

CHAIRPERSON: Mr Mitchell, welcome once again. We have to apologise for having kept you for the best part of the day but as in any, and I'm sure you have been to inquiries of this nature, sometimes time logistics is not always a manageable commodity.

Without further ado, let me introduce the members of the panel. Commissioner Glenda Wildschut is a Commissioner in the Rehabilitations and Reparations Committee. I am a Commissioner in the Human Rights Violations Committee and Wilson Magadla to my right is head of Special Investigations in the Commission. To our right we have the person who has been investigating this case, Chrystelle Terreblanche and with her is Doctor David Klatzow who is contracted to the Commission on a consulting basis.

Evidence led here is of a confidential nature. It is not for public consumption. It is taken in camera, precisely because it is intended to be of an investigative nature. It's an inquiry seeking to probe but we do it under oath in terms of the Act, so that the evidence that we take is evidence by any legal yardstick.

Whatever you say here you commit yourself to a version under oath and what is more, it is not the sort of evidence that is going to be used by us in the panel in order for us to arrive at any finding because it is not a trial, it is not a hearing, it is not a disciplinary inquiry, it's is an investigative probe which is why therefore, only people who are in the Commission and people who

are contracted by the Commission and those who have come to depose to statements that they have or to lead evidence are permitted and are here.

Before you testify I will ask Commissioner Wildschut to swear you in, which is what I'm asking her now to do.

MS WILDSCHUT: Could you please state your full names for the record?

MICHAEL PETER MITCHELL: (sworn states)

CHAIRPERSON: Miss Terreblanche?

MS TERREBLANCHE: Thank you Mr Chair. I think Doctor Klatzow is ready with some questions.

CHAIRPERSON: Doctor Klatzow?

DR KLATZOW: Captain Mitchell, you are a long time employed of the South African Airways, a senior member of the flight crews, flight staff, is that correct?

MR MITCHELL: You just said Flite Star.

DR KLATZOW: Flight staff.

MR MITCHELL: Oh, I'm not hearing this very well.

DR KLATZOW: Sorry. You are a senior member of the flight crew at SAA, is that correct?

MR MITCHELL: Yes, thank you, I can hear you now.

DR KLATZOW: And you were at the time, in charge of the operations room, that is the time of the Helderberg accident in

1988, you were the most senior flight operational man present in the operations room in charge of the disaster, is that correct?

MR MITCHELL: Can you hear me?

DR KLATZOW: Yes.

MR MITCHELL: Mr Chairman, Mr Commissioner, yes, I was. I am retired now from the South African Airways. I was a senior member of South African Airways staff. At the time, and may I comment on your letter which you sent to me saying that I was Chief of Operations. That's not ...[intervention]

DR KLATZOW: No, that's not what I've put to you. Could we just go by the question because we've got limited time.

MR MITCHELL: Okay.

DR KLATZOW: You were the man in charge of running that operation that night, from a flight crew point of view. You weren't the Chief Executive Officer but as an operational man, a flying man, you were the most senior man there that night?

MR MITCHELL: No, I wasn't.

DR KLATZOW: Who was the more senior flying man?

MR MITCHELL: No, not, not flying, flying man yes, I was a flying man but not when you say, of the operations.

DR KLATZOW: Captain Mitchell, listen to the questions very carefully because we're going to save a lot of time.

MR MITCHELL: Okay.

DR KLATZOW: I said you were not the Chief Executive Officer, you were not the most senior man there that night but on the flying side you were the most senior man?

MR MITCHELL: That's correct.

DR KLATZOW: And there were various other people there that night who were there to do your bidding?

MR MITCHELL: Yes.

DR KLATZOW: What time were you notified of the loss of the Helderberg or the potential loss?

MR MITCHELL: I was at home in bed and I would guess around about 2 o'clock in the morning.

DR KLATZOW: And who phoned you?

MR MITCHELL: Operations.

DR KLATZOW: Can you remember the name?

MR MITCHELL: No.

DR KLATZOW: What did you do?

MR MITCHELL: I got up ...[indistinct] I then phoned Viv Lewis because in actual fact I have pointed this out to you right now, I had been put in the post of Chief Director Flight Operations by 27 days when this accident happened and being new in the post my immediate reporting, Viv Lewis was the Director Flight Operations, he'd just gone into ...[indistinct] at the beginning of the month, so I phoned Viv immediately because I took over his

seat at the beginning of the month. So I phoned him immediately and said: "Viv, the aeroplane's crashed".

DR KLATZOW: The moment you were phoned?

MR MITCHELL: Oh immediately.

