

TRUTH AND RECONCILIATION COMMISSION

SPECIAL HEARING

IN CAMERA

HELDERBERG FLIGHT

DATE: 1 JUNE 1998

HELD AT: CAPE TOWN

DAY 1

CHAIRPERSON: Ladies and gentlemen, this is a section 29 inquiry, it is a investigative inquiry held in camera in terms of section 29 of the Promotion of National Unity and Reconciliation Act.

It's an information gathering exercise, and for that reason only people who have been invited to come and give evidence and/or their legal representatives and members of the staff of the Commission, which includes translators and engineers, need and are permitted to be in attendance.

All evidence that has been given in an inquiry of this nature is confidential until the commission, subject to notice to affected parties, decides to release the evidence into the public domain, but for the moment such evidence remains confidential.

Now, Ms Terreblanche, I do not know how you propose to deal with the presenting of evidence. I would assume that you are going to call Dr Klatzow in his capacity as a forensics expert

and consultant, and you will guide him. I only want us to be certain as to whether we are going to run the two inquiries as if it was one inquiry, or whether we propose to separate the Helderberg inquiry, take all the evidence relevant thereto, then going to the Machel inquiry?

MS TERREBLANCHE: Unfortunately that was not possible due to logistics constraints. Unfortunately today we will have to have our expert opinion from Dr Klatzow and from Deborah Patta in terms of the Machel inquiry. Tomorrow we'll deal only with the Helderberg and on Thursday we will first deal with the Helderberg and then go into the Machel, which we will then conclude on Thursday.

CHAIRPERSON: Now in terms of the record, how is the record going to show?

MS TERREBLANCHE: Can we separate it in any possible way?

CHAIRPERSON: Well, maybe the people who are dealing with the translation. I think we should have separate records, because it's separate incidents, but we can take evidence in any sort of form. Maybe that is something that we'll have to canvass with the engineers. It should be clear, it should be possible that when we deal with one inquiry, we deal with it, and then if we have to take a witness who will deal with an inquiry other than the one for which evidence has been taken, then the records will have to

show that we are dealing with somebody else other than which we have.

MS TERREBLANCHE: Yes, I assume it will be all right if we just state in the beginning of a new witness which inquiry this relates to. The only problem would be the lawyer Van Rensburg, who would be here on Wednesday, who will be testifying in both cases.

CHAIRPERSON: Ja, well by then, when he testifies, we can deal with one matter and then the other.

MS TERREBLANCHE: Right.

CHAIRPERSON: In that event, we will be guided by you as to who is testifying on what. For the moment I believe you will be calling Dr Klatzow, and Dr Klatzow, welcome, and I am familiar with the circumstances of your being here and we are very indebted to you for having taken the time to be with us.

These are matters in relation to which we have had enormous inquiries, especially from the friends of the victims of Helderberg, and it has been a persistent plea from them that the TRC must do something in relation to these matters.

It has not been an easy decision to have to take evidence even in this limited form, because of time and capacity constraints that have been placed on the TRC, but we are extremely grateful to you for having afforded the opportunity to come.

Now, as is customary, we usually take evidence under oath, because that is the obligation, and I will therefore ask Commissioner Glenda Wildschut, who is sitting to my left, to swear you in. Commissioner Wildschut?

DAVID JOSEPH KLATZOW: (sworn states)

CHAIRPERSON: Thank you very much Commissioner Wildschut.

Just for the record, the panel consists of myself, I'm Dumisa Ntsebeza, head of the investigative unit, and a commissioner in the Human Rights Violations Committee. To my left, as I've indicated is Commissioner Glenda Wildschut, a commissioner and a member of the Rehabilitation and Reparations Committee. To my right is Mr Wilson Magadla, who is in the Operational Directorate of the Investigative Unit, he's head of Special Investigations. And on ~~our extreme right~~, and it has nothing to do with her politics, is Christelle Terreblanche, and the name also should not associate her with her being on the right, far right, who is an investigator and has been collecting evidence in this matter. Thank you. Christelle?

MS TERREBLANCHE: Dr Klatzow, thank you for coming.

You have both been asked to be a consultant on this matter, due ~~to your expertise. We've also invited you to start off the~~

proceedings by giving evidence and answering questions relative to the investigation in terms of to provide the commission with an expert analysis of the Margo Inquiry and the preceding Directorate of Civil Aviation Investigation into the 1987 HELDERBERG HEARING

TRC/WESTERN CAPE

Helderberg disaster. Also to explain your opinion on the nature of the substance on board the plane, how it came to be there and how it ignited, as well as to make recommendations on the most suitable way to find the true cause of the crash.

I don't know how you want to proceed, whether you want to make your representation and then afterwards we will ask you questions of clarification. Would that be in order?

DR KLATZOW: Yes. I would firstly like to say thank you very much for this opportunity to address you, Mr Commissioner, and I would like to suggest that I make the submission as a broad, overall picture, to give you an insight into the evidence, such as it was and such as it was led at the Press Council Hearing and at the Margo Inquiry. I would then like to indicate to you why it is that I have grave misgivings about the Margo Inquiry, and I would like to point out to you areas which were either totally ignored or deliberately glossed over, or in some instances where the wrong conclusions entirely were drawn by the commission of the time.

The way in which I would like, with your permission, to present the evidence, is to do so by means of a flip chart, which is ~~in front of me, and Mr Commissioner, with your permission, I~~ would like to stand in front of the desk and address yourselves.

CHAIRPERSON: Very well, Mr Klatzow.

DR KLATZOW: The story starts in November 1988, when an aircraft, the Helderberg, belonging to the South African Airways, took off from Chan Kai Shek airport in Taipei, ostensibly bound for Mauritius, with a cargo of passengers and goods.

The aircraft was a 747 manufactured by Boeing, and it was in a configuration known as the kombi design. What this means is that somewhere on the main deck of the aircraft, the deck normally inhabited by passengers, a partition was placed and cargo was carried on that main deck, as opposed to being carried in the hold. The consequences of carrying the cargo on the main deck were unfortunate and have led, both prior to the accident and subsequent to the accident, in a revision of the policy of carrying cargo and passengers on the main deck, for reasons that will become apparent as my narrative unfolds.

The aircraft took off an hour or more late from Taipei, for reasons that have never been fully satisfactorily canvassed or understood.

The take-off was uneventful, we are led to believe, and, as is normal with aircraft flights, the aircraft would have entered into a climbing phase of its journey and there-after it would have levelled out in normal cruise and it would have passed through various flight information zones on its way to the next touchdown, which would have been Plaisance Airport in Mauritius.

Now I would like to divert from the main course to explain to you how the air communications aboard South African aircraft work. There are the normal radio communications between aircraft and between stations which are within easy radio distance, a few hundred to a few thousand kilometres, but carried aboard every aircraft in the South African overseas fleet is a means of communicating between the pilot and the cockpit crew and a station at Johannesburg International Airport as it was then known, Jan Smuts Airport, called ZUR, now if you could write down the initial ZUR, it is the call sign of that radio station at Johannesburg Airport. That radio station is manned 24 hours a day with a number of shifts and was equipped with a tape recorder which was of unique design.

Each tape recording occupied approximately 24 to 26 hours, and as the tape recording neared the end of its session, the next tape would automatically come into play and there would be a period, a short period, of overlap between the two tapes, so that nothing was lost. The coming into play of the second tape would be heralded by a warning signal and the staff would be able to change the previous tape over so that it was always in readiness should there be something untoward that happened.

As each tape was completed, and these are not cassette tapes, these are large tapes which cannot be played on just any old tape recorder, but they are large tapes which come in a box

and on the box is an information card detailing the nature of the material on that tape. As each tape is finished and recorded, it is taken and stored in a locked cabinet and there are somewhere between 30 and 33 or 34 of these tapes, so that at any one time there is 30 days of taped conversations with the air crew of the South African Airways overseas fleet on record.

CHAIRPERSON: So does this relate only to overseas trips?

DR KLATZOW: I thin it relates only to overseas tapes, because there are other means of communication internally where you would not have to use ZUR, but there is no reason why an aircraft fitted with the necessary radio equipment on an internal flight could not use the ZUR tape, but it is primarily to keep track of the overseas fleet.

