

**12.1.3 APPÈLDEPUTATE: RAPPORT 3: APPÈL DI. L DU P VAN DER VYVER, JG TREDoux EN DR EJ SMIT TEEN 'N BESLUIT VAN STREEKSINODE PRETORIA GEHOU OP 29 NOVEMBER 2022 (Art 196)**

**12.1.3 DEPUTIES FOR APPEAL: REPORT 3: APPEAL REVS. L DU P VAN DER VYVER, JG TREDoux AND DR EJ SMIT AGAINST A DECISION OF REGIONAL SYNOD PRETORIA HELD ON 29 NOVEMBER 2022 (Art 196)**

- A. Ds PW Kurpershoek stel die Rapport.  
Rev. PW Kurpershoek tables the Report.
- B. Die Rapport word staande die Sinode afgehandel.  
The Report is concluded while the Synod is in session.
- C. Die afgevaardigdes van Streeksinode Pretoria verlaat die vergadering.  
The delegates of Regional Synod Pretoria leave the meeting.
- D. Geleentheid word gegee om inligtingsvrae te vra.  
Opportunity is given for discussion.
- E. Die vergadering neem kennis dat die Appèlprosedure 2015 vir die behandeling van die Appèl geld.  
The meeting notes that the Appeal Procedure 2015 applies to the treatment of the Appeal.
- F. **Besluit:** Die werkswyse van die Appèldeputate word goedgekeur.  
**Decision:** The modus operandi of the Appeal deputies is approved.

**G. RAPPORT / REPORT**

<p><b>1. Opdrag</b> Handelinge 2018:32 (3.3) en Handelinge 2018:34 (1.6).</p> <p><b>2. Konstituering en verklaring van belange<sup>1</sup></b></p> <p>2.1 Al die aangewese Deputate, insluitend die sekundi, is aanvanklik opgeroep.</p> <p>2.2 Die volgende Deputate wat deel is van Streeksinode Pretoria het hulle aan die werksaamhede onttrek of is nie verder opgeroep nie: <i>Dr GJ Meijer, di GS Kruger, PGP le Roux en CB Swanepoel.</i></p> <p>2.3 Die volgende Deputate het deel-geneem aan die beoordeling van die Appèl: <i>Dr RM van der Merwe (v), prof F Venter, di CJ van Vuuren, PW Kurpershoek, AL Pelser, PM Modise (s), LM Floor (s).</i></p> <p>2.4 Die Appèlle handel nie direk oor VIDA nie en daarom hoef Deputate se persoonlike oordeel rakende VIDA nie hier verreken te word nie.</p> <p>2.5 Die Deputate vir Appèl het met 'n eenparige besluit bevestig dat elke deelnemende Deputaat onbevangen in hierdie saak is.</p>	<p><b>1. Mandate</b> Acta 2018:32 (3.3) and Acta 2018:34 (1.6).</p> <p><b>2. Constituting and declaration of interests<sup>12</sup></b></p> <p>2.1 All relevant Deputies, including the alternates, were initially called up.</p> <p>2.2 The following Deputies, part of Regional Synod Pretoria, withdrew from this process or were not called on again: <i>Dr GJ Meijer, Revs. GS Kruger, PGP le Roux and CB Swanepoel.</i></p> <p>2.3 The following Deputies took part in reviewing the Appeal: <i>Dr RM van der Merwe (c), Prof F Venter, Revs. CJ van Vuuren, PW Kurpershoek, AL Pelser, PM Modise (s), LM Floor (s).</i></p> <p>2.4 The Appeal does not directly relate to VIDA and, therefore, the Deputies' personal views of VIDA do not have to be accounted for here.</p> <p>2.5 The Deputies for Appeals unanimously confirmed that every participating Deputy participates impartially in this matter.</p>
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<sup>1</sup> Appèlprosedure: 7.1.

<sup>12</sup> Appeal procedure: 7.1.