DR KLATZOW: Right. And your words if you remember correctly were: "The aeroplane's crashed"?

MR MITCHELL: That and: "the aircraft has crashed", words to that effect, I can't remember ...[intervention]

DR KLATZOW: But did the word: "crash" come into it?

MR MITCHELL: I can't remember doctor.

DR KLATZOW: Well it's likely that if those are the words you used now, that they were the words you used then because foremost in your mind was the aircraft was in the ocean?

MR MITCHELL: We didn't know that at the time, we had to sit down and work out. The very fact that I got a report from Operations saying that the aircraft is missing ...[intervention]

DR KLATZOW: Captain Mitchell, listen to the question very carefully.

MR MITCHELL: Okay.

DR KLATZOW: You were phoned just after 2 o'clock?

MR MITCHELL: About, yes.

DR KLATZOW: You immediately picked up the phone and phoned Viv Lewis?

MR MITCHELL: Correct.

DR KLATZOW: And you said to him: "We've lost an aircraft" or words to the effect that the aircraft had crashed?

MR MITCHELL: Words to that effect.

DR KLATZOW: That's what I wanted to know.

MR MITCHELL: Okay.

DR KLATZOW: Now what did you then do?

MR MITCHELL: I then got up and I got in my car and went to the airport.

DR KLATZOW: And you went to the operations control?

MR MITCHELL: Well that's on the 5th floor, yes.

DR KLATZOW: Is there a ...[intervention]

MR MITCHELL: It's called: "Ops".

DR KLATZOW: Sorry?

MR MITCHELL: That's "Ops".

DR KLATZOW: Correct. Is there a standard way of dealing with this situation in airlines in flying circles?

MR MITCHELL: Are you talking today or then?

DR KLATZOW: Then

DR KLATZOW: Just can I finish my line of questioning, and if there's anything which I have not traversed, you are most welcome to cover it, but please, there will be plenty of time for you to make whatever submissions you want to make. Are you aware that there is a lost tape? Whether it contained anything or

not is not part of the question, are you aware that a tape went missing?

MR MITCHELL: I feel very strongly about a discussion on something that possibly didn't happen.

DR KLATZOW: So are you... (intervention).

CHAIRPERSON: No, no, no, I don't think that's the inquiry. I'm indebted to you for everything that you have said about the recent trip.

MR MITCHELL: Yes sir.

CHAIRPERSON: But we have had an enquiry and over and above an enquiry if one of the findings of which was that either the tape went missing or was overtaped, so we on our ...(indistinct) let's forget about those factors which we in fact are in, I mean it's on the record now, we have to consider it in our consideration of all the evidence that has been placed before us. I think let's give Dr Klatzow and all of us an opportunity to go step by step, one thing we are taking now into account what you have said, but maybe let's take it step by step and see what, I mean, I think here we're talking about something physical. Was there or was there not a tape that went missing, and all evidence that I've heard thus far including evidence from Gert van der Veer was that there is an acknowledgement that this happened. The previous witness, there is an acknowledgement that this happened. So, maybe let's take it step by step. Dr Klatzow?

DR KLATZOW: Thank you, Chairman. Now, Mr Mitchell, Captain Mitchell, undeniably a tape somehow got out of sequence and went missing. Do you have any explanation as to how that came to be?

MR MITCHELL: Dr, no, the handing of the tape is not part of - I had people working for me and so I don't know.

DR KLATZOW: Was the tape ever handed to you?

MR MITCHELL: I don't know when you say "the" tape, there were tapes handed to me, yes, and ...(intervention)

DR KLATZOW: The tape from ZUR and the logbook?

MR MITCHELL: The tape and the logbook were - not together, they didn't come together, we started collecting data in the morning when the sun came, the Administrative Director came and got the medical files and got the training files and ...(intervention)

DR KLATZOW: That is our information, that is correct.

MR MITCHELL: And started putting them together. There's a whole lot of things that came through, it included the log.

DR KLATZOW: And the tape?

MR MITCHELL: No, I don't think the tape came in then.

DR KLATZOW: Well, do you remember that Captain Jimmy Deal was there at that stage?

MR MITCHELL: No, I don't.

DR KLATZOW: Jimmy Deal has said that he was there at that stage and he was sent to fetch the tape, do you disagree with that?

MR MITCHELL: I'm not disagreeing ...(intervention)

DR KLATZOW: And would it be the sort of likely thing that would have happened?

MR MITCHELL: It's - Jimmy was then part of Management.

DR KLATZOW: Yes.