Now let me examine, also as part of the diversion, the functions of ZUR. There is no doubt that to run an operation such as this is expensive, both in terms of money and in terms of personnel, and there is no doubt that the degree of security and the extent to which the tapes are carefully guarded, renders it an important operation, and particularly so should anything untoward happen aboard any aircraft.

~~There are set operating principles and guidelines which are~~
contained in the operators manual and which every operator is expected to familiarise himself with prior to working at ZUR, and those standing instructions involve inter alia the frequencies at

which calls are expected to be made and the procedure should calls not be made on time to be followed by the staff at ZUR.

I will deal in detail later on in my presentation with the attitude of South African Airways and of various pilots and other staff members to the radio station at ZUR, but suffice it to say this is an important station. The care in its setting up and the time and financial trouble to maintain it bespeak of an important function, and that function is not difficult to find.

If it were so that an aircraft should experience trouble or should experience some life-threatening emergency, it is important that the home base should know about these emergencies. It's of little use to the passengers and crew aboard an aircraft which has had some accident to know that the first steps towards the resolution of the accident will be taken only once the plane becomes late, either at its next way-point or late in arriving at its home town.

There is no doubt that ZUR's function is considerably more than that which has been alluded to and suggested and told to me by the radio staff and by the staff of SAA, who have consistently, in the period of time that I've investigated this case, tried to suggest to me that Radio ZUR fulfilled no other function than for the pilot to notify the home base to have a wheelchair ready or at there was no water aboard the aircraft or that they'd run out of face towels or the like.

I will revert to the Radio ZUR tape in due course, but let us get back to the main thrust of my presentation to you.

MS TERREBLANCHE: Just a quick question, you mention frequency, are you talking about radio frequency... (intervention).

DR KLATZOW: No.

MS TERREBLANCHE: ...or the number of times... (intervention).

DR KLATZOW: I'm talking about the number of times. The frequencies which ZUR operated were well-known and were operated on by these people and they were frequencies which were assigned to the radio station and to the aircraft concerned.

Incidentally, there was also a facility aboard the aircraft called sel-call, which is short for selective call, which is rather like a radio paging system whereby the parties at Johannesburg Airport could, by dialling in a code, contact a particular aircraft and draw its attention to the fact that they wished to make a communication with it. Sel-call, at the Johannesburg Airport at the time, was not functioning, but there were ways of by-passing this, either by means of making use of another airline's selective call apparatus, or by making other efforts to raise the aircraft, all of which procedures were enshrined in the operators manual.

MS TERREBLANCHE: Dr Klatzow, just one clarification, I have been told by some people I've interviewed that there is no

international law obligation for SAA to have had such a radio tower. Can you (inaudible)?

DR KLATZOW: Yes, there is no radio, there is no obligation, but the fact is that SAA had such a radio, and it was clearly important in function, important enough, to have it manned 24 hours a day with a 24 hour tape recording, which is not the sort of thing that you would use for purely administrative functions aboard the aircraft, such as having a wheelchair ready for disabled passengers on landing.

Now, the Helderberg took off, we know, from Taipei, and we know that it proceeded, according to the Margo Inquiry, on its merry way until shortly before the top of descent into Mauritius... (intervention).

CHAIRPERSON: How long ordinarily would that journey have taken?

DR KLATZOW: That journey to Mauritius would have taken about eight or nine hours. The aircraft took off from Taipei, as I said, about an hour and some minutes late, and it took off at 14:23, if my memory serves me correctly, from Chan Kai Shek Airport in Taipei, and you must bear in mind all along that there ~~is a six hour difference approximately between the time which we~~ are dealing with here and the time on the ground in Taipei, so whatever the time in Taipei was, it was six hours later here.

Now, just after two o'clock in Taipei would make it just after seven o'clock in South Africa, which was just about the time that the shift changed at ZUR and just about the time that the tapes were changed, that the new tape came into operation and the old tape was put in the filing cabinet.

Now what is very interesting is that there is another tape recording which is of crucial importance, and that tape recording is the cockpit voice recorder, which I shall refer to as the CVR.

The cockpit voice recorder is a wire recorder, instead of using the plastic magnetic tapes today, these recorders in aircraft are usually wire recorders, and this one was located in the rear of the aircraft and recorded continuously the last half hour of conversation in the cockpit.

That cockpit voice recorder was recovered from the depths of the ocean and was transcribed at great expense, and an official version of the CVR, which is almost 30 minutes long, exists and was available to the Margo Inquiry at the time. It records a conversation in the cockpit along the normal lines of what men will normally talk about during period of long inactivity and often substantial boredom, and it comes as no surprise to learn that the

~~first 20 odd minutes of the tape were involved in discussing inter~~
alia women. Nothing surprising and nothing at all particularly upsetting to anybody, even close family members, who might have chosen to listen to that tape. There was no embarrassing

component, there was no obscene component, there was idle chit-chat about an attractive woman, and what is more important, there was the discussion on the cockpit voice recorder which is in the official version of a dinner being served in the cockpit.

Now, the cockpit voice recorder takes its input from the cockpit and that input runs along the crown of the aircraft, in the roof, to the back of the aircraft, along the power supply, and that power supply enables the tape recorder to function. We know that the tape recorder stopped functioning because a fire burnt through the cable supplying it and cut off both the input from the cockpit... (intervention).

CHAIRPERSON: If I can interrupt you just a little?

TAPE GOES DEAD FOR A PERIOD

CHAIRPERSON: Thank you, Dr Klatzow.

DR KLATZOW: Right. As I was saying, the cockpit voice recorder records the last half hour of conversation and included in that half hour of conversation was discussion of a dinner, I'll allude further to that after I've told you this, the cockpit voice recorder stopped functioning because of the effects of a fire.

Now it comes as no surprise to know that the normal way in which a flight operates is as follows: after take-off and after the cruising altitude has been attained, it is invariable on overseas flights that a bar service, followed by a hot meal, is then served to the passengers. That bar service, on a 747, could take

anything between half to three-quarters of an hour, and the subsequent serving of dinner could take about the same amount of time. Depending on the amount of administrative work in the cockpit, the crew, once they had settled down to the flight, would be served a meal from the first class lounge and would enjoy that meal. There are several aspects which lead me to believe, and incidentally not alone, that a meal was being served.

The first is that Captain Uys refers to something and says, "I should rather not try that, because I'm going to have troubles afterwards". This probably refers to a seafood meal and probably refers to the fact that Captain Uys, who was the captain of the Helderberg, was allergic to seafood and it caused him to have intense problems with his skin as a result of a medical condition.

The second comment made in the cockpit, shortly before the fire bell goes off, is the normal disparaging comments that people make about an official meal. Somebody says they're hungry and they wish they were about to get dinner. Somebody else looks at what has been served out and refers to it as the same old junk food, and comments of that nature.

~~Now the importance of that is that, if the tape recorder~~
stopped functioning, and if the tape recorder stopped functioning as a result of a fire, that fire must have been within a half an

hour, or the meal must have occurred within the half hour of the tape recorded conversation.

I have never been on a flight, nor do I know of any flight where a meal is served immediately prior to descent into the port of call, so it would be extremely unlikely that the meal being referred to on the cockpit voice recorder was being served at the top of descent into Mauritius, and so inadvertently at that point, because we are led to believe that the fire occurred just outside Mauritius and therefore inadvertently the meal occurred just before the fire bell sounded outside Mauritius, in my view that is extremely unlikely.

The unlikeliness of this being the case is given further impetus and support by the attitude of both South African Airways and the staff with whom I have spoken, as well as the attitude evinced by Mr Justice Margo at the original inquiry.

If I could read to you the exact transcript of Margo at the original inquiry, you will see what it is that I am referring to, so if you will bear with me - do you have a copy of the original inquiry?

MS TERREBLANCHE: I have a copy. We can make it available.

DR KLATZOW: If you turn to page 55 of the original Margo report, the following interchange between the chairman, a pilot by the name of Tony Viljoen and the prosecutor leading the

evidence, one Mr Southwood who is now a judge of the supreme court, takes place:-

"Mr Chairman..."

says Mr Southwood:-

"...I have been informed that Captain Van Heerden (sic) of the South African Pilots Association is present. He omitted to announce his presence and would like the opportunity to do so.