<p><b>3. Ontvanklikheid<sup>2</sup></b></p> <p>3.1 <u>Amptelike redaksie van besluit waarteen geappelleer word</u></p> <p>3.1.1 Daar word geappelleer teen 'n besluit van Streeksinode Pretoria 29 November 2022.</p> <p>3.1.2 Hierdie besluit is genotuleer as Besluit 13.4.</p> <p>3.1.3 Besluit is woordeliks aangehaal (met Engelse weergawe as amptelike weergawe).</p> <p><b>Bevinding</b></p> <p>3.1.4 Voldoen aan vereiste insake amptelike redaksie.</p> <p>3.2 <u>Gronde vir Appèl</u></p> <p>3.2.1 Een grond vir Appèl word gegee.</p> <p>3.2.2 Daar is 'n duidelike uiteensetting van die beweerde verontregting in eie woorde.</p> <p><b>Bevinding</b></p> <p>3.2.3 Voldoen aan vereiste insake gronde vir Appèl.</p> <p>3.3 <u>Kennisgewing van Appèl</u></p> <p>3.3.1 Daar is op 8 Desember 2022 kennis gegee van Appèl ... beide aan die Deputate Korrespondensie van Streeksinode Pretoria en die Deputate vir Appèl van die Algemene Sinode.</p> <p><b>Bevinding</b></p> <p>3.3.2 Voldoen aan vereiste insake kennisgewing van Appèl.</p> <p>3.4 <u>Besluit</u></p> <p>3.4.1 Die Appèl word ontvanklik verklaar.</p>	<p><b>3. Responsiveness<sup>13</sup></b></p> <p>3.1 <u>Official drafting of decision under Appeal</u></p> <p>3.1.1 An Appeal was lodged against a decision of Regional Synod Pretoria 29 November 2022.</p> <p>3.1.2 This decision is minuted as Decision 13.4.</p> <p>3.1.3 Decision has been quoted verbatim (with English version as official version).</p> <p><b>Finding</b></p> <p>3.1.4 Meets the requirement regarding official wording.</p> <p>3.2 <u>Grounds for Appeal</u></p> <p>3.2.1 One ground for Appeal has been given.</p> <p>3.2.2 A clear description of alleged violation of rights is given in own words.</p> <p><b>Finding</b></p> <p>3.2.3 Meets the requirement regarding grounds for Appeal.</p> <p>3.3 <u>Notice of Appeal</u></p> <p>3.3.1 Notice of Appeal was given to both the Deputies: Correspondence of Regional Synod Pretoria and the Deputies for Appeal of the General Synod on 8 December 2022.</p> <p><b>Finding</b></p> <p>3.3.2 Meets the requirement regarding notice of Appeal.</p> <p>3.4 <u>Decision</u></p> <p>3.4.1 The Appeal is declared responsive.</p>
<p><b>4. Vertroulikheid<sup>3</sup></b></p> <p>4.1 Daar was nie vertroulike aspekte wat hanteer moes word nie – aangesien die Appèl meer oor 'n saak as oor spesifieke persone gehandel het.</p> <p>4.2 Die verloop van die proses en onderlinge gesprekvoering is wel vertroulik hanteer totdat tot 'n bevinding gekom is.</p> <p><b>5. Historiese verloop<sup>4</sup></b></p> <p>5.1 In GK Wapadrant dien vir etlike jare al verskeie vroue as ouderling, al is dit nie volgens besluite van die Algemene Sinode toelaatbaar nie.</p>	<p><b>4. Confidentiality<sup>14</sup></b></p> <p>4.1 There were no aspects that had to be treated confidentially – since the Appeal was lodged against a decision and not specific individuals.</p> <p>4.2 The process and discussions were, however, kept confidential until a finding was reached.</p> <p><b>5. Historical background<sup>15</sup></b></p> <p>5.1 A number of women have in recent years served as elder in GK Wapadrant, although this is not permitted according to decisions of the General Synod.</p>

<sup>2</sup> Appèlprosedure: 7.2.

<sup>3</sup> Appèlprosedure: 7.4.

<sup>4</sup> Appèlprosedure: 7.6.1.

<sup>13</sup> Appeal procedure: 7.2.

<sup>14</sup> Appeal procedure: 7.4.

<sup>15</sup> Appeal procedure: 7.6.1.