MR MITCHELL: Yes, I had that difficulty in the process, but who actually did it, you know, I would say ...(intervention)

DR KLATZOW: And Jimmy Deal's information is that he handed the tape to you.

MR MITCHELL: Yes.

DR KLATZOW: Is that true?

MR MITCHELL: Well, I got the tapes, yes ...(intervention) DR

KLATZOW: You got that tape?

MR MITCHELL: I don't know who brought them to me.

DR KLATZOW: Let's assume Jimmy Deal is right, Jimmy Deal says he handed you, Captain Mickey Mitchell the ZUR tape and the logbooks, not necessarily together, but you had them in your hands.

MR MITCHELL: Probably separately, but I had them in my hands.

DR KLATZOW: Correct, what did you do with them?

MR MITCHELL: We were collecting all the data, firstly the written stuff put together in the files and the Administrative Director, a man called Dicky Rouxcastle, put it in his office, was alongside mine, and we put them together and locked them up because we knew Rene van Zyl from DCA would be coming and when the tape came, Dr, when, I'm not sure when the tapes came, we took it and locked it up in that file - there was a lock-up file, not a file, a lock-up cabinet in the ...(intervention)

DR KLATZOW: That is correct. And who had the keys to that cabinet?

MR MITCHELL: Dicky Rouxcastle.

DR KLATZOW: Now, that tape,

MR MITCHELL: Yes?

DR KLATZOW: The last person to have had that tape was you in the official records of this enquiry.

MR MITCHELL: Okay.

DR KLATZOW: When the tape went missing, did anybody speak to you about that missing tape?

MR MITCHELL: Can we rephrase that?

DR KLATZOW: Yes.

MR MITCHELL: Alright, I was there when Dicky Rouxcastle put it into the steel cabinet.

DR KLATZOW: Correct.

MR MITCHELL: Then Civil Aviation came along and I believe in the form of Mr Rene van Zyl and one or two others, and I can't remember, I think a man called Piet de Klerk, I'm not sure of this Dr, I think so. When he came along we gave it to them all, and they signed for it. So, I'm saying one thing about you said that was the last written record of the event, that's not correct ... (intervention)

DR KLATZOW: I'll get to that.

MR MITCHELL: It was signed for.

DR KLATZOW: I'll get to that. Let me ask you about the tapes. Describe the tape physically to the Commissioner, is it big, is it small? It's not a cassette player?

MR MITCHELL: No.

DR KLATZOW: It's a big tape and it has a plastic box ... (intervention)

MR MITCHELL: It's like a video, a video, that kind of size.

DR KLATZOW: It has a box that it lives in, is that correct?

MR MITCHELL: Yes, I think so.

DR KLATZOW: And on that box is written information about the tape, the date of the tape, is that correct?

MR MITCHELL: I know about it, I can't say ... (intervention)

DR KLATZOW: But you had it in your hand?

MR MITCHELL: Yes.

DR KLATZOW: And you would not just accept the tape, you would check to see that it was the right tape?

MR MITCHELL: No.

DR KLATZOW: You wouldn't?

MR MITCHELL: I handed it to Dicky Rouxcastle who wrote the date on his card and put it down there together in the cabinet. No, I gave it to Dick.

DR KLATZOW: Subsequently it wasn't Rene van Zyl who came and asked, it was Roy Downs who came and asked for the tape.

MR MITCHELL: Okay.

DR KLATZOW: And he was told that the tape went missing. Did you ever convey that to Mr van der Veer?

MR MITCHELL: Who told that the tape - I'm not aware of this.

DR KLATZOW: Well, accept for a moment that the tape was recognisably missing at the time that DCA made their enquiry, accept that, because that is what the evidence will be. Did you ever tell Mr Gert van der Veer that the tape was missing?

MR MITCHELL: I didn't know that.

DR KLATZOW: Did Mr van der Veer ever approach you and say, why is this tape missing?

MR MITCHELL: The next sequence round of this would have been, I know Rene van Zyl came to the office and spoke about it. I'm not aware of Roy Downs, but there was somebody with Rene, they came to the office and said, what happened to the tapes - no,

he came to the office to say it has been blanked over, there's nothing on it. So I said, Rene, I'm not aware of this, and he then said, no, just explain all that, so I said, Rene, I just really don't know.

DR KLATZOW: Did you ever get in front of Mr Gert van der Veer and explain to him why the tape had gone missing or was overtaped?

MR MITCHELL: I went further than that because Mr Lewis was sort of Head of Air Operations, then I said to him, Mr Lewis, this tape has got nothing on it and he had a work with me, what's going on here. And then Mr van der Veer, I did - I'm not conscious of talking directly to him, but I do know Viv probably, I'm saying probably, Dr, would have told him, and I know Mr van der Veer said to me, that's not good enough.

