

12.2.3 BESWAARSKRIF (KO, ARTT 31 EN 46) TEEN DIE BESLUIT VAN DIE ALGEMENE SINODE 2015 OOR DIE APPÈL VAN HLJ MOMBERG TEEN 'N BESLUIT VAN STREEKSINODE PRETORIA

12.2.3 PETITION OF PROTEST (CO, ARTS 31 AND 46) AGAINST THE DECISION OF THE GENERAL SYNOD 2015 ON THE APPEAL HLJ MOMBERG AGAINST A DECISION OF REGIONAL SYNOD PRETORIA

<p>1 Inleiding : Beswaarskrif</p> <p>1.1 Die Beswaarskrif word ingedien (artt KO, 31 en 46) omdat die Algemene Sinode 2015 se besluite oor die Appèl van HLJ Momberg teen 'n besluit van Streeksinode Pretoria, regspraak in die lig van die Skrif en die Presbiteriale kerkregering verkrag.</p> <p>1.2 Die Beswaarskrif word, in die lig van die Algemene Sinode 2012 se besluite (Acta 2012:23-24, 5), direk by die Algemene Sinode ingedien.</p> <p>1.3 Die Algemene Sinode word versoek dat die Deputate vir Appèlle – wat die Appèlle by die Algemene Sinode 2015 hanteer het – nie as Regsdeputate aanbevelings oor die Beswaarskrif maak nie. Die inhoud van die Beswaarskrif hanteer die Deputate se aanbevelings aan Sinode 2015 oor die Appèl. Die Deputate kan nie as regter in eie saak optree nie.</p> <p>1.4 Die Beswaarskrif word ingedien met die inligting wat beskikbaar is. Per e-pos is die Appèl en die hantering van die Appèl deur die Deputate vir Appèl aangevra. Geen inligting is tot op hede ontvang nie.</p> <p>2. Besluite : Beswaar Beswaar word gemaak teen die volgende besluite van die Algemene Sinode 2015 (Acta 2015:46, 6.2.1): 1. Besluit 1 (Acta 2015:63, 5.3.3) <u>5.3.3 Besluit</u> <i>Appèl slaag nie ten opsigte van Appèlgrond 3 nie.</i> <i>Besluit: Punte 5.1 tot 5.3.3 kennis geneem. Die Deputate het volgens die goedgekeurde werkswyse gehandel en regspraak volgens opdrag gelewer.</i> 2. Besluit 2 (Acta 2015:63, 6) 6. Finale bevinding en uitspraak 6.1 Bevinding: Geen regs-krenking word bewys nie. 6.2 Uitspraak: Dat die Appèl in sy geheel nie slaag nie.</p>	<p>1. Introduction: Petition of Protest</p> <p>1.1 The Petition is submitted (CO, arts 31 and 46) since the General Synod 2015 decisions on the Appeal of HLJ Momberg against a decision of Regional Synod Pretoria do not give valid judgment in the light of Scripture and Presbyterian church government.</p> <p>1.2 The Petition is, in light of the decisions of General Synod 2012 decisions (Acta 2012:23-24, 5), submitted directly to the General Synod.</p> <p>1.3 The General Synod is requested that the Deputies for Appeals – who handled the appeals at the General Synod in 2015 – do not make recommendations as 'Regsdeputate'. The content of the Petition concerns the Deputies' recommendations to Synod 2015 on the Appeals. The Deputies can not judge their own case.</p> <p>1.4 The Petition is submitted with the information available. By e-mail, the Appeal and the handling of the Appeal were requested from the Deputies for Appeal. No information was received to date – August 18, 2015 – received.</p> <p>2. Decisions : Protest Objection is made to the following decisions of the General Synod 2015 (Acta 2015:46, 6.2.1): 1. Resolution 1 (Acta 2015:63, 5.3.3) <u>5.3.3 Decision</u> <i>Appeal does not succeed in terms of Appeal Ground 3.</i> <i>Decision: Points 5.1 to 5.3.3 noted. The Deputies acted according to the approved working method and deliver decision according to mandate.</i> 2. Resolution 2 (Acta 2015:63, 6) 6. Final finding and recommendation 6.1 Finding: No violation of rights is proven. 6.2 Decision: The overall Appeal does not succeed.</p>
--	--