5.2	Klassis Oostelike Pretoria neem op 30 Mei 2016 en 15 April 2019 hieroor sekere besluite.	5.2	Classis Eastern Pretoria took certain decisions in this regard on 30 May 2016 and 15 April 2019.
5.3	Op 18 Oktober 2021 dien GK Waterkloofrand twee Beswaarskrifte teen bogenoemde besluite by Klassis Oostelike Pretoria in. Klassis Oostelike Pretoria wys Deputate aan om advies rakende die Beswaarskrifte voor te berei.	5.3	GK Waterkloofrand submitted two Petitions of protest to Classis Eastern Pretoria against the above decisions. Classis Eastern Pretoria appointed Deputies to prepare advice regarding the Petitions of protest.
5.4	Op 11 April 2022 dien hierdie advies by Klassis Oostelike Pretoria en word daar besluit om nie aan die Beswaarskrifte gevolg te gee nie.	5.4	Classis Eastern Pretoria reviewed this advice on 11 April 2022 and decided not to proceed with the Petitions of protest.
5.5	GK Waterkloofrand gee kennis van Appèl teen hierdie besluit van Klassis Oostelike Pretoria en hulle Appèl word na die Deputate vir Appèl van Streeksinode Pretoria deurgestuur vir beoordeling.	5.5	GK Waterkloofrand gave notice of Appeal against this decision of Classis Eastern Pretoria and their Appeal was forwarded to the Deputies for Appeal of Regional Synod Pretoria for review.
5.6	Op 16 Augustus 2022 vergader die Deputate vir Appèl van Streeksinode Pretoria en word met die belangeverklaring gestel dat dr GJ Meijer se seun deel van die Kerkraad is wat die Appèl ingedien het. Dr GJ Meijer dui aan dat hy geen betrokkenheid by die saak het nie en hy gaan voort om as Deputaat te dien.	5.6	The Deputies for Appeal of Regional Synod Pretoria convened on 16 August 2022. During the declaration of interests it was pointed out that Dr GJ Meijer's son is a member of the Church Council who submitted the Appeal. Dr GJ Meijer indicated that he is in no way involved in the matter and will continue to serve as Deputy.
5.7	Op 30 Augustus 2022 vergader die Deputate vir Appèl van Streeksinode Pretoria weer. Ds L du P van der Vyver maak beswaar teen die feit dat beide dr GJ Meijer en ds BC Smit op die Deputate vir Appèl van Streeksinode Pretoria dien terwyl hul seuns deel vorm van die Kerkraad van GK Waterkloofrand.	5.7	The Deputies for Appeal of Regional Synod Pretoria again convened on 30 August 2022. Rev. L du P van der Vyver objected to Dr GJ Meijer and Rev. BC Smit serving as Deputies for Appeal of Regional Synod Pretoria since their sons are members of the Church Council of GK Waterkloofrand.
5.8	Staande die vergadering van die Deputate vir Appèl van Streeksinode Pretoria op 30 Augustus 2022 besluit die Deputate vir Appèl van Streeksinode Pretoria om by hul vorige besluit te volstaan en hierdie beswaar van ds L du P van der Vyver van die hand te wys.	5.8	The Deputies for Appeal of Regional Synod Pretoria decided, during the meeting of the Deputies for Appeal of Regional Synod Pretoria on 30 August 2022, to stand by their previous decision and rejected the objection of Rev. L du P van der Vyver.
5.9	Op 29 November 2022 dien die Rapport van die Deputate vir Appèl van Streeksinode Pretoria by Streeksinode Pretoria. Dr EJ Smit maak beswaar rakende die ontvanklikheid van die Rapport van die Deputate vir Appèl omdat ds BC Smit en dr GJ Meijer deel was van die Deputate vir Appèl terwyl beide van hulle kinders het wat op die Kerkraad van GK Waterkloofrand (die appellant) dien.	5.9	The Report of the Deputies for Appeal of Regional Synod Pretoria was tabled to Regional Synod Pretoria on 29 November 2022. Dr EJ Smit questioned the responsiveness of the Report of the Deputies for Appeal, because Rev. BC Smit and Dr GJ Meijer were members of the Deputies for Appeal while both their sons are members of the Church Council of GK Waterkloofrand (the appellant).
5.10	Streeksinode Pretoria 2022 oordeel op 29 November 2022 hieroor soos volg (2022-11-29 – Artikel 13.4): <i>Die beswaar word nie volgehou nie en die Rapport kan voorgehou word. Die</i>	5.10	Regional Synod Pretoria 2022 made the following judgement on 29 November 2022 (2022-11-29 – Article 13.4): <i>The objection is not sustained and the Report can be presented. The</i>