DR KLATZOW: So here's a potentially vital piece of information which goes missing which has caused the airline untold trouble in the last 10 years, and you're aware of that trouble. It resulted in the Judge expressing his displeasure at the hearing, you were the man in control of that tape, it got lost in inexplicably out of your control and Mr van der Veer says to you, tst, tst, tst, this is just not good enough. Mr Mitchell, I have extreme difficulty in believing your version.

MR MITCHELL: Alright, let's go back to the beginning of - that's exactly where I came in, Dr. I said there was nothing on

the tape in the beginning, hence the reason for the unimportance of it.

DR KLATZOW: Did you listen to it?

MR MITCHELL: No.

DR KLATZOW: How did you know there was nothing on it?

MR MITCHELL: There was nothing on the log.

DR KLATZOW: Did you listen to the tape, Mr Mitchell, answer my question?

MR MITCHELL: I did answer, I said no.

DR KLATZOW: How could you then say that there was nothing on the tape?

MR MITCHELL: Because there was nothing in the log.

DR KLATZOW: Well, that could have been that the communication on the tape was never written into the log.

MR MITCHELL: That's highly unlikely, Dr.

DR KLATZOW: It isn't highly unlikely, particularly ... (intervention)

MR MITCHELL: It is unlikely.

DR KLATZOW: Well, we'll deal with that in due course as well.

MR MITCHELL: So therefore I come back to my original premise, the premise is that if we knew there was evidence of the tape because of the log I can assure you that everything would have been done, exactly done, but because there was no HF communication, which I've explained to the Commissioner, there

was nothing on the tape from the aircraft. Hence the reason of the low priority of the tape.

DR KLATZOW: Right, there was nothing about the Helderberg on the tape, or there was nothing at all on the log?

MR MITCHELL: No, there was log and aeroplanes, other little aeroplanes.

DR KLATZOW: What else was on the log?

MR MITCHELL: I can't tell you, I don't know.

DR KLATZOW: Was there information that an aircraft had lost an engine at Seoul I think it was?

MR MITCHELL: I really can't remember, Dr. If I look at the log, I'd tell you.

DR KLATZOW: Yes, so you say that the reason that you placed no store by the tape is that there was nothing on the log?

MR MITCHELL: With respect this aeroplane, yes.

DR KLATZOW: Right, at the Margo Enquiry, Mr Mitchell, there was a brouhaha about the missing tape, do you remember that?

MR MITCHELL: Yes.

DR KLATZOW: There was extensive cross-examination of Mr Nadel.

MR MITCHELL: Yes.

DR KLATZOW: You remember that?

MR MITCHELL: Yes.

DR KLATZOW: The conversation between the Judge, between the Prosecutor, Mr Nadel became quite nasty, do you remember that, where Mr Southwood accused Mr Nadel of lying. It's in the record, he said, "You are making all of this up, aren't you?" Do you remember that?

MR MITCHELL: You're reminding me of it, I read it, yes.

DR KLATZOW: Yes. You were sitting in the audience when that was there, weren't you?

MR MITCHELL: Yes.

DR KLATZOW: You heard the full conversation between the Judge and between everybody else. Did you ever see fit to advise Mr Puckrin, who was acting for the legal advisors of SAA that you had been the last person and that you had locked it up in the safe, and to offer an explanation as to how that tape went missing?

MR MITCHELL: Yes, ...(intervention)

DR KLATZOW: Did you ever tell Mr Puckrin that?

MR MITCHELL: I'm gonna think now whether ...(intervention)

DR KLATZOW: It's an important thing, it's not something that would escape your memory.

MR MITCHELL: It can quite easily, it's 10 years ago. The lawyers came down from Barlow, Lyde and London and were with Mr Puckrin and the lawyers and they - I know I was asked about the tape and Dr, I would rather not give you inaccurate

information than half a story, I am sure that Cedric Puckrin knew about the tape and the process of the tape and that the tape had come from ZUR to be locked up to go to DCA and then go - I'm sure he knew that.

DR KLATZOW: Well then, if that is the case, Captain Mitchell, can you give me one explanation why he kept that vital piece of evidence from His Lordship, Mr Justice Margo? Because that is a vital piece of evidence I want to put to you, and that was never raised.

MR MITCHELL: But you're exactly right, Dr, exactly right, because the Judge and the five pilots who were on that Commission knew quite clearly that there was nothing on that tape because there was no call from the aircraft. Hence the reason the low priority of the tape. I say again, it's a very low priority factor.

