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# Hofmeyr HERBSTEINS

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Our Ref: Mr C Prisman/jg/

Your Ref:

05 July 1997

**Mr Advocate F Malan**  
**The Truth and Reconciliation Commission**  
**Facsimile No.: 23-3280**

Dear Advocate Malan

**RE: MR PALAZOLLO**

We duly received your letter of the 1st instant, and we have forwarded a copy thereof to Mr Palazollo and are awaiting his instructions.

We feel sure that you will not mind if we say that the draft of the Statement prepared, although the gist in relation to my instructions is correct, some of the particulars and details are "compressed in time", or otherwise "garbled", but Mr Palazollo will outline the correct position.

Dealing with the circumstances of Advocate Lubowski's consultation with Mr Palazollo, the writer can record from his own knowledge:-

1. that Advocate Lubowski was prominent in the news as a Lawyer who represented and was a member of SWAPO and as such would know SWAPO'S attitude to the legal regime which would take over ultimately in South West Africa.

Cont/....

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2. that Mr Palazollo had property in South West Africa.
3. that there was a great deal of talk at the time of the possibility of confiscatory laws being applied in regard to absentee landowners.
4. that bearing in mind the attitude of the Italian Government that it would try any citizen of its for a crime done anywhere in the world, notwithstanding that that person had already been tried in another country and bearing in mind that Mr Palazollo was going to be persona non grata in Switzerland, and had been forced to leave South Africa, and bearing in mind that the Roman Dutch Law which then applied in South West Africa recognised the *ne bis* rule, the writer advised Mr Palazollo that opinion should be taken from Advocate Lubowski as to the projected legal system in South West Africa, and its following of the Roman Dutch Principles, and its proposed land laws.
5. that this view of the writer's was re-enforced by the fact by reports on the meeting which Advocate Lubowski had addressed in Cape Town regarding prospective investors in South West Africa.
6. that accordingly a consultation was arranged in Windhoek with Advocate Lubowski which was attended by Mr Palazollo's father-in-law and the writer where these issues were discussed.
7. that it was mooted that as Advocate Lubowski was in any event going abroad, he would be consulting directly with Mr Palazollo and Mr Palazollo's father-in-law.
8. that the writer's then firm of Attorneys fell out of the picture.

Anything else that the writer can add would only be "hearsay" and the details of Mr Lubowski's visit to the writer's client in Switzerland can be obtained directly from his client.

9. But one thing the writer wants to use this opportunity for placing on record to you his client's absolute denial that the payment of the R100 000,00 in June 1989, had anything to do with him (his client) at all, as all that was given to Advocate Lubowski according to the writer's client in Switzerland was some 5 000,00 Francs.
10. Our client has also asked us to emphasise that he has been investigated and re-investigated and that two of the people of stature in South Africa who can record the infamous lies circulating about our client and his innocence of the contents of those lies, are the Attorney-General of Gauteng and General Venner formerly of the South African Police and now of what we have been told, is the United Nations Authority in Africa. Furthermore, Major Fouche currently of the Office of the High Commissioner in the United Kingdom and about to be a Special Consultant at KPMG, can likewise record the disgraceful lies put about in circulation concerning our client.
11. The writer also wishes to record that our client made it clear that he has no knowledge of why or by whom Advocate Lubowski was murdered and denies that it had anything to do with the meeting between them.

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12. The rest of the details about that meeting will be the subject of the further letter which presumably we will get instructions to address to you on behalf of our client.

Yours sincerely  
HOFMEYR HERBSTEINS INC

  
CYRIL PRISMAN