<p><i>Besluit: Punte 6.1 en 6.2 kennis geneem. Die Deputate het volgens die goedgekeurde werkswyse gehandel en regspraak volgens opdrag gelewer.</i></p>	<p><i>Decision: Points 6.1 and 6.2 noted. The Deputies acted according to the approved working method and deliver decision according to mandate.</i></p>
<p>3. Beswaargrond 1 Die besluite van die Algemene Sinode 2015, dat die Deputate vir Appèl in hulle hantering van die Appèl volgens die ‘goedgekeurde’ werkswyse gehandel het, is in stryd met die Negende Gebod.</p> <p>3.1 Motivering : Beswaargrond 1</p> <p>3.1.1 Die ‘goedgekeurde’ werkswyse waarna die besluit verwys, is die werkswyse wat die Studiedeputate oor Appèlprosedures in hulle Rapport (Acta 2015:23-27, 3), aan die Algemene Sinode 2015 voorgelê het vir besluitneming.</p> <p>3.1.2 Die werkswyse/prosedure vir die hantering van Appèlle word in die Rapport, in agt (8) punte uiteengesit.</p> <p>3.1.3 Die Algemene Sinode 2015 neem net, in die lig van ‘n ad hoc kommissie se verslag, ‘n besluit oor die laaste punt (pt 8) van die werkswyse. Die besluit word geneem voordat daar oor die Rapport van die Studiedeputate, en daarmee oor die werkswyse, besluit is (Notule 2015:N53, art 231).</p> <p>3.1.4 Die werkswyse van die Deputate vir Appèl, wat die Algemene Sinode moet goedkeur (Acta 2015:26, 8.4 en 8.5), is die werkswyse wat in pte 1-7 van die Studiedeputate se Rapport voorgestel is. Die werkswyse soos voorgestel in die pte 1-7, was, toe die besluit oor die Appèl geneem is, nog nie deur die Algemene Sinode goedgekeur nie. Aangesien die werkswyse nog nie goedgekeur was nie, kon die Deputate, nie die Appèl daarvolgens hanteer nie. Die Algemene Sinode kon nie besluit het dat die Deputate volgens die ‘goedgekeurde’ werkswyse gehandel het nie.</p> <p>3.1.5 Die Deputate vir Appèl het nie die Appèlle in die lig van die voorgestelde werkswyse behandel nie want:</p> <p>3.1.5.1 die Deputate het die Appèl voor die Algemene Sinode 2015 hanteer;</p> <p>3.1.5.2 die werkswyse soos voorgestel deur die Studiedeputate is eers by die</p>	<p>3. Basis of protest 1 The decision of the General Synod 2015 that the Deputies for Appeal acted according to the approved working method and deliver verdict according to mandate, is in violation of the Ninth Commandment.</p> <p>3.1 Motivation : Basis of protest 1</p> <p>3.1.1 The ‘approved’ working method referred to by the decision is the Appeal procedure that was submitted tabled by the Study deputies in their Report (Acta 2015:23-27, 3), to the General Synod 2015 for approval.</p> <p>3.1.2 The procedure for handling Appeals is outlined in the Report in eight (8) points.</p> <p>3.1.3 The General Synod 2015 only took in light of an ad hoc commission’s Report, a decision on the last point (pt 8) of the procedure. This decision were taken before decisions were made on the Report of the Study deputies (Minutes 2015, N53, art 231).</p> <p>3.1.4 The working method of the Deputies for Appeal, which must be approved by the General Synod (Acta 2015:26, 8.4 and 8.5), is the procedure that has been proposed in pts 1-7 of the Report of the Study deputies. The working method as proposed in pts 1-7, was not yet, when the decision on the Appeal was taken, approved by the General Synod; Since the procedure had not yet been approved, the Deputies could not have dealt with the Appeal according to the approved working method and the General Synod could not have decided that they did so.</p> <p>3.1.5 The Deputies for Appeal did not deal with the Appeals in light of the proposed working method because:</p> <p>3.1.5.1 the Deputies handled the Appeals before the General Synod in 2015;</p> <p>3.1.5.2 the procedure as proposed by the Study deputies was only tabled at</p>

<p>Algemene Sinode 2015 ter tafel gebring vir besluitneming;</p> <p>3.1.5.3 die werkswyse soos voorgestel deur die Studiedeputate is nie deur die Algemene Sinode 2015 goedgekeur voordat daar oor die Appèl besluit is nie.</p> <p>3.1.5.4 die Rapporte van die Deputate vir Appèl wat by die Algemene Sinode 2015 dien, dui duidelik aan dat dit in uitvoering van die opdrag van die Algemene Sinode 2012 gedoen is (Acta 2015:50, E);</p> <p>3.1.5.5 die feit dat die Deputate vir Appèl, die Appèlle nie in die lig van die voorgestelde werkswyse deur die Studiedeputate hanteer het nie, is deur die Skriba van die Deputate per e-pos bevestig;</p> <p>3.2 <i>Bevinding : Beswaargrond 1</i> In die lig van bogenoemde motivering is die besluit van die Algemene Sinode 2015, dat die Deputate vir Appèl met die Appèl, volgens die goedgekeurde werkswyse gehandel en regspraak volgens opdrag gegee het, nie waar nie en strydig met die Negende Gebod.</p> <p>4. Samevatting</p> <p>4.1 Die beswaargrond toon aan dat, die uitspraak en bevinding van die Deputate vir Appèl en die besluit van die Algemene Sinode 2015 daaroor, nie geldige regspraak gelewer het nie maar die reg gekrenk het.</p> <p>4.2 In die lig hiervan word die Algemene Sinode versoek om die besluit oor die Appèl nietig te verklaar.</p>	<p>the General Synod 2015 for approval;</p> <p>3.1.5.3 the working method as proposed by the Study deputies was not approved by the General Synod 2015 before the decision on the Appeal;</p> <p>3.1.5.4 the Reports of the Deputies for Appeal submitted to the General Synod in 2015, clearly indicates that it was done in light of the instruction of the General Synod 2012 (Acta 2015:35, E);</p> <p>3.1.5.5 the fact that the Deputies for Appeal, did not deal with the Appeals in light of the working method proposed by the Study deputies was confirmed by e-mail by the Secretary of the Deputies.</p> <p>3.2 <i>Finding : Basis of protest 2</i> In view of the above motivation, the decision of the General Synod 2015, that the Deputies for Appeal dealt with this Appeal according the approved working method, and delivered valid judgment, is untrue and in breach of the Ninth Commandment.</p> <p>4. Summary</p> <p>4.1 The basis of protests proves that the judgment and decision of the Deputies for Appeal, and the decision of the General Synod 2015 in this regard has not delivered valid judgment but violated the law.</p> <p>4.2 In light of this the General Synod is requested to annul the decision on the Appeal.</p>
---	---

Toelichter: Ds FM Dreyer

Elucidator: Rev FM Dreyer