DR KLATZOW: With great respect to you, Mr Margo was there to evaluate the evidence, not to pre-judge it. The word prejudice means to pre-judge,

MR MITCHELL: Right.

DR KLATZOW: And Mr Margo was there to hear whatever evidence there was, he expressed annoyance, Mr Mitchell, that the tape had gone missing. Why do you think that he would express annoyance at the Commission for a tape which had no

value? Why would he say, I want to get to the bottom of this, who lost the tape?

MR MITCHELL: It was not a good way of processing the process, I accept that.

DR KLATZOW: So he was expressing annoyance not at the loss of the tape, but at the slack administration?

MR MITCHELL: I will accept that.

DR KLATZOW: Why did you never stand up at the Commission having heard the debate about the missing tape and say, I had that, I locked it in the safe, Judge, why don't you ask the next man where it went to. Why did you never say that?

MR MITCHELL: I come back again, that was passed on to Mr van der Veer, to Viv Lewis, to DCA to Rene van Zyl. Rene van Zyl as the investigator asked that of me, and exactly what I said to him, and I presume as the investigator, that's exactly what he knew, and he's the investigator, Rene van Zyl never investigated, it was the DCA who investigated.

DR KLATZOW: Rene van Zyl made enquiries about that tape only three weeks after the accident.

MR MITCHELL: Okay.

DR KLATZOW: That tape was taken out the night of the accident and placed in your hand, and by your evidence placed in a safe place.

MR MITCHELL: I - can you tell me, I'm not sure whether it was that night, I'm not sure at all.

DR KLATZOW: It was that night.

MR MITCHELL: Now how do we know that?

DR KLATZOW: Because Captain Deal told me he took it out and gave it to you and I can't imagine you walking around SAA with that under your arm or in your pocket for 24, 48 or 72 hours.

MR MITCHELL: I accept - unfortunately Captain Deal can't answer you.

DR KLATZOW: Unfortunately he can't, but unfortunately I have a tape recording of him telling me that.

MR MITCHELL: That's wonderful, but the point about it, he can't corroborate it, and I don't know it was that night or the next morning or the following morning.

DR KLATZOW: If it was the next morning, does it make a difference?

MR MITCHELL: It does.

DR KLATZOW: What is the difference?

MR MITCHELL: It's what you made, the difference.

DR KLATZOW: What is the difference?

MR MITCHELL: You just said it now.

DR KLATZOW: The tape was in your hands, sorry the panel wishes to ask a question.

MR MAGADHLA: When was it, Mr Mitchell, that it was discovered that the tape had nothing on it, was it before it was locked up in that cupboard or was it when?

MR MITCHELL: Mr Magadhla, the tape was brought, to answer your question directly, probably sometime later, because it went to Civil Aviation, they took the tape and they played it. Then they came back and said there was nothing on the tape. As far as I know, nobody in South African Airways played the tape.

MR MAGADHLA: When you had the tape locked up then, was it after it had been discovered that it had nothing?

MR MITCHELL: No, no, the tape, sir, came from ZUR, whoever went to go and get it, go and get the tape, and I remembered this as an afterthought, it wasn't part of my priorities at all, in fact, it didn't fit very high on the whole discussion as I mentioned, I don't want to labour the point, that HF transmission didn't happen, so it didn't mean a thing in my life. And I stand on that point, and when we locked it up, and I really don't know when, it could have been - I don't think it was the next morning, but I know we got the log and it got locked up. When DCA came, Mr DCA, it could have been a person from or persons from DCA to come and get all the information, then we gave it to them, and then they came back to us a time later, I'm sorry I'm not accurate with the time, sir, it's a time later, then they came back and said there's nothing on there. And this wasn't that night, it wasn't a

week later, probably even a month later, am I right, yes, it's about that.

DR KLATZOW: That is absolutely correct, DCA came to you a month later, but they were not given a tape that was taped over, they were given a tape of the wrong day, Captain Mitchell.

MR MITCHELL: I'm aware of that now.

DR KLATZOW: Yes, now, that's the issue I want to get to.

MR MITCHELL: Alright.

DR KLATZOW: No 1, the tapes are clearly marked,

MR MITCHELL: Yes.

DR KLATZOW: No 2, that tape was in and under your control.

MR MITCHELL: Dicky Rouxcastle actually.

DR KLATZOW: You were the man who was at the Head of the
...(intervention)

MR MITCHELL: I have many people who work for me, Dr Klatzow, I can assure you I had a good deal more that to worry about locking up a tape, I have a highly responsible Director Administration, of very very ...(indistinct) experience. He locked it up there, I knew it was there and I was quite happy that he did it.