CAPTAIN VILJOEN: Thank you, Mr Chairman, I am Tony Viljoen and I represent the International Federation of Airline Pilots Association, known as IFAPA.

CHAIRMAN: We are about to hear an excerpt from the CVR tape, not from the tape itself, but from a transcript. Have you any submissions to make about that tape?

CAPTAIN VILJOEN: Sir, the reading of the tape into the record we do not object to.

CHAIRMAN: The whole of the tape?

CAPTAIN VILJOEN: As far as pertinent ~~conversation between the pilot and the air traffic~~ control, as far as it applies to the full accident investigation, we have no objection at this stage.

CHAIRMAN: Well what are you objecting to?

CAPTAIN VILJOEN: Nothing at all, not at this point.

CHAIRMAN: Well, can the whole of the cockpit voice recorder be played in open court, because you're objecting to nothing?

CAPTAIN VILJOEN: Sir, I would agree to that.

MARGO: I do not want to encourage you into an objection which you do not want to make, but we will notice that you will take the point that confidential portions of the conversation should not be played in public."

Now, with the greatest of respect, that is bizarre. There is nothing on the first part of the tape to give offence to anybody, there is no objection from IFAPA, and yet Margo goes out of his way to make certain that the first 28 minutes of the tape are not played to the commission, and I would respectfully submit to you that the reason is quite clear, on that first 28 minutes is the discussion of dinner. Once you accept that the discussion of dinner is on the tape, you must ask yourself the following questions: it becomes trite logic that that tape recording was ~~made shortly after take-off and not before the descent into~~ Mauritius. Now why is that important? Airline pilots who reach the standard of flying 747's around the world do so because they have been trained to an extraordinarily high level. I use the

word "trained" advisedly. You train an animal, a human, to behave in a certain way without thinking, you train troops to obey without question, and the airline pilots are not experimental people, they don't try out new things in the air, they follow tried and tested means of dealing with everything. So that if there was a fire or an emergency or a blocked toilet, there is a way of dealing with it, which has been dealt with before, and that way is to take open or to find out what the cockpit operating manual says and to follow those instructions implicitly, and the cockpit instructions for a fire are quite - if there is a fire on board, you are expected as a pilot to make every effort to put it out. Having put out the fire, you are expected to land immediately at the nearest suitable airfield. And the reasons are not hard to fathom. A fire may have done considerable damage structurally to the aircraft, and that aircraft may not be fit to fly on, and therefore your primary duty to the aircraft, to its carriers and to the passengers, is to get to a point of safety as fast as possible after a fire.

If the fire occurred outside Taipei, as was strongly suggested by the cockpit voice recorder, then we must ask why it ~~is that Captain Dawie Uys did not land that aircraft as quickly as~~ he could after he'd got the fire out, presuming of course that he got the fire out?

It is likely that they dealt with the fire, because it is extremely unlikely that an aircraft flew for seven hours with an active fire aboard, only to be destroyed outside Mauritius.

It is also extremely likely that, having dealt with the fire, Uys would have notified the parties who knew about these things at ZUR. It is very likely that he would have told them that he had a fire. It is very likely that he would have explained to them that he was taking the aircraft down to see that there was no structural damage, or damage to the controls of the aircraft. And yet he didn't do that, he flew on.

Now, why is it that a pilot of Captain Uys' experience would have flown on after a fire? And I have now accepted that a fire did occur within two to two and a half hours of Taipei. The answer to my question lies in South African Airways' position in the world in 1988, and in South African Airways' position at the time. It is not difficult to remember back that in 1988 we were deep into the reign of P W Botha and that South Africa had never made it past the Rubicon and that we were still the pariahs of the world. South African Airways had limited rights to fly the inter-national airways and we as a nation were justifiably despised throughout the civilised world. If Uys had landed his aircraft, the only suitable airfields on that leg of the flight would have belonged to nations who were politically hostile to South Africa at the time, and if Uys had landed an intact aircraft at Bombay or

anyone of a number of airfields, the first thing that would have happened was that a ground engineer would have examined that aircraft and an investigation into the nature of the fire and the contents of the hold would have been top priority. If Uys didn't land, despite the regulations requesting him to land, and despite the dire need to land, there must have been overwhelmingly important considerations, and possibly even instructions when prevented this from happening. We know that that would have been typically something which would have been discussed on ZUR, and yet the tape of that day, after the take-off, the new tape, has inexplicably gone missing. The tape of the next day was there, the tape of the take-off was there, and only the tape of that crucial period in between those two tapes has gone missing.

Now, let us look what Margo did to investigate that, and the answer is a stunning nothing. He mentions that he would like to ask questions of somebody who could allow this to happen, he never does. He truncates the cross-examination of Mr Vernon Nadel, who was the man operating that tape, just as the cross-examination was starting to bear fruit, and most inexplicable of all, the very next witness, Captain Jimmy...

TAPE TURNS OVER - WORDS LOST.

...is that so important, and if you put a reference mark there, I will revert to it in due course.

Margo's finding at the end of the Margo Inquiry was that the tape had inexplicably been misplaced or it had been overtaped. With great respect, this doesn't bear even the most casual scrutiny. If the tape had been overtaped, it would have been a matter of great simplicity for an official of South African Airways to bring the overtaped physical evidence of the tape to Margo and say to him, "Judge, there is the tape, for some reason it got out of sequence and we overtaped it". That was never done. So we must presume that that is not what happened to the tape.

If the tape went missing, it was a matter commonly explored by lawyers in the adversarial system of our courts to cross-examine all the parties involved with the custody of that tape and to retrace the steps of that path of that tape towards its eventual disappearance. That was never done. And the fact that Jimmy Deale was never questioned is inexplicable in the light of a conversation that I had with him during the inquest or the press council hearing into the Star newspaper which was conducted after a complaint by Armscor into certain newspaper articles which appeared in the popular press. My role in that investigation was to investigate as much as possible about the Helderberg and during that investigation, late one evening I tracked Jimmy Deale down to his home in Durban, I phoned him up and I tape recorded the subsequent conversation, which went

along the lines of, "Captain Deale, my name is Dr Klatzow, I'm investigating the Helderberg, I know you signed out the tape and the log book from ZUR that night, what did you do with it?", and his answer, after some prevarication, was that he had signed it out and that he had handed it to none other than Captain Mickey Mitchell, who was in the presence of the chief executive officer of the airline, one Gert van der Veer, and the legal representatives of the airline, one Advocate Malherbe. I phoned Captain Mickey Mitchell, who was in charge of ZUR that night, and again, amidst stunning prevarication, he finally agreed that he had received the tape and that he would have passed it on to somebody senior. Now why was that never explored by Judge Margo?

CHAIRPERSON: Now was this Mr Mitchell of recent origin?

DR KLATZOW: Sorry?

CHAIRPERSON: Was this engagement with Mr Mitchell, where you were coaxing him to, you know, to come out with what had happened to the tape, was this fairly recently?

DR KLATZOW: Four years ago.

CHAIRPERSON: Oh, four years ago. But even then he had eventually gone off to say the tape was there?

DR KLATZOW: Yes. Oh, there's no doubt that the tape was there that night, the tape was removed from ZUR that night by the pilots and it was given into the hands of senior SAA officials.

If one looks at the DCA, that's the Department of Civil Aviation, their duty is clear, their mandate is to impound immediately all tapes, documentation, records, anything of importance to an aircraft accident.

DCA was in charge, was under the control, at the time, of Mr Rennie van Zyl. Mr Rennie van Zyl informed me then, and again more recently, that he had spoken to a pilot by the name of Du Toit, and that Du Toit had assured him that there was nothing untoward on the missing tape. This assurance had allayed Rennie van Zyl's fears, and he sent Roy Downs, some three or four weeks later, to impound this tape, after rumours already, at that stage, had surfaced that there was more to the missing tape than met the eye. Now, Captain Du Toit should be asked how come it was that he got to listen to the tape and what his knowledge of the tape was.