<p><i>teenwoordigheid van ds BJ Smit en Dr GJ Meijer het nie die Rapport bevooroordeel nie.</i> <i>Amptelike weergawe van besluit is in Engels: The objection is not sustained and the report can be presented. The presence of Rev. BC Smit and Dr GJ Meijer has not biased the report.</i></p>	<p><i>presence of Rev. BC Smit and Dr GJ Meijer has not biased the Report.</i></p>
<p><b>6. Prosedure gevolg<sup>5</sup></b></p>	<p><b>6. Procedure followed<sup>16</sup></b></p>
<p>6.1 Die Deputate vir Appèl (Algemene Sinode) het tydens hul vergadering van 10 Januarie 2023 die ontvanklikheid van die Appèl beoordeel, oorsigtelik met die Appèl gewerk en die kern van die Appèl probeer bepaal.</p>	<p>6.1 The Deputies for Appeals (General Synod) reviewed the responsiveness of the Appeal and took a cursory look at the Appeal in order to determine the focus point of the Appeal during their meeting of 10 January 2023.</p>
<p>6.2 Op 12 Januarie 2023 het die appellante hul Appèl toegelig, waarna die toeligers vanaf Streeksinode Pretoria op die Appèl geantwoord het. Die Deputate het <i>in camera</i> vergader om die geskilpunt te bepaal waarvoor geoordeel moes word en het dit daarna aan die appellante en die toeligers deurgegee. Beide die appellante en die toeligers het op die geskilpunt gereageer.</p>	<p>6.2 The appellants elucidated their Appeal on 12 January 2023, upon which advisors of Regional Synod Pretoria responded to the Appeal. The Deputies met <i>in camera</i> to determine the points of dispute to be judged and conveyed these to the appellants and advisors. Both the appellants and advisors responded to the points of dispute.</p>
<p>6.3 Die Deputate het op 12 Januarie 2023 weer <i>in camera</i> vergader en tot hul voorlopige bevinding gekom. Die voorlopige bevinding is mondeling aan die appellante en toeligers deurgegee, waarna dit op 21 Januarie skriftelik aan beide die appellante en toeligers deurgegee.</p>	<p>6.3 The Deputies once again met <i>in camera</i> on 12 January and reached a provisional finding. The provisional finding was conveyed in writing to both the appellants and the advisors on 21 January.</p>
<p>6.4 Op 23 Januarie 2023 het beide die appellante en die toeligers op die voorlopige bevinding kommentaar gelewer, waarna die appellant ook repliek kon lewer.</p>	<p>6.4 On 23 January 2023 both the appellants and the advisors offered comment on the provisional finding, to which the appellants could also offer a rebuttal.</p>
<p>6.5 Nadat die Deputate die kommentaar en repliek <i>in camera</i> oorweeg het, is die finale bevinding aan beide die appellante en toeligers bekend-gemaak.</p>	<p>6.5 After the Deputies considered the comments and rebuttal <i>in camera</i>, the final finding was conveyed to both the appellant and advisors.</p>
<p>6.6 In die hele proses is die toeligting en beredeneringe van sowel die appellante as die toeligers in mekaar se teenwoordigheid aangehoor.</p>	<p>6.6 All elucidations and arguments of both the appellants and the advisors were heard in each other's presence over the course of the proceedings.</p>
<p>6.7 Die Appèlskrif, tesame met die notules van die vergaderinge van die Appèldeputate van Streeksinode Pretoria (2022-08-16, 2022-08-31, 2022-10-11), is ook deur die Deputate vir Appèl (Algemene Sinode) hanteer.</p>	<p>6.7 The Appeal, together with the minutes of the meetings of the Deputies for Appeal of Regional Synod Pretoria (2022-08-16, 2022-08-31, 2022-10-11) were reviewed by the Deputies for Appeal (General Synod).</p>

<sup>5</sup> Appèlprosedure: 7.6.4.

<sup>16</sup> Appeal procedure: 7.6.4.

<p><b>7. Samevatting van Appèlgrond en reaksie op Appèl<sup>6</sup></b></p> <p>7.1 Die appellante is van mening dat die integriteit van die Appèlproses in gedrang gebring is toe twee persone deel was van die werksaamhede van die Deputate vir Appèl (Streeksinode Pretoria) rakende die Appèl van GK Waterkloofrand. Die spesifieke onreg lê volgens die appellante daarin dat hierdie twee persone ouers was van kinders wat deel gevorm het van die Kerkraad van GK Waterkloofrand wie se Appèl op tafel van die twee seuns wat lid is van die Kerkraad van GK Waterkloofrand nie. Hulle het verder gestel dat die verhouding wat tussen gelowiges in Christus ontstaan, meer intiem is as die bloedband tussen ouers en kinders en dat gelowiges juis in staat moet wees om onbevange reg te spreek.</p> <p><b>8. Appèlgrond: Ontleding, beoordeling en bevinding<sup>7</sup></b></p> <p>8.1 <u>Bewering deur appellante</u></p> <p>8.1.1 Die appellante beweer dat Streeksinode Pretoria se besluit rakende sy Appèldeputate se samestelling nie beantwoord aan die vereiste vir <b>objektiewe beoordeling sonder bedenkinge daaroor</b> nie.</p> <p>8.1.2 Hierdie bewering trek saam in een kernvraag: <i>Stel 'n ouer-kind-verhouding tussen appellante en Deputate vir Appèl as sodanig waarskynlike vooroordeel daar?</i></p> <p>8.2 <u>Beredenering deur appellante</u></p> <p>8.2.1 Die appellante neem in hul beredenering 7.1.2 van die Appèlprosedure (Algemene Sinode 2015) as vertrekpunt. 7.1.2 lui: <i>Indien dit in 'n spesifieke geval blyk dat 'n Deputaat belang by 'n Appèlsaak het waardeur 'n objektiewe oordeel bemoelijk mag word, moet 'n onbevange sekondus opgeroep word vir</i></p>	<p><b>7. Summary of Appeal and response to Appeal<sup>17</sup></b></p> <p>7.1 The appellants are of the view that the integrity of the Appeal process came under threat when two individuals were allowed to participate in the review of the Appeal of GK Waterkloofrand by the Deputies for Appeal (Regional Synod Pretoria). According to the appellants, the specific injustice lies therein that these two individuals are the parents of members of the Church Council of GK Waterkloofrand who lodged the Appeal. These parents' involvement raised questions over the objectivity of the judgement of the Appeal. The advisors stated that the Appeal was lodged by the church council of GK Waterkloofrand and not the two sons who are members of the Church Council of GK Waterkloofrand. They added that the relationship between believers in Christ is closer than the blood bond between parents and children and that believers must be able to offer unbiased judgement.</p> <p><b>8. Appeal Ground: Analysis, judgement and finding<sup>18</sup></b></p> <p>8.1 <u>Allegation by appellants</u></p> <p>8.1.1 The appellants allege that the decision of Regional Synod Pretoria over the constituting of its deputies for Appeal does not meet the requirement for <b>objective judgement without any misgivings</b>.</p> <p>8.1.2 This allegation can be summarised as follows: <i>Does a parent-child relationship between appellants and Deputies for Appeal create the likelihood for prejudice?</i></p> <p>8.2 <u>Appellants' argument</u></p> <p>8.2.1 The appellants' point of departure for their argument is 7.1.2 of the Appeal procedure (General Synod 2015). 7.1.2 states: <i>Should it appear that a Deputy has an interest in an Appeal that may hinder impartial judgement, an impartial alternate must be called up to take part in the review of the Appeal.</i></p>
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<sup>6</sup> Appèlprosedure: 7.6.2 en 7.6.3.

<sup>7</sup> Appèlprosedure: 7.6.5.

<sup>17</sup> Appeal procedure: 7.6.2 and 7.6.3.

<sup>18</sup> Appeal procedure: 7.6.5.

<p><i>deelname aan die beoordeling van die Appèl.</i></p> <p>8.2.2 Die appellante stel verder dat daar botsing van belange ontstaan wanneer ouers betrokke is by die beoordeling van Appèlle waarby hul kinders betrokke is (as deel van die kerkraad/vergadering wat appelleer).</p> <p>8.2.3 Die appellante begrond hierdie botsing van belange in die <i>liefde, gehegtheid en simpatie</i> wat 'n ouer teenoor 'n kind het en wat objektiwiteit belemmer.</p> <p>8.2.4 Die appellante stel dat die betrokkenheid van die ouer by 'n kind se Appèlsaak daartoe lei dat die ouer dan <i>regter in sy eie saak</i> word.</p> <p>8.2.5 Die appellante stel verder dat Streeksinode Pretoria nie hierdie botsing van belange hanteer nie, maar bloot stel dat die ouers se teenwoordigheid by die Deputate vir Appèl nie die Rapport bevooroordeel nie.</p> <p>8.2.6 Die appellante stel dat daar 'n verskil is tussen <i>onbevooroordeeld oor 'n saak</i> en <i>botsing van belange</i> in 'n saak.</p> <p>8.2.7 Die appellante dui ook aan dat buitestaanders bedenkings mag hê rondom die objektiwiteit en onpartydigheid van die beoordeling.</p> <p>8.2.8 Die appellante verwys ook na die wêreldse reg waarbinne – volgens die kode vir regterlike optrede deur regters – 'n regter hom aan 'n saak sal onttrek as daar redelike bedenkings oor bevooroordeeldheid mag bestaan.</p> <p>8.2.9 Die appellante stel uiteindelik dat objektiewe beoordeling <i>sonder bedenkings hieroor</i> nie plaasgevind het nie.</p> <p>8.3 <u>Beoordeling deur Deputate</u></p> <p>8.3.1 Die appellante is korrek om as vertrekpunt in hul beredenering 7.1.2 van die Appèlprosedure (Algemene Sinode 2015) te gebruik, juis wanneer dit in samehang met 1.3 en 7.1.1 van die Appèlprosedure gelees word: <i>Alles moet in werking gestel word om vooroordeel uit die Appèlproses te weer.</i> en <i>Wanneer Deputate vir Appèl saamgeroep word vir die aanhoor van 'n Appèl, moet eerstens by eenparige</i></p>	<p>8.2.2 The appellants furthermore state that a conflict of interest arises when parents judge an Appeal in which their children are involved (as part of the church council/assembly that is Appealing).</p> <p>8.2.3 The appellants substantiate this conflict of interest in the <i>love, attachment and sympathy</i> that a parent has for a child and that impedes objectivity.</p> <p>8.2.4 The appellants assert that the involvement of the parent in a child's Appeal leads thereto that the parent then becomes the <i>judge in his own case</i>.</p> <p>8.2.5 The appellants add that Regional Synod Pretoria did not address this conflict of interests, but simply declared that the parents' presence among the Deputies for Appeal has not biased the report.</p> <p>8.2.6 The appellants assert that there is a difference between <i>unbiased in a matter</i> and <i>conflict of interests</i> in a matter.</p> <p>8.2.7 The appellants also indicate that outsiders may have doubts about the objectivity and impartiality of the judgement.</p> <p>8.2.8 The appellants refer to worldly law where – according to the code of conduct judicial conduct for judges – a judge must recuse himself from a case if there is a real or reasonably perceived conflict of interest or if there is a reasonable suspicion of bias.</p> <p>8.2.9 The appellants ultimately state that objective judgement <i>without suspicion of bias</i> did not take place here.</p> <p>8.3 <u>Judgement of the Deputies</u></p> <p>8.3.1 The appellants rightly make Church Order, 7.1.2 their point of departure in their argument about the Appeal procedure (General Synod 2015), especially when it is read in relation to 1.3 and 7.1.1 of the Appeal procedure: <i>All measures must be taken to prevent bias in the Appeal process.</i> and <i>When Deputies for Appeal are convened to hear an Appeal, the Deputies must unanimously confirm</i></p>
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<p><i>besluit bevestig word dat elke deelnemende Deputaat onbevange in die betrokke saak is.</i></p> <p>Vanuit hierdie drie bepalings is dit duidelik dat <b>alles</b> in werking gestel moet word om te verseker dat geen vooroordeel of selfs bedenkinge oor vooroordeel [vergelyk die woorde ‘<i>n objektiewe oordeel bemoeilik mag (beklemtoning deur Deputate) word</i>] na vore kom nie.</p>	<p><i>that every participating Deputy participates impartially in the matter.</i></p> <p>From these three stipulations it is clear that <b>all</b> measures must be taken to ensure that no bias or even doubts about impartiality arise [compare the words that it <b>may</b> <i>impede an objective judgement</i>] (<i>emphasis by Deputies</i>).</p>
<p>8.3.2 In lyn hiermee verwys die appellante tereg na ouers se betrokkenheid by die beoordeling van Appèlle waarby hul kinders betrokke is. Alhoewel die toelichters van Streeksinode Pretoria 2022 geredeneer het dat die Beswaarskrifte van GK Waterkloofrand die Kerkraad se stukke was en nie spesifiek aan die betrokke seuns verbind kan word nie, kan individue in ‘n Kerkraad nie losgemaak word van die Kerkraad se werk nie, asof hulle nie daarby betrokke is nie. Daarom behoort die persoonlike band (ouer-kind-verhouding) tussen die betrokke lede van die Kerkraad van GK Waterkloofrand en die betrokke lede van die Deputate vir Appèl (Streeksinode Pretoria 2022) verreken te word.</p>	<p>8.3.2 In line with this the appellants rightly refer to parents’ involvement in the review of Appeals where their children are involved. Although the advisors of Regional Synod Pretoria 2022 reasoned that the petitions of protest of GK Waterkloofrand was lodged by the Church Council and cannot be specifically related to the relevant sons, members of a Church Council cannot be separated from the work of the Church Council, as though they are not involved therein. The personal bond (parent-child relationship) between the relevant members of the Church Council of GK Waterkloofrand and the relevant members of the Deputies for Appeal (Regional Synod Pretoria 2022) must, therefore, be taken into account.</p>
<p>8.3.3 Waar ouer-kind-verhoudinge nie net verlangse familiebande is nie, maar juis van die mees intieme familiebande – soos tereg deur die appellante aangedui – moet die hele vraagstuk van onpartydigheid en die skyn van partydigheid soveel te meer verreken word.</p>	<p>8.3.3 The question over impartiality and the appearance of bias must so much the more be taken into account when it is not merely a familial connection but the most intimate family bond of parent and child – as the appellants rightly indicate.</p>
<p>8.3.4 Daarom stel die Appèlprosedure van die Gereformeerde Kerken in Nederland (vrijgemaakt) dan ook:</p> <p><i>Daar mag onder die Deputate wat in ‘n spesifieke saak optree niemand wees wat ...in enige persoonlike verhouding met die partye of met een van die partye staan nie (vrye vertaling deur die Deputate vir Appèl, Algemene Sinode). Ook die Gereformeerde Gemeenten stel in hul Handleiding en toelichting bij de kerkelijke rechtsgang:</i></p> <p><i>Wanneer iemand deur vriendskapsverhoudinge of noue familiebande verbind is aan iemand wat by ‘n Appèl betrokke is, behoort hy nie aan die werk van ‘n ondersoekkommissie en/of enige</i></p>	<p>8.3.4 This is then also why the Appeal procedure of the Gereformeerde Kerken in Nederland (vrijgemaakt) states:</p> <p><i>There may not be any personal relationship between the deputies who act in a specific matter and the parties or one of the parties (translation of the translation of the Deputies for Appeal, General Synod). The Gereformeerde Gemeenten also state in their Handleiding en toelichting bij de kerkelijke rechtsgang:</i></p> <p><i>When someone is connected to someone involved in an Appeal by way of friendship or close family ties, he should not take part in the work of the investigating commission and/or any review of the assembly</i></p>

<p><i>behandeling deur die vergadering deel te neem nie</i> (vrye vertaling deur die Deputate vir Appèl, Algemene Sinode).</p> <p>8.3.5 In die lig van bogenoemde is dit duidelik dat in die situasie van hierdie Appèl, waar daar direkte ouer-kind-verhoudinge tussen lede van die Kerkraad van GK Waterkloofrand en die Deputate vir Appèl (Streeksinode Pretoria) bestaan, aanvaar moet word dat bedenkinge oor moontlike vooroordeel of die skyn van vooroordeel mag ontstaan het wat nie voldoende deur die betrokke Deputate of Streeksinode Pretoria verreken is nie.</p> <p>8.3.6 Hierdie Appèl (en die voorafgaande beswaar by die Deputate vir Appèl, Streeksinode Pretoria) dui reeds daarop dat daar bedenkinge oor moontlike vooroordeel of die skyn van vooroordeel was.</p> <p>8.4 <u>Bevinding deur Deputate</u></p> <p>8.4.1 Gedurende die hele Appèlproses het dit duidelik geword dat die integriteit van die Deputate vir Appèl van Streeksinode Pretoria geensins bevraagteken word nie, ook nie deur die appellante nie.</p> <p>8.4.2 Tog het die appellante genoegsaam bewys dat Streeksinode Pretoria se besluit rakende sy Appèldeputate se samestelling nie beantwoord het aan die vereiste vir objektiewe beoordeling sonder bedenkinge daarvoor nie.</p> <p>8.5 <u>Bevinding</u></p> <p>8.5.1 Appèlgrond 1 slaag.</p> <p><b>9. Finale bevinding<sup>8</sup></b> Die Appèl slaag op grond van Appèlgrond 1.</p> <p><b>10. Regsgevolge<sup>9</sup></b></p> <p>10.1 Die besluit van Streeksinode Pretoria 2022 (13.4) oor die betrokkenheid van ds BC Smit en dr GJ Meijer by die Deputate vir Appèl is ongeldig.</p> <p>10.2 Gevolglik is die verrigtinge van die Deputate vir Appèl (Streeksinode Pretoria 29 November 2022) en die uitkoms daarvan nietig.</p>	<p>(translation of the translation of the Deputies for Appeal, General Synod).</p> <p>8.3.5 In light of the above it is clear that in this case, where there is a direct parent-child relationship between members of the Church Council of GK Waterkloofrand and the Deputies for Appeal (Regional Synod Pretoria) it can be assumed that doubts over possible bias or the appearance of bias may arise that was not sufficiently taken into account by the relevant Deputies of Regional Synod Pretoria.</p> <p>8.3.6 This Appeal (and the preceding objection to the Deputies for Appeal, Regional Synod Pretoria) already indicates that doubts have arisen over possible bias or the appearance of bias.</p> <p>8.4 <u>Finding by Deputies</u></p> <p>8.4.1 It became clear over the course of the Appeal process as a whole that the integrity of the Deputies for Appeal of Regional Synod Pretoria has never been questioned, not by the appellants either.</p> <p>8.4.2 Yet the appellants have adequately shown that the decision of Regional Synod Pretoria over the constituting of its Deputies for Appeal did not meet the requirement for objective review without any doubts over bias.</p> <p>8.5 <u>Finding</u></p> <p>8.5.1 Appeal Ground 1 succeeds.</p> <p><b>9. Final finding<sup>19</sup></b> The Appeal succeeds based on Appeal Ground 1.</p> <p><b>10. Legal consequences<sup>20</sup></b></p> <p>10.1 The decision of Regional Synod Pretoria 2022 (13.4) over the involvement of Rev. BC Smit and Dr GJ Meijer with the Deputies for Appeal is invalid.</p> <p>10.2 Consequently, the actions of the Deputies for Appeal (Regional Synod Pretoria 29 November 2022) and its outcome are also invalid.</p>
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<sup>8</sup> Appèlprosedure: 7.6.6.

<sup>9</sup> Appèlprosedure: 7.6.7.

<sup>19</sup> Appeal procedure: 7.6.6.

<sup>20</sup> Appeal procedure: 7.6.7.



<p><b>11. Pastorale weg<sup>10</sup></b> Aangesien die appellante duidelik aangedui het dat die integriteit van die proses en nie die integriteit van persone bevraagteken is nie, is daar geen noodsaak om 'n pastorale pad aan te dui nie.</p> <p><b>12. Aanbeveling<sup>11</sup></b> Algemene Sinode 2023 keur die werkswyse van die Deputate vir Appèl goed.</p>	<p><b>11. Pastoral way<sup>21</sup></b> Since the appellants clearly indicated that it is the integrity of the process and not the integrity of the individuals that has been called into question, there is no need to suggest a pastoral way.</p> <p><b>12. Recommendation<sup>22</sup></b> General Synod 2023 should approve the methodology of the Deputies for Appeal.</p>
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<sup>10</sup> Appèlprosedure: 7.6.8.

<sup>11</sup> Appèlprosedure: 8.

<sup>21</sup> Appeal procedure: 7.6.8.

<sup>22</sup> Appeal procedure: 8.