DR KLATZOW: Did you ever go to Mr Rouxcastle and say to him, what happened to the tape?

MR MITCHELL: I can - I was with him when DCA came to fetch all the documents because the signed for it, and also, the tape

wasn't lost, can we correct that, you've just said it was another tape.

DR KLATZOW: Yes, well tell me.

MR MITCHELL: If anything, it was taped over again.

DR KLATZOW: Right.

MR MITCHELL: So we can establish that as a more accurate process.

DR KLATZOW: Well, we're going to deal with that, because if that were the case, Margo was never informed of that.

MR MITCHELL: I don't know that.

DR KLATZOW: Well, his finding made the following conclusion, "The tape was either taped over inadvertently or lost". Now, if the tape had been inadvertently taped over, it was perfectly possible for you, Captain Mitchell or one of the other people who along the line of tape, to address the Judge through your legal advisor and said, Judge, the tape has been taped over, there was an administrative error, here is the tape. Why did you never do that?

MR MITCHELL: Will you say that again.

DR KLATZOW: If the tape - the Judge's findings were quite unequivocal, they were to the effect that the tape had either been taped over or lost.

MR MITCHELL: Okay.

DR KLATZOW: If the tape, as you have unequivocally stated under oath now, had been taped over, what stopped you from going to the Judge through your legal advisor and saying, Judge, there is the tape, there is the markings on it which identifies the tape of that day, we have blued and taped it over. What would stop you doing that?

MR MITCHELL: Let me just correct you there, Dr Klatzow. You said that I've just said unequivocally under oath that the tape was taped over, I did not say that.

DR KLATZOW: What did you say?

MR MITCHELL: I said that is a possibility that it was taped over, I gave the indication, I did not say it was taped over.

DR KLATZOW: Captain Mitchell, I would like to have the record played back, but that is not what you said.

CHAIRPERSON: What you said actually, Captain Mitchell, was that the correct position is not that the tape was lost, but that it was taped over. It was not stated as a possibility. It was in fact stated as fact as an effort to correct an impression that it is either/or...(intervention)

MR MITCHELL: Either lost.

CHAIRPERSON: Yes. You were very emphatic about that, that's what we wanted to say by being stated unequivocally. It is your considered opinion, not opinion, statement or fact actually

that it was not lost, it was taped over. If you want to revise that opinion ... (intervention)

MR MITCHELL: No, I think probably you said it better than I have, yes. No, I accept that, you said it better than I have, but to answer the question for Dr Klatzow, he said why didn't I tell the Judge, sir, that's what the investigator's job is, he had the tape and he knew that, and it was his job as the investigator to tell the Judge, not my job.

DR KLATZOW: Captain Mitchell, you were the man in the hot seat, you were the man who had the tape in your hands, you were the man who could have provided an explanation whilst the hot debate was raging in court. You never did that.

MR MITCHELL: Sorry, I don't agree with you. The tape was with the investigator.

DR KLATZOW: No, the tape got to the investigator from your hands.

MR MITCHELL: Yes, but the tape was in the hands of the investigator ... (intervention)

DR KLATZOW: It was the wrong tape, Captain Mitchell.

MR MITCHELL: The tape was in the hands of the investigator who knew ... (intervention)

DR KLATZOW: It was the wrong tape.

MR MITCHELL: I'm sorry, I don't see the point.

DR KLATZOW: You gave the DCA investigators the wrong tape. You didn't give them a taped over tape, you gave them a tape of the next day.

MR MITCHELL: I'm not aware, I'm not aware of that.

DR KLATZOW: Well, that is ...(intervention)

CHAIRPERSON: That was put to you just - I think you must be - okay, Captain Mitchell it may be at the end of a long day, but I think you must allow yourself to listen to what is being put to you because some of it may escape you if you are not listening. Dr Klatzow did say to you that that was the wrong tape because, I think he said it was the tape of the previous day, or the next day, and then you seemed to accept that because you didn't contest it. I think he's putting it to you now, that what you gave to DCA ...(intervention)

MR MITCHELL: Yes.

CHAIRPERSON: Was the wrong tape in that it did not pertain to the day and issue, and you seem to be confirming that by saying that the tape in fact that was relevant is the one that was run over. Do you understand what I'm saying?

MR MITCHELL: Then you're saying there were two tapes?