Let me turn to another factor which suggests that something untoward had happened earlier on in the evening of that fateful night. The previous member manning ZUR was a man also coincidentally by the name of Du Toit, he was due to sign off at some time after six, possibly even seven o'clock, on that evening, South African time, and yet at the Margo Inquiry he confirms under oath that he signed off at eight o'clock the next morning, the Saturday morning, this was a Friday night. If nothing had happened aboard the Helderberg until just before

midnight our time, Du Toit would have been long gone after his shift from Radio ZUR and would have been at home, and there is no evidence of him having been recalled. The fact that Du Toit is still at ZUR by eight o'clock the next morning, having worked a double shift, suggests that at the termination of his shift something already was afoot to require his further presence at ZUR. It is inexplicable and the interpretation which I have put on it is undeniably correct on a high level of probability.

The man in charge of ZUR that night was a man called Vernon Nadel, N A D E L. Vernon Nadel was a lowly radio operator working in the bottom echelons of South African Airways. Today, and for the last 9½ years, Vernon Nadel has been a manager of the SAA facility at Miami. He enjoyed a meteoric rise in fame and fortune within the airline in less than the time it takes to say Helderberg. His meteoric rise has never been satisfactorily answered, and when Nadel has, with great difficulty, been tracked down by either myself or members of the press, his answers have been evasive and strange, to say the least.

He was tracked down by an investigator who worked for the SABC at the time, and he referred to a third man, Mr X, in the studios of ZUR that night. ~~Why play cat and mouse if there's~~ nothing to hide? The only thing worth hiding is nothing, and Nadel clearly was at pains to be uncooperative and to be evasive.

Let me get back to the missing tape and to the CVR recording, because they come together in another group of people's endeavours to find out what happened to the Helderberg.

These people were the Flight Engineers Association, under the chairmanship of - I think they're under the chairmanship of Ray Scott, but I may be incorrect about that, but Ray Scott was certainly a member of that committee, as was a man called Judge Bedaar and another man called Jimmy Mouton. The Flight Engineers Association put together a report, in which they respectfully differed from the then current interpretation of the CVR, placing the fire close to Taipei for a number of reasons, not least of which were those that I've already outlined to you, but they expanded on these reasons by doing a detailed analysis of the events as they unfolded in the cockpit and they came to the conclusion that there simply wasn't enough time on the official record to do all the things that had been done, and therefore those things had been done earlier.

It was a report put together with honesty and with conviction and its acceptance by the Margo Commission should have been a formality. They were hindered by Margo from entering that report, ~~having been told that it was too late for the~~ official entry, despite the fact that it was within 48 hours of the deadline, on the right side of the deadline.

Jimmy Mouton was summoned to Margo's chambers, together with Judge Bedaar and Ray Scott, and were told, quote "to drop your line of inquiry. The country cannot afford for you to investigate this. It will cost the country 400 million rand and that for your career and safety's sake, drop it", end quote.

CHAIRPERSON: Now, was this by Margo, according to reports, or in his presence?

DR KLATZOW: The clarification of this I'm not certain of. According to Ray Scott, Margo was present, according - and there was more than one occasion on which this occurred - according to Mouton, Margo left the room in his chambers, but members of DCA and the legal representatives of SAA were present, and it is no coincidence that the reference to 400 million rand was about the price, with a little bit of small change, that a new 747 would have cost should Lloyds have declined to pay. The references to "the country cannot afford it" is capable of sinister interpretation, and it appears that a comment was also made in the same context that their investigation would be playing into the hands of the ANC, a strange comment.

Ray Scott met with me, after great difficulty, about four years ago, and my contemporaneous note of the time reads as follows:-

"He would not meet with me at my house or at his house, and after a tortuous event, reminiscent more

of things that you read in the Forsythe novels, he finally met me at the Boulders Restaurant in Midrand on the 11th of the 4th, 1995."

And my note reads as follows, and I quote from the contemporaneous note:-

"Peter de Beer was the chairman of the Engineers Association. His family is in London. He flies now for Phoenix Air. He and Moutons and Judge Bedaar and Ray Scott were called in to Margo's chambers, told to drop their inquiry, could cost the country 400 million rand, they were causing tension, they were told they did not have the expertise..."

strange to say that to people who fly as a living in the cockpit:-

"...and that national security was at risk. Present were Mickey Mitchell, Margo, the airline lawyers and he thinks the DCA was there. Peter de Beer's family were threatened and Margo said to Ray Scott, quote "the safety of your future and family are at risk", end quote."

Now, if the flight engineers' interpretation was that of ~~simple, ignorant, misguided do-gooders, the simplest thing for~~ Margo to have done would have been allowed them to present this misguided report and allow it to be shredded on cross-examination. He chose not to do that, and chose, improperly in

my view, to follow a course of threats and intimidation, and the reason, I would submit to you, is clear, that he realised that the South African Airways had been carrying contraband material in the form of military ordinance, and that that this lay at the heart of the explanation of the loss of the Helderberg.

Let me examine, as an aside, very briefly, the fortune of a gentleman called Mr Thinus Jakobs. Thinus Jakobs occupied a fairly lowly position in the freight - in South African Airways - and he was the freight manager at Taipei. He was the man who loaded the cargo aboard the Helderberg and he was the man who closed the door on Captain Dawie Uys that night, the last person on earth to see Uys alive. He too has been part of an economic miracle. He runs today, and has done since shortly after the crash, a thriving company called Crown Travel, extensively patronised by SAA, in well-appointed offices at Brummer Lake, and boasting an annual turnover of some millions of rands. It is not impossible that Mr Jakobs, by dint of hard work and extraordinary skill, could establish and prosper in the way that he has, but it is strange too that he is one of the people who has made a quantum leap in fortune, coinciding with the loss of the Helderberg.

Persistent rumours of Uys's unhappiness with the cargo on this and other occasions have been around since the aircraft was

lost. I'm aware that the attorney-general has information which supports part of that statement that I've made to you.

Mrs Uys was never called to the Margo Inquiry, she was never questioned, despite the fact that these rumours had gained currency well before Margo chaired that inquiry.

CHAIRPERSON: I missed that, what were the rumours, the persistent rumours?

DR KLATZOW: That Captain Uys had expressed dissatisfaction... (intervention).

CHAIRPERSON: Oh yes.

DR KLATZOW: ...about the sort of cargo that he was asked to carry.

CHAIRPERSON: And had actually refused to want to carry it.

DR KLATZOW: Those were the rumours. And the rumours were that he had been coerced into flying this fatal flight.

We know that a close relationship existed between South African Airways and Armscor, in that they were both parastatals, they were both deeply involved in fighting the holy war against the ungodly, by virtue of the type of personnel which were involved.

~~We know that South African Airways was involved in~~
sanctions busting, and that they did not stoop to involve themselves, or rather they did not hesitate to involve themselves in assisting Armscor wherever and whenever was possible.

We know of a number of incidents, and before I tell you of these incidents, let me tell you that my research into this over the last five or six years has come across a common factor: everybody involved centrally, peripherally or even on the extreme margins, has been frightened to death. There is no doubt in my mind that acts of intimidation have been applied to these people to inhibit them from coming forward, and if SAA should ever make a submission to you that it is unlikely that an organisation as large as SAA could be so watertight for so long, I want to remind you, Mr Commissioner, that we had a bunch of institutionalised, organised, efficient and ruthless scoundrels called the South African Police Force, who raped, robbed and murdered their way around this country for 25 years without anybody breaking ranks, so I don't accept that the enormity of the crimes that I'm talking about would necessarily have reached the surface, but every single person to whom I've spoken has been a terrified individual.

Now the incidents to which I'm referring to, are several, but write down the name of Captain Flippie Looch, L O O C H. The conversation I had with him is not without its moment of wry drama and amusement, ~~because I asked him to comment on the~~ following: it was alleged that Captain Flippie Looch had parked his 747 on the apron at Ben Gurion Airport in Israel, and that labourers loading cargo had dropped an item of cargo and out

rolled rockets. Now rockets normally shouldn't be carried on board civilian aircraft, and I asked Captain Looch to comment, having first spoken to John Hare, the deputy chief executive officer of South African Airways, and Hare was kind of non-committal and Looch was adamant in his refusal to talk to me, until I said to him, "Mr Looch, but I've spoken to SAA and they said that these were in fact not rockets, but they were drop tanks for mirages and that you didn't know the difference", and his childish ego was stung into reply, "But of course I knew the difference, I called my co-pilot and I said, 'Look at these'", I said, "Thank you Captain Looch", and I wrote it in my report. That happened to Deon Storm, a pilot in the same position and at the same airport. If they were Mirage drop tanks, the pilots would have known, if they were not contraband and dangerous, SAA would have said, "But they were empty rocket shells, what is the harm of carrying them?" They never did.

We also know, and I name another name you should bear in mind, is the name of Bingo Kruger. Bingo Kruger has a shady past. He worked inter alia for Armscor in the development of South Africa's much vaunted nuclear project. Bingo Kruger has ~~confirmed to me that SAA would not hesitate to transport goods~~ if they deemed it in the national interest, despite the fact that it would not comply with IATA regulations.

Now, let's get back to the Margo report. My involvement in the Margo report started shortly after the loss of the aircraft, in that I was appointed by the attorneys acting for the Boeing Aircraft Company to investigate an aspect which I didn't fully understand the reasons for at the time. That aspect was the levels of carbon monoxide in the recovered bodies. And having done the work, I then started to follow the inquiry a little more closely, and the one thing that was certain is that there were three or four parties who participated in that inquiry, each of whom had their own agenda.

There was Boeing. Boeing's agenda was simply this, they were there to forestall and ward off any criticism of their aircraft.

They weren't interested in anything else, all they wanted was to make certain that no criticism of the 747 came unchallenged in the way of Boeing.

There was the Airline Pilots Association who were represented there. They had one aim in mind, and that was to forestall any criticism of their members, and I'm going to come back to that, because it's important.

There was SAA, who was there to forestall any possible criticism of SAA, and nobody in particular was actually trying to find out what happened.

If you read the full transcript of the Margo report, you will see that a vast amount of time and trouble was spent on utterly

irrelevant things. It was irrelevant to that inquiry as to whether the aircraft broke up in mid-air or on impact. The fact is that the loss of that aircraft was causally and directly linked to a fire on board, and that fire, we know, worldwide experience has shown that that is invariably, a fire on board an aircraft like that, in the position in which it occurred, relates to some material which should not have been aboard that aircraft, because the things which you are normally allowed to carry on an aircraft don't catch fire, and I'll get back to the cargo manifest and discuss that a little later, but the real issue is that an inordinate amount of time was spent debating whether the engines were turning. Experts from the Pratt and Whitney(?) plant were called and cross-examined and testified as to whether those fans were under power when they hit the water. With respect, Mr Commissioner, it's irrelevant. What is relevant is what was aboard that aircraft and how did it come to be there, to catch fire?

Now let's look at that point. Fire investigators in the world today are, if they came under the attention of the Wild Life Association, we would be considered as a group to be a ~~threatened species, because there are very few. You can number~~ the number of fire investigators in Great Britain on the fingers of a mutilated hand. I'm talking about the good ones. In the world today there exist very few firms of reputable fire investigators,

but pre-eminent amongst those is a firm called Dr J H Burgoyne and Partners.

Now Dr Burgoyne was an academic in the United Kingdom about 35 years ago and he realised that there was a need for fire investigation and he formed a firm of fire investigators, which persists to this day, who, in my opinion, are the best in the world.

They are conservative, they are competent, they are intelligent and they're informed, and they're extremely good.

The man in that firm who specialised in aircraft accidents and aircraft fires was a man by the name of Mr Southead, S O U T H E A R D. Mr Southead was called to testify. He was properly sworn in before Margo and he was properly cross-examined and his evidence stood the test of that, it was not dented or diminished in any way, and he came to the conclusion that the fire aboard the Helderberg was not an ordinary diffusion flame fire.

Now I'm sure that the commission, or I would think that the commission is not quite up to speed on the difference between an accelerated fire and a diffusion flame fire, and if you indicate to me, I would explain the difference to you.

~~CHAIRPERSON: Please do.~~

DR KLATZOW: Does anybody have a cigarette lighter here?

CHAIRPERSON: Christelle would obviously have.

DR KLATZOW: We have a smoking member of the commission.

I'm going to suggest that I approach the commission, show you, and repeat it onto the tape when I get back.

When I light a flame, the gas inside there has to come out, oxygen from there has to diffuse in and you have a flame. The heat output of that flame is limited by the speed at which oxygen can diffuse from the air into the active part of the flame. Now that's called diffusion. If you have a fire involving packaging material, wood, (indistinct - moved away from mike), plastic, you get a diffusion flame, and it is rare that the temperature gets higher than just under 1 000°C. The temperatures on board the Helderberg exceeded that by far, and the reason is that it wasn't a diffusion flame, and that is the crucial conclusion that was drawn by Southeard. The small geometry and the high heat output told him it was not a diffusion flame, and it had to be a promoted fire, and the thing is, they carry their own oxygen, they don't need oxygen (indistinct).

Now, the person called by Margo to deal with fires, and he was the only proper fire expert who was sworn in and cross-examined by the commission, was Mr Southeard. His conclusion

~~was that the fire aboard the Helderberg was not a diffusion type~~
fire and it was caused by a contraband substance or an illicit cargo, which was a promoted fire, that is to say it carried its own oxygen with it and did not require the presence of atmospheric

oxygen to enable it to burn. He was undented in cross-examination and his evidence was unblemished.

In answer to this, Margo elicited a few comments from a Mr Hill, who was never sworn in and never properly cross-examined and never gave his testimony under oath, and Margo ignored the crucial element in Southeard's finding that it was a promoted fire, inexplicably, in my view.

We know that the fire occurred in the foremost right-hand pallet on the passenger deck. We know, from the cargo manifest, which has inexplicably become available, and which appeared to be shredded shortly after the accident, in Taipei, inexplicably shredded, I might add, we know that the kind of things that were officially listed in that pallet, PR would not burn, they would not do what happened aboard the Helderberg that night. Spare parts for bicycles and shoes, and things of that nature, simply do not burn with that ferocity, and do not spontaneously ignite. Why did Margo ignore this? The answer is a mystery to me, unless Margo himself was involved in deflecting that inquiry away from its true purpose.

Sorry, do you want to break? I see that... (intervention).

~~CHAIRPERSON: In fact it's a very convenient time for us to take~~

a 15 minute break, if it is convenient for you. We'll break for 15 minutes, we'll resume at quarter past eleven.

COMMITTEE ADJOURNS

HELDERBERG HEARING

TRC/WESTERN CAPE

ON RESUMPTION:

DR KLATZOW: (still under oath)

Thank you, Mr Commissioner. Now, I had reached the portion by saying to you that everything that we have dealt with to date points to an untoward incident having occurred aboard the Helderberg. It points to an untoward incident having occurred at an early stage of the Helderberg's flight, and more importantly it points inexorably in the direction of a major cover-up on the part of the commission or at best stunning incompetency on their behalf.

Let us look at the possible causes of this crash, and let me put to you a scenario which will fit, in my view, with respect, the facts as I've outlined them to you. In the late period of 1988 and '87, it will be remembered that the closing stages of the so-called war in Angola were being fought. South African troops were deep into Angola, despite official denials, and the South African military and air force were engaged in hotly contending that country's existence with East Bloc operatives who were working with the Angolans at the time.

If you remember, it was a time when South African Airforce ~~had lost, and had been forced to reluctantly concede that they had~~ lost a number of mirage fighters to the new Mig aircraft which were making their appearance in growing numbers. It seems to be that there was a problem at the time with either the air to air

or the surface to air missiles and that South Africa was having some difficulty in dealing with these problems.

You must also remember that Armscor, far from being the innovative giant that it claimed to have been, were on the level of petty criminals when it came to stealing intellectual property. If you look at the Armscor weaponry, much vaunted as it is, much of the sophistication and innovation is purloined from anybody who could be parted from it. Even the modern rifle which supplies the South African Defence Force, the R4, has its origins in the humble AK47, albeit with the Israeli intervention in between of the Galil(?) weapon. We know that Armscor would not scruple to beg, borrow, steal if necessary, any technology which it deemed necessary to the continuation of their holy war.

We believe that there was a necessity to develop better rocket propellants at the time. Now a rocket propellant is not just something that you can walk down to the local 7-11 and buy.

The basic ingredients are well-known, but the added ingredients, the subtle ingredients which give it its extra performance, need to be either developed at great time and cost, or they need to be obtained another way. Those subtle ingredients which are added ~~to the rocket fuel, the major component of which is ammonium~~ perchlorate, are very important, and once one has a rocket fuel which works, it is a matter of chemical simplicity, relatively

speaking, to analyse that rocket fuel and determine the constituents which give it its added zip.

We believe, those who have investigated this crash, who are not involved with the government of the day, believe that South Africa was importing, and had been importing for some time, military ordnance of this nature aboard passenger aircraft. We believe that it is the ammonium perchlorate that was being brought in, either to be used, but more likely to be copied, that spontaneously ignited that night and created the problem. It fits the bill inasmuch as it contains its own oxygen, it is supremely unstable and it is quite unfit to be transported aboard an aircraft, let alone a civilian aircraft carrying innocent passengers.

TAPE CHANGED - POSSIBLE WORDS LOST:

...believe that Southeard pointed to this fact and that Margo ignored it.

We believe that the reason that Uys did not land was because he was told not to land by senior officials of either the government or the airline.

We believe that he had thought that he had extinguished that fire, only to be reconfronted with it outside Mauritius, by ~~which time his ability to fight it was impaired and the structural~~ integrity of the aircraft was impaired to such an extent that the aircraft disappeared into the ocean.

We believe that that conversation asking for permission to land and being refused permission to land was recorded at ZUR and that that is why the tape went missing, not that it was inexplicably overtaped, which it wasn't, for reasons that I've outlined to you, or mislaid, for the same reasons that I've outlined to you.

We believe that the clue to this lies in the conversation about dinner, which Margo was at pains to exclude from his inquiry.

We believe that the airline knew all along what it was transporting, and were complicit in a cover-up of major proportions.

We believe that Armscor knows about this, and I believe that it is no coincidence that Mr John Hare, a senior man at Armscor, is now the deputy chief executive officer of South African Airways.

We believe that these versions that I've put to you are not far-fetched, we believe they're founded in fact, and part of the fact is the failure to adequately explore these versions of the Margo Commission. The failure of Margo to call Moutons and ~~his engineers, and the intimidation by Margo and his investigators~~ of this group of people is grotesque. His unwillingness to include a proper investigation into the nature of the material aboard is strange, to say the least.

The pieces of information relating to the missing ZUR tape all point to the fact that it was deliberately removed from ZUR that night and disappeared from a locked safe, after being placed in the hands of senior SAA officials.

The performance of the Department of Civil Aviation in this inquiry, and you will hear in the Machel inquiry as well, was, at the very best for them, dismal, and probably they were involved in the complicity.

The involvement of various key South African personnel in both the original disaster and in the subsequent inquiry was manipulated in such a way as to prevent them from ever being able to tell the truth.

The statement of Jimmy Mitten needs to be taken seriously.

His analysis is not that of an amateur, he is a professional member of the cockpit crew and has been for many, many years.

His interpretation of what went on in that cockpit must be taken seriously.

The failure of the Airline Pilots Association to make public their findings, which have been confirmed to me by numerous pilots, must be investigated.

~~The role played by Theunis Jakobs, who as recently as a~~
few years ago made a comment that he had taken files from the Taipei station which could materially affect the outcome of the inquiry, this was made to a man whose name I will give you, who

is a photographer and who will be prepared to say what I have just told you under oath, his name is Marais Wessels, he works for a company called Vision by Light, and he made a statement to me last week to the effect that:-

"I spoke to Jakobs because he and I were good friends. I saw him after the Helderberg. He told me that he had material, and I would say this under oath."

He also told me that he was at Singapore doing a film shoot for SAA when a senior member of the SAA staff spoke to Mike van Rensburg, who was the cargo agent in Singapore and quote, "Said that the Armscor containers appeared to be going okay. They were being shipped out under the title of hairdryers". Now it could be that Armscor have got a major problem in curling their hair, I think it unlikely. I think that the practice of shipping illegal Armscor material aboard SAA passenger airliners has continued until recently.

I think that, in my view, the Margo inquiry was such a travesty of anything that an inquiry ought to be that it needs to be re-opened, with people who seriously wish to get at the truth and

~~who do not wish to allow the embarrassment of the government or~~

the parastatals to stand in their way. These are the people who should conduct the next inquiry, and I think that Mr Maharaj needs to be urged with every fibre that you can summon to re-

open the investigation and to launch a proper judicial inquiry to establish the truth of what went on that night in the Helderberg.

And I would like to close my submission to you by just drawing you a diagram which you will be able to use to understand the inter-relationship of two things, the cockpit voice recorder and the air traffic control recording made at Plaisance, together with the ZUR tape. So let me do that and if you want to, you can make a note of the drawing that I give you.

The aircraft took off at Taipei, it reached a cruising altitude and it flew on. Somewhere outside Mauritius, instead of the proper descent into Mauritius, it plunged precipitously into the ocean. Just before it went into the ocean, a conversation was had with air traffic control outside Mauritius. That conversation is available. The last 20 minutes or 30 minutes of the cockpit voice recorder should have recorded that, because the air traffic control tape starts off by saying, "This is Springbok 265, we have a smoke problem". That's the beginning, we would have believed, of the problem. Now if the cockpit voice recorder was still working, which it should have been after the smoke problem, because it went out thereafter, we should have a part of that ~~conversation on the CVR. There is none, there is not a word of~~

that Plaisance conversation on the CVR. What we do have is a cockpit voice recorder involving a conversation about dinner. Dinner would have been served somewhere along there, which

means that if the cockpit voice recorder involved dinner, the cockpit voice recorder was operating here and ceased to function at that point. We believe that somewhere round about here, the new ZUR tape would have come in, and that would have involved the conversation between Uys and ZUR.

CHAIRPERSON: That is now in Jo'burg Airport?

DR KLATZOW: At Jo'burg Airport. The missing ZUR tape was never adequately dealt with by Margo, in fact he went to great effort to make certain that that ZUR tape was never properly investigated. Had that ZUR tape genuinely had nothing on it, there would have been no finer way of defusing the rumours and speculations than to say to everybody, "There's the tape, listen to it and apologise". They never did that. The tape was taken out that night, it didn't inexplicably go missing. There's no doubt that Jimmy Deale took that tape out and gave it to Mickey Mitchell. All of those men sat in the inquiry and heard the deliberations about what had happened to the tape. It was a matter of one sentence for Jimmy Deale to stand up before the commission and say, "M'Lord, I took out that tape, I gave it to Mickey Mitchell, Mickey Mitchell did something with it", and ~~then to ask Mickey Mitchell, the tracing of the steps of that tape~~

would have been legally simplistic. It was never done. And everything to date points to an involvement of some type of military ordnance aboard that aircraft and to a massive cover-up

to conceal that from the relatives, the insurers and the public of South Africa.

Thank you for having listened to my presentation.

CHAIRPERSON: Thank you, Dr Klatzow. Do you have any questions to put?

MS TERREBLANCHE: Does the panel have any questions at this stage?

CHAIRPERSON: Ms Terreblanche, if you have questions to put, you can put them.

MS TERREBLANCHE: You have been also asked to look into the level of, if I have it right, mono... (intervention).

DR KLATZOW: Carbon monoxide.

MS TERREBLANCHE: ...carbon monoxide.

DR KLATZOW: Ja.

MS TERREBLANCHE: Now, do you think that the tests done on the bodies that were found after the crash were sufficient and what is your interpretation of the tests?

DR KLATZOW: Well firstly the tests have very little relevance into the cause of the crash. If the, the cause of the crash is the fire, whether the fire killed them by burning through the control cables, ~~damaging the aircraft so it fell apart, or poisoning the~~ crew, is a minor detail. It is a detail which might be useful in redesigning the aircraft at a future stage, but it is not germane to

the point of what was aboard the aircraft at the time and how did it get there. That's the first thing.

The second thing is that Harold Schroeder, who did the original test, did so on a mixture of blood, seawater and body fluid. The literature is eloquent in saying that this is the inappropriate fluids to use for the determination of carboxi-haemoglobin, which is the compound formed when carbon monoxide combines with haemoglobin, and Margo accepted Schroeder's work, although the literature is clear in condemning the type of fluid that he did it on.

So I would say that Schroeder's work was inaccurate, or potentially inaccurate, and that it was probably not the carbon monoxide, because we have a perfectly coherent Captain Uys discussing things with Plaisance moments before he goes into the water. Now I don't think it was carbon monoxide that killed Uys or his crew. It may very well have killed the passengers, because you must remember, and I hate to disabuse you of the reassurance that the airlines wish you to fly with, when they drop the little bag down, all it does is recirculates, with a little bit of oxygen added, the cabin atmosphere. So if there are poisonous gases in ~~the cabin, you'll die with an enriched oxygen content. It's worse~~ than useless. It is only useful if there is an inadvertent decompression of the cabin without toxic gases.

MS TERREBLANCHE: Just to end that, but is there any indication of what the bodies that were found died of?

DR KLATZOW: Well, that plane probably went into the ocean at 400 knots. There is no way that anybody could survive impact of that nature. The bodies were mutilated to an extraordinary extent, consistent with a high velocity impact with the ocean. So, from that point of view, I don't think there's anything sinister about that, although there's been a lot of conjecture, but there's more than enough things to have killed them without looking for anything arcane.

MS TERREBLANCHE: Are you familiar with the CSIR tests done for the investigation at the time?

DR KLATZOW: Just remind which the tests were? There were tests done by Martin Venter, the Bureau of Standards. Are those the ones you're referring to? Ja. Martin Venter put up a suggestion that there might have been fireworks aboard, only to have his own skittles knocked down, there was never any substantial evidence that was in any way substantiable that Martin Venter's investigations could sustain.

Many things were looked at, the presence of lithium ~~batteries, which can under some circumstances cause ignition, but~~ none of them deal with the essential finding of Greg Southeard's report that it was an accelerated fire, it was not packaging material which caused that damage.

MS TERREBLANCHE: There were also at the time limited tests done on little pieces of metal, or traces of metal found embedded in the upholstery?

DR KLATZOW: I haven't taken that any further. At the time we looked at it and I could see nothing substantial which I could use to interpret the accident one way or the other. It may well be that that needs to be relooked at.

MS TERREBLANCHE: I think you're familiar with the submission we got from a journalist, who wished to remain anonymous on the record, who have done an eight month investigation and feel that there is a good chance that the plane might have been shot down?

DR KLATZOW: Yes, I'm aware that there are at least two sets of journalists who believe that the plane might have ended up outside Mauritius as a result of military activity other than the military placing something on board, in other words that a fighter pilot shot that aircraft down to prevent it from being landed. I have never supported that notion, I don't believe there's anything to support it. I find that there is more logical basis to a second fire having destroyed the aircraft, but clearly something untoward ~~happened outside Mauritius, which was unrelated to the event~~

which happened outside Taipei. If somebody could find somebody to substantiate that, I have no difficulty in believing in the consummate evil of the last regime in having ordered that to

be done, but there is no evidence that it was done. It is certainly within the capability and the range of the available forces at the time to have done it, but there isn't a shred of evidence to support that at this point.

MS TERREBLANCHE: You referred to APC being needed for rocket fuel. In a reply from Armscor it is said that Sonchem outside Somerset West have been manufacturing APC since 1980.

Are you then referring to the subtle ingredient when you talk about that?

DR KLATZOW: Yes. Ammonium perchloride is not difficult chemically to manufacture, the difficulty lies in stopping it from spontaneously igniting, so immense precautions have to be taking place, and almost certainly the rocket fuels in the modern sophisticated armamentarium that we have is not pure ammonium perchlorate, it is ammonium perchlorate with additives to give it specific properties and behaviours, either rapid ignition or retarded ignition or whatever. Now it is those subtle components which Armscor needed to find out more about, and which I believe they were planning to copy after chemical analysis.

~~MS TERREBLANCHE: And you spoke to Mr Jimmy Deale you~~
said about four years ago?

DR KLATZOW: I spoke to Jimmy Deale four years ago.

MS TERREBLANCHE: I believe that he was unfortunately, he died very soon afterwards?

DR KLATZOW: No, he didn't die soon afterwards, he died within the last year.

MS TERREBLANCHE: That's a matter of the urban legend, that he died two weeks later, would you say... (intervention).

DR KLATZOW: No, that's not correct, I spoke to him, I can give you the exact date, but it was at the time of the Star inquiry, and his death occurred allegedly by heart attack towards the end of last year.

MS TERREBLANCHE: To go back to APC for a moment, some other people believe that it could have been either plutonium or CCM. Have you looked into the possibility of that?

DR KLATZOW: Yes, I have. Neither of them have the characteristics which would have caused a fire. There were an enormous amount of speculations and rumours about red mercury, about mercury fulminate, none of these have any scientific basis in terms of causing the fire. Red mercury may very well exist, in fact red mercury does exist, the contentious issue is whether it plays any role in the nuclear arms sphere. There is no doubt that ~~red mercury exists, I can refer you to the original chemical~~

articles on this particular form of mercury, and there have certainly been a number of unexplained deaths in people who've allegedly been linked to the red mercury industry, not least of

which was Alan Kidger, but there is no evidence whatsoever that either plutonium or anything of that nature could have caused the Helderberg disaster.

MS TERREBLANCHE: Last question, have you yourself ever been threatened during your lengthy investigations?

DR KLATZOW: I was at my holiday home in Simon's Town during the last investigations, when I noticed that I was under observation from the other side of the road, if you know the Glencairn housing settlement, there's a beach, the Glencairn beach, there was a group parked there in a car, and the number plate I can give you if needs be, and they were observing me closely, and when I took out my binoculars they were thrown into disarray, I took their numberplates and they disappeared hotfoot. Now that number plate was a false number plate, but that is the closest anybody's come to intimidating me, apart from strange phone calls with nobody on the other end.

MS TERREBLANCHE: I have no further questions.

MS WILDSCHUT: Dr Klatzow, I'm trying to work out whether Captain Uys had another alternative at his disposal in trying to land the plane, if he had realised that there was a fire on board.

~~If we take it that, if we follow your theory that things were still~~
all right about two hours after leaving Taipei, one can assume that maybe the fire happened just soon after the two hours maybe?

DR KLATZOW: Yes.

MS WILDSCHUT: On a nine hour flight... (intervention).

DR KLATZOW: Yes.

MS WILDSCHUT: ...nine hour long flight, instead of trying to land maybe in hostile territory like Bombay or somewhere else, could he have turned back and gone back to Taipei, as an alternative, if he had realised that there was something amiss?

DR KLATZOW: Well, that's possible. You must remember that Taipei at the time was under military dictatorship... (intervention).

MS WILDSCHUT: Yes.

DR KLATZOW: ...that it is not certain by any manner of means that they could avoided having the hold searched there, with all the international and political repercussions that that might have

~~involved, but there is theoretically no reason why he couldn't~~
have turned back, gone back to Taipei.

MS WILDSCHUT: Yes, ja, that would have been my next question, if it were possible that he could go back, what were the constraints, I mean the fact that there was... (intervention).

DR KLATZOW: Absolutely.

~~MS WILDSCHUT: ...of course a military dictatorship at that~~
time?

DR KLATZOW: Absolutely. If there was military ordnance aboard that aircraft, South African Airway could never have afforded to have the hold searched.

MS WILDSCHUT: Yes.

DR KLATZOW: It would have effectively killed the airline.

MS WILDSCHUT: Yes. Which makes me wonder about checking the cargo at Taipei Airport. Do you suspect that there was any irregularities about the... (intervention).

DR KLATZOW: Yes.

MS WILDSCHUT: ...checking of the cargo at Taipei, because usually they need to have a checklist of what is on board?

MS WILDSCHUT: Correct. Well there are two statements made on that. The first statement is that - by SAA personnel such as Theuns Kruger, who said to me, "Why Taipei? It's a very difficult place to have it done by". But the second statement I think should be given more weight, because it is the very man who is in charge of it, and that is Mr Jakobs, who said that that would be the right place to do it, that it was the easier place to do it at Taipei.

MS WILDSCHUT: And then the issue of, much later on of course

~~now with all the inquiries and so on, it seems, from the~~
documentation I have here, that Jimmy Moutons had some documentation, that he had fed it off to London for safe-keeping.

Can you just elaborate a little bit about that?

DR KLATZOW: Well I've known about that for some time. All sorts of things - firstly Mouton was aware that material was disappearing from the Airline Pilots Association safe, he was also aware that they were falsifying the medical records of the pilots, that if there was a plane crash or an accident or some incident, they could blame it on the pilot's ill health. He was aware that he'd been threatened. Mickey Mitchell had approached him at the inquiry and said to him, you know, "Are you suggesting that we're trying to cover up the second fire?", kind of thing. Now all of those things, Mouton was a terrified man when I spoke to him four years ago. He honestly believed and told - and this came back to me, that I was a CCB agent attempting to assassinate him.

Now that is the ravings of a frightened man. The second thing is that I know that Mouton was called in, because on Friday or Thursday last week I tracked down Yvonne Belgarde, the wife of the flight engineer, Joe Belgarde, who was lost aboard the Helderberg, and she confirmed to me that she was with Mouton, that they were close family friends, and that Mouton had been called into Margo's chambers, come back visibly upset and had told her at the time of the inquiry that he'd been threatened to ~~drop the inquiry that he was launching, and incidentally, Ray~~

Scott's wife confirmed that her husband had been intimidated.

So there are four people, none of whom have volunteered the information, all of whom I've had to drag the information out of,

who've confirmed that Margo somehow didn't want them to give that report, and it wasn't for the reasons that he put about.

MS WILDSCHUT: I take it that the insurance company had paid out SAA?

DR KLATZOW: Yes.

MS WILDSCHUT: To your knowledge do you know whether the insurance company had launched any inquiry?

DR KLATZOW: Nothing of any consequence.

MS WILDSCHUT: And then, the families, were they compensated as well?

DR KLATZOW: In the most niggardly fashion that it is possible to imagine.

MS WILDSCHUT: Can you just elaborate on that?

DR KLATZOW: They paid the bare minimum that the flight regulations allowed them to be paid, and they were coerced into signing documents of waiver, they were treated rather shamefully, and there were a number of people who refused to sign it. Jenny Smith, who lost her husband aboard that, refused to sign that "shameless piece of paper", as she referred to it.

MS WILDSCHUT: And do you know if any differential payments were made out to passengers on board?

DR KLATZOW: I've never been able to prove that, okay?

MS WILDSCHUT: Thank you very much.

CHAIRPERSON: Is Justice Margo still a judge, or is he retired...
(intervention).

DR KLATZOW: Well... (intervention).

CHAIRPERSON: ...and he is in a condition, for instance, to
respond... (intervention).

DR KLATZOW: No.

CHAIRPERSON: ...to a subpoena if we were disposed to issue
one?

DR KLATZOW: I think the commission should make up its own
mind on that, but on Friday last week, Peter Thorneycroft, a
journalist for the Independent Newspapers, phoned him and his
reply to - she asked him what his response was, and he said, "I
can't give you a response, my captors won't let me", and on
inquiry as to who his captors were, he replied, "The Russians".

So I think that you might get, I think that we're dealing with the
ravings of a man who's now senile.

CHAIRPERSON: I see.

DR KLATZOW: Maybe it is the Russians, I don't know.

MS TERREBLANCHE: Mr Magadla?

MR MAGADLA: Thank you. During the realisation by the pilots
~~at the airport from which they had to take off, I think it was~~
Taipei, the fact that there was going to be, or there was this delay
that was taking place, wouldn't it have been relayed to ZUR that,

at that time, that "Look, we are going to delay because of this and because of that"?

DR KLATZOW: It was relayed to ZUR, but not because of anything. Once - there was no need, you must remember ZUR is an open wavelength. Now you don't, unless there is a terrible need to say something, you would not discuss it as a matter of informal chit-chat. If you were delayed in take-off and there was no other problem, other than the delay, you wouldn't say, "I'm being delayed because some lunatic wants to put rocket fuel aboard the aircraft", you'd simply say, "We are delayed".

MR MAGADLA: Now, in the course of your investigations, did you come across any information or talk that certain passengers, or would-be passengers, missed that flight?

DR KLATZOW: Yes, and certain passengers were aboard that flight inexplicably. There were certainly passengers who missed the flight, I mean every time it comes up, somebody accosts me and says, "You know, I should have been on that flight", so there were a lot of people who, for whatever reason, didn't make it onto the flight, but Mr Osler inexplicably was on that flight. I'm not sure how he got to Taipei, but he had a rather hectic itinerary ~~before getting there, and I believe that Mr Osler may very well~~ have been linked to a front procurement company for Armscor, and he as on that flight, and part of the rumour is that Uys would

not take off without an Armscor representative being aboard that flight.

MR MAGADLA: Now this conversation at the cockpit, couldn't it have been at the inquiry, couldn't it have been a suggestion that at least the representatives of the families and the commission listen to that, without it being heard by other people?

DR KLATZOW: That was never done, Mr Commissioner, not in the Margo report, but it's present in the DCA documents. You will see it is a conversation of utter triviality, there was nothing in there that could offend the most sensitive wife. I think even my wife wouldn't have objected to it.

MR MAGADLA: Thank you.

CHAIRPERSON: Well, Dr Kladzow, it remains for me to thank you for this part of your contribution to this inquiry. We are taking your recommendations extremely seriously, especially insofar as they are relevant to what the Ministry of Transport should be doing. I can only say it is only constraints in terms of capacity and time that are preventing us, especially now, from airing this inquiry as much as we could, and a number of unforeseen circumstances prevented us from dealing with this inquiry earlier, but to the extent that we are going to be looking at your evidence, and hopefully the evidence of others who will come, who will, with your assistance we will try and squeeze to present us something worthwhile, we will be able to put together

not only a recommendation to the Ministry, but something that should go into the final report and which will keep this matter in the public domain until the truth has been established, whatever it costs the country and whatever it costs the parastatals. For now, thank you very much.

DR KLATZOW: It's been my pleasure, Mr Chairman.

MS TERREBLANCHE: Thank you, Dr Klatzow. I would just like to remind the panel that for all subsequent inquiries into, of witnesses, Dr Klatzow will be assisting me.

CHAIRPERSON: Yes, we are conscious of that, but since you will be acting as a consultant to the commission and therefore will be a member of the commission, you will need to be sworn in.

Commissioner Glenda Wildschut will administer that.

INAUDIBLE DISCUSSION

CHAIRPERSON: Are we in a situation where we do not have a witness to call before... (intervention).

MS TERREBLANCHE: Mr Commissioner, our next witness (indistinct).

CHAIRPERSON: You are not on the record.

MS TERREBLANCHE: Oh, sorry. Our next witness is Mr Gert van der Veer, the former chief executive of SAA. He has specifically asked to be here today, because he needs to travel to Montreal for the Air Safety Convention. However... (intervention).

CHAIRPERSON: How ironic.

MS TERREBLANCHE: However - and he was also told to be here at 9:30 today. We have made travel arrangements for him. Unfortunately he is not here. I don't know if you want to call him.

CHAIRPERSON: I think his name must be called three times outside there, and it's true you should also, before we resume at 2:00, you should also sit in. Perhaps the proper thing to do is, if you are in telephonic conversation, whoever, might throw some light as to his whereabouts, please do so, and then please bring us a report at two o'clock when we next resume.

MS TERREBLANCHE: It has been confirmed to Virginia Davids by himself that he will be here at 9:30 and she has been trying to call his numbers.

CHAIRPERSON: Yes, very well. Ja, I would like you to make sure yourself that this is so.

MS TERREBLANCHE: I will do so, Mr Commissioner.

DR KLATZOW: I, Dr David Joseph Klatzow, hereby declare under oath, solemnly affirm that I understand and shall honour the obligation of confidentiality imposed on me by any provision of the Promotion of National Unity and Reconciliation Act of 1995, and shall not act in contra-vention thereof.