various agencies either have failed to or cannot help them**. And so there is the inevitable tight rope walking exercise where for example on the one side many of the children come from very broken backgrounds, whereas other children come from stable and healthy backgrounds. Some from a very poor background, others from a more well off background. Integrating them and catering for them in one school for example is an extremely difficult exercise.

One of the requirements to achieve this balancing act is to set very clear and strict boundaries relating to the conduct of children. Boundaries which would not usually be in schools which do not have to cater for such a complex situation. With this comes resentment, for different reasons, from some children from both broken and healthy backgrounds.

A further complicating fact is that from the eighties already, the school swam completely against the stream compared to the rest of South Africa, when it integrated the school. With this amongst other things came the need to deal wisely with competing and often conflicting cultural and social practices and beliefs. Many of the children themselves simply would not have had the maturity and insight, to grasp these nuances which the school had to manage. Even now some old students of the school would not have a full appreciation of the enormously difficult task the Mission had when it decided to integrate the school in a deeply divided wider society. This was a good ten years ahead of the rest of South Africa.

Once again, the Mission accepts that such an approach will at times involve failure and even controversy, but part of its approach in this regard is to be honest about such failures and controversy and to deal with them as best and transparently as possible in the circumstances. At all times the chief aim of the Mission is to help the individual involved.

Here it must be remembered that putting the individual first when confronted with such difficult cases, at times requires complete confidentiality lest the individual feels betrayed by the Mission. Managing and loving children in such a context also requires the teachers to be far more than the conventional teacher in a conventional school.

We would thus alert the Panel to the need for not merely being arm chair critics of the work of the Mission, but as best possible to adopt an empathetic approach to assessing how the Mission seeks to incarnate the love of Jesus into a very complex social environment. A graphic illustration of this would be, how one would respond if a person enslaved by addiction arrives at ones front door as a very last resort to obtain liberation from their addiction. As previously indicated, during the past 10 or so years 18 500 such people have arrived at the front door of the Mission. And they continue arriving every day. Some failure is inevitable. The question is, must the Mission be self righteously judged for these failures alone? Often by a society, or agencies of a society, which has given up on them.

We now turn to the specific term of reference.

**“9.2” “The Mission has tolerated and overlooked claims of rape, sexual and physical assault of both women and children.”**

For this we systematically will go through the allegations made in the Exodus video. Our method will be to group the allegations of violence according to the various accusers.

**Ms Erika Bornman**

As regards the general evidence of Ms Bornman, we refer this Panel to the affidavits of her mother and sister, marked **Annexures “B” and “C”**.

**In them, the Panel, in a nutshell, will see that there is absolutely no relationship between how they experienced her and the Mission, and the horror picture Ms Bornman paints of the Mission. Here we would also remind the Panel of her creating the impression for the viewer that she was expelled in standard 8, whereas she in fact matriculated at the school, was the co dux student in that year and for a short period thereafter actually taught at the school.**

1. The “young girl” referred to by her on page 1 of the transcript:

The young girl is not identified. Neither is the alleged perpetrator. Neither is a time period given. Absent any semblance of particularity for this allegation the Mission simply cannot respond in any meaningful manner.

2. At page 8 she describes alleged emotional abuse by Rev Erlo Stegen when her father passed away. We refer this Panel to the affidavits of her mother and sister, from which it can be seen that Rev Erlo Stegen simply did not operate in this way.

As regards the need for regular confession, this has been central to the church universal's practice and teaching for the past 2 000 years. It must also be noted that the practice of confession at the Mission is a fundamentally important vehicle to bring to light abuse of any kind, and of course the sure hope of a new beginning in often very broken circumstances.

3. At page 9 she refers to a card incident with a Dorothy Newlands as the perpetrator. Evidence will be provided that she and Dorothy Newlands were good friends, even after she completed matric. For example, she gave Dorothy Newlands a gift when she completed matric and she even helped Dorothy Newlands with studies after matric. This is in stark contrast to her words that Dorothy Newlands was a "scary scary woman." In her allegation against Dorothy Newlands one can only assume that she seeks to implicate Dorothy Newlands as principal of the school, and thus target the present leadership of the Mission. She was not the principal at the time. At the time that she was at school at Domino Servite, the then principal would have dealt with any alleged misconduct or controversy. Unfortunately, she is deceased and can no longer defend herself, something Ms Bornman is aware of. However it is instructive to remember that she also said she had been expelled in standard 8, when in fact she was not. See **Annexure "E"**.
4. At pages 10 and 11 she describes the use of serious assault, which quite clearly simply could never qualify as reasonable and moderate chastisement. The Mission would never have tolerated such abuse. Unfortunately once again the details she gives as regards perpetrators, victims and time are simply non-existent. It is thus impossible for the Mission to respond to such allegations in any meaningful manner.

Suffice to say that if particularity is given which enables the Mission to pursue the complaint, it immediately will do so, even if such incident/s happened a long time ago.

**The Mission does however in the strongest possible terms deny her allegation that “I can guarantee you, they’re still doing it today”. Furthermore, if she has such knowledge, this amounts to having knowledge of criminal conduct and there is a legal responsibility on her immediately to give these details to the SAPS. This would also enable the Mission to act swiftly and decisively against any such abuses.**

5. At page 12 she makes a serious allegation involving an ex-employee to the effect that he groomed her and in the process fondled her. Central to her complaint is that the Mission was made aware of this and in effect did nothing about it.

We once again refer the Panel to **Annexures “B” and “C”**.

In addition there are a number of significant problems arising from her account.

- a) She alleges that she approached Muzi Kunene to be her counsellor after she was expelled at the age of 16. She was never expelled as mentioned before.
  - b) She alleges that Kunene “kept calling me at night, late at night he would call me”. This appears to be an allegation that she was called telephonically. There were no phones in the rondawels where she lived. There were also not cell phones at the time that she lived on the Mission. She also shared a rondawel with her family, and if this harassment did happen they would have been aware of it.
  - c) The version of her mother (See **Annexure “B”**), that she was involved with Muzi Kunene after she left school, is more probable.
6. Page 13 is where she makes the statement about “all these rapists are walking free”, without in any way whatsoever giving any particulars to back up this extremely serious allegation. And as already highlighted, she also has not given any particulars to the SAPS. The Mission has strived through the years to act decisively when there are allegations of this nature. For instance, in a case in approximately **2003** where a female cleaner (Khanyisile Cebekhulu) was raped and murdered by a fellow employee (Nkosingiphile

Mchunu). The perpetrator was charged, convicted and sentenced to imprisonment. A further case is of the alleged molestation of a girl where the perpetrator is currently in custody and awaiting trial. **In both cases, the Mission was instrumental in pressing charges.**

7. At page 15 she makes another serious allegation of abuse, this time involving the alleged kidnapping of her one niece in 2019, **Louise Pretorius**. We attach the response of Ms Pretorius to this allegation, marked “**D**” and also refer the Panel to “**C**”, an affidavit by her mother.

In it, amongst other things, it will be seen that Ms Pretorius categorically denies ever being held captive. Furthermore, from her personal testimony, she makes it clear that there simply is no truth attached to the allegation that other women were held captive with her. She in fact paints a wholly different picture of the set up at the hospital. In her affidavit, **it also can be seen how her testimony was altered by News 24.**

Furthermore, Ms Bornmann does not identify “this woman” who “managed to escape”. She also claims that “the courts” helped one of the women allegedly held captive at the Mission. The Mission has no knowledge of any court action against it. At the very least Ms Bornman should have provided a copy of a court order, or at least have had sight of a court order, before she made this allegation.

**It is a relatively easy exercise for her to obtain a copy of a court order to support her claim. Furthermore, it was also incumbent on the producers of the Exodus video, to verify this extremely serious allegation by asking to see the court order before publishing the allegation.**

**If such a court order is forthcoming the Mission will immediately address the issue.**



## Mr Koos Greeff

1. We see at page 15 that it was he who drove the false narrative concerning Ms Pretorius being held captive at the Mission. This ties in with the heist narrative in Annexure "A". He is key to the smear campaign and the attempt to get rid of the present leadership, not least of all Ms Lydia Dube. Here it must be remembered that he also has a power of attorney for his father in law, Mr Friedel Stegen whose son is Arno Stegen, the heir apparent in Mr Greeff's plans.

This motive accounts for his full onslaught on Ms Dube on page 19 of the transcript. On the same page he makes the serious allegation that many people at the Mission today are in effect being held there against their wills. A simple visit by a dispassionate visitor will expose this allegation for what it is, a cynical fabrication. If he does feel so guilty as he says he feels for causing their entrapment, why does he not go to the SAPS with names, dates and further particulars so that there can be an independent investigation by a dispassionate arm of the State?

This omission by him is even more telling when one has regard to his outrageous claim on page 20 of the transcript, that he knows "of a large number of ladies that has been raped at Sizabantu, stretching from the 80s till late last year." This, notwithstanding to the best of the Mission's knowledge he has not reported any of these incidents to the police. Furthermore, also to the best of the Mission's knowledge, neither has there been one woman who has lodged such a charge with the SAPS. If she had, the Mission would have taken immediate action concerning the alleged perpetrator. (Here we refer the Panel to 6. on pages 7 and 8 hereof.)

Furthermore, at best for the producers of the video, it is grossly negligent of them to publish these allegations without them at least interrogating Mr Greeff in this regard and obtaining copies of any charges which might have been laid. It is not enough for them as journalists simply to hide behind the allegations of their sources. They must diligently check their sources, which they clearly have not done. (Another very simple and practical example is that they could easily have checked with the school about whether or not Ms Bornman was in fact expelled from school when she was in standard 8.)

**Ms Celimphilo Malinga**

1. On pages 10 and 11 of the transcript are generalized allegations by her which are very difficult to respond to in any meaningful way. She gives no dates, nor the names of a teacher, but from what the Mission has reconstructed she was at the school during the nineties. If this is the case then we refer this Panel to **“Annexure H”** which deals with the change in school policy to corporal punishment. However, as stated before, this does not mean that there were not at times aberrations in this regard. In such an event if the Mission was alerted to it, it dealt with it promptly and pastorally.
2. Once again it must be remembered by this Panel that from when the school started in 1986 until the end of last year some **1 900** pupils have gone through the school. It would be impossible for any school with these numbers, not least of all with the particular complexities highlighted earlier, not to have aberrations, both when it comes to staff and the pupils themselves. It is our hope that this Panel, and indeed the wider public, will not simply be armchair critics and will attempt to place themselves into the shoes of the people who were running, and continue to run, the school in a very complex context.
3. At pages 14 and 15 once again are generalized allegations which the Mission at this stage simply cannot respond to. If the Mission can be given more specific information it can check whether she was indeed expelled, and if so, why.

We, however, would again emphasize the reference point for the school and that the reason for its existence is to serve the community in which it is situated. Given the aforementioned complexity, there is a need for strict boundaries. However, given its reference point this always must be blended with justice and mercy.

4. At page 13 she deals with “virginity testing”. In this regard see **Annexure “F”**

## **Marietjie Bothma**

1. At the outset an affidavit by her sister is attached marked **Annexure "G"**. It supplies a crucial context for how to approach the allegations of Ms Bothma. From it, it is obvious that although there was clear abuse of Ms Bothma, her sister and her mother by the father, the Mission was not complicit in this. On the contrary, the evidence of her sister, Ms Van Der Watt in "G", is clear that when the Mission was informed of what was happening not only did it act decisively, but also that its intervention led to immediate and positive results for the family members who were being abused.

It also shows how the Mission would take in people who the wider society could not handle. But with this comes great risk. Crucial is that as the Mission understands its calling, by definition taking risks for loving Jesus and all His creatures, is the clear demand of Christ.

2. At page 1, she refers to the use of a pipe and broomstick when punishing children. Other than saying that the victim on one occasion was her brother there is no further particularity as regards who the man was who used these violent methods of punishment, names of any other victims and when these incidents happened.

Absent any detail of who the perpetrator was, or a time period so that the Mission can try and identify the perpetrator, a meaningful response by the Mission simply is not possible.

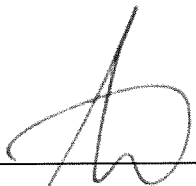
3. The Mission would repeat its earlier submissions as regards its policy concerning corporal punishment and refer the Panel to **Annexure "H"** concerning corporal punishment at the school.
4. Naturally as already stated above, this does not mean that there were no aberrations, particularly given the very difficult circumstances prevailing at the school, referred to above. As previously stated, when these came to the Mission's attention they would be dealt with promptly and pastorally.



## **Conclusion**

**As already indicated in these submissions, they have been drafted under huge time constraints, which the exigencies of the situation demanded. If there are any outstanding issues arising from allegations in the Exodus video, we would respectfully request the Panel to direct us accordingly.**

The Mission will also continue to investigate the various allegations contained in the Exodus video with a view to supplementing these and our previous submissions where needed. We attach a copy of the transcript of the Exodus video, marked "J".



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M de Wet

1<sup>st</sup> October 2020