CHAIRPERSON: There were two tapes, the one you gave DCA, which is why they returned it to say, look there's nothing on this tape, it was because it was not the tape in issue. If you want to place that in contest, if you are contesting that, then maybe do so

as you answer questions that are being put to you. I think there are two propositions now, when you continue to say the tape was returned and it was returned by DCA on the basis that it contained nothing, he is in the in the clause of putting questions to you, saying it was the wrong tape which is why it was being returned to you, and that is why the tape that was in issue became an issue because people then began to say, look you have given us a wrong tape because it is not relevant to the day in question, give us the correct tape, and then was the occasion for you to say, by the way that tape has been run over. That's where the controversies has lied all along, but then let's take it step by step, Dr Klatzow, I don't want to break your trend of trying to build up to whatever points you want to build up, but I just wanted to say to Mr Mitchell, maybe you should give yourself time to listen what he's asking, and not anticipate where he's trying to get to because once you begin to anticipate you'll find that you are answering questions that are anticipated and the you reply to questions that have not been put. And I think what is troubling you is that you preceded in the whole enquiry by proposing a theory that says there was an open decision, because on the basis of what - of the experience that you are talking about. Disabuse your mind for the moment of anything that you have ...(indistinct) of a type of theory and try and see if, you know, in the course of, you know, a controlled conversation of this nature, you are going

to be able to concede or still take the views that put, but don't anticipate questions.

MR MITCHELL: Thank you, Chairman.

CHAIRPERSON: Dr Klatzow?

DR KLATZOW: Back where we were. Captain Mitchell, there was a hot debate in Margo's court about the disappearing tape. You could provide that court with at least one step of the path of that tape. You did not do so, is there a reason?

MR MITCHELL: No.

DR KLATZOW: Furthermore, will you concede that your version that the tape was accidentally overtaped is highly unlikely, because Cedric Puckrin is well-known to me. Had he been provided with that evidence he would have said, bring me the tape, I'll show it to the Judge and that would have been put to the Judge that it had been overtaped.

MR MITCHELL: I'm not aware of what Mr Puckrin would have done.

DR KLATZOW: I am aware that he would have done that, because it is the obvious thing to have and only a fool wouldn't have done it, and Puckrin is no fool. That is the thing to have done, and yet Margo was left with the impression that it was either overtaped or mysteriously disappeared. Why did you never correct that?

MR MITCHELL: Probably because what the Commissioner said, I had a preconception, that I know from my experience, that there was nothing ...(intervention)

DR KLATZOW: So are we to believe that you gave Margo evidence based on your preconceptions?

MR MITCHELL: On my experience.

DR KLATZOW: On your preconceptions are the words you used, you had a preconceived notion that there was nothing on that tape, having never listened to it.

MR MITCHELL: And also having read the log.

DR KLATZOW: Only read the log?

MR MITCHELL: Yes, correct.

DR KLATZOW: Now, Captain Mitchell,

MR MITCHELL: Yes, sir?

DR KLATZOW: Were you ever phoned by me in my capacity as an investigator for the Sunday Star, in Mauritius?

MR MITCHELL: You mean in Mauritius?

DR KLATZOW: Yes.

MR MITCHELL: Yes, we spoke ...(intervention)

DR KLATZOW: Have you had a conversation with me?

MR MITCHELL: Yes.

DR KLATZOW: Did I raise the issue of a tape with you before?

MR MITCHELL: Did you phone once or twice?

DR KLATZOW: I phoned you twice.

MR MITCHELL: One in Jo'burg here?

DR KLATZOW: No, in Mauritius. Did you ever - do you remember that I raised the issue to you relating to the tape with you? If you can't remember, I'll provide you the transcript of the conversation, because I tape-recorded it.

MR MITCHELL: Really?

DR KLATZOW: Yes.

MR MITCHELL: Okay.

DR KLATZOW: Do you remember ...(intervention)

MR MITCHELL: ...(inaudible)

DR KLATZOW: Do you remember that I said to you, what did you tell the Margo Enquiry, and you said to me at the time, and I'm going to quote you closely, you said,

"What I say now is exactly what I told the Margo Commission."

What did you tell the Margo Commission about that tape?

MR MITCHELL: Well, when you say the Margo Commission, I probably ...(intervention)

DR KLATZOW: The Margo Enquiry, under oath in court, what did you tell them?

MR MITCHELL: I don't think they asked me about that in court, Dr.

DR KLATZOW: You told them nothing, Mr Mitchell, absolutely nothing.

MR MITCHELL: That's just what I'm agreeing with you.

DR KLATZOW: Why did you then tell me in my previous conversation with you that you would say exactly the same before? Did you mean to me that you would say nothing?

MR MITCHELL: I put Rene van Zyl and the enquiry in the same discussion as the whole process of looking into the accident.

DR KLATZOW: Yes.

MR MITCHELL: So I would have seen that as one.

DR KLATZOW: Yes.

MR MITCHELL: Rene wasn't South African Airways, he was doing the duty of the State, and that's Judge Margo too, so those are together, that's not part of South African Airways.

DR KLATZOW: Now Jimmy Deal had something else very interesting to say,

MR MITCHELL: Yes, sir.

DR KLATZOW: He said to me that he handed the tape into your hand and that you were in the company of Gert van der Veer and Malherbe, their legal advisor. Do you deny that?

MR MITCHELL: I don't - I very clearly - had they been standing - no, Dicky Rouxcastle was with me, no. Rouxcastle was with me when ...(intervention)

DR KLATZOW: And you never gave it to Van der Veer?

MR MITCHELL: No, definitely not, categorically not.

DR KLATZOW: Let me canvass another point with you, does the name Jimmy Mouton mean anything in your life?

MR MITCHELL: Yes, he went to school with me.

DR KLATZOW: What was his function at the Airways?

MR MITCHELL: Flight Engineer.

DR KLATZOW: Did he fly with you?

MR MITCHELL: Oh, lots.

DR KLATZOW: Did you know him well?

MR MITCHELL: Very well.

DR KLATZOW: Was he a good man?

MR MITCHELL: Yes, Jimmy's a good chap.

DR KLATZOW: Was he a fool?

MR MITCHELL: Well, you know, I've known Jimmy a long time and he's a good man.

DR KLATZOW: He's a good man? Did he have extensive cockpit experience?

MR MITCHELL: Yes.

DR KLATZOW: Was he an irrational man?

MR MITCHELL: Did you say irrational?

DR KLATZOW: Irrational.

MR MITCHELL: He's not irrational, he's ...(intervention)

DR KLATZOW: He's a man who ...(intervention)

MR MITCHELL: He's excitable.

DR KLATZOW: I understand that. Did you know a man called Judge Bredas?

MR MITCHELL: Yes.

DR KLATZOW: Did you know Peter de Beer?

MR MITCHELL: Yes, that's all the Union.

DR KLATZOW: Did you know Ray Scott?

MR MITCHELL: They all of the Union, yes.

DR KLATZOW: Correct. Were they fools?

MR MITCHELL: No, they were normal Flight Engineers.

DR KLATZOW: They were good Flight Engineers, they were men with whom the safety of passengers was entrusted, almost to the same extent as a pilot on an aircraft.

MR MITCHELL: Probably that's taking it a bit far.

DR KLATZOW: Well, they were men who bore a responsible job, and they knew the functionings of a cockpit, is that not correct?

MR MITCHELL: They're Flight Engineers.

DR KLATZOW: Sorry?

MR MITCHELL: They're Flight Engineers.

DR KLATZOW: Well, they may be a lower species, Captain Mitchell, than you are, but they were men who spent a lot of time in the cockpit and would have known what went on in the cockpit, is that not correct?

MR MITCHELL: Those are your words, a lower species.

MR MITCHELL: I'm suggesting what you're implying.

MR MITCHELL: I didn't imply that at all.

DR KLATZOW: Well, let's get to the question, is it likely that they would know what went on in the cockpit?

MR MITCHELL: Oh yes.

DR KLATZOW: And that whatever they had to say about the interpretation of what went on in the cockpit was something to be taken seriously, not the ravings of a fool?

MR MITCHELL: I would always listen to them.

DR KLATZOW: Yes. Are you aware that that group of men prepared a report,

MR MITCHELL: On the electrical systems?

DR KLATZOW: On the events as they went on in the cockpit and they placed a different interpretation on those events to that which was coming out on the Margo Enquiry.

MR MITCHELL: I've never seen this - in the back of my head I think I may know about it, but I definitely haven't seen this.

DR KLATZOW: Were you ever in Margo's chambers when Ray Scott, Judge Bredas and Jimmy Mitten were called into Judge Margo's chambers?

MR MITCHELL: I'm not aware where Judge Margo's chambers are, I think they're in the Supreme Court, I'm not aware,

DR KLATZOW: Yes, they were in the Supreme Court.

MR MITCHELL: I'm not aware of where they are, sir, I can't say yes. In fact I don't know where ...(intervention)

DR KLATZOW: Can you deny that you were present when Judge Margo called them in?

MR MITCHELL: I met - Dr, I remember going to being called to Judge Margo's house,

DR KLATZOW: Yes.

MR MITCHELL: And I've been trying to think why I was called there and I do believe now, I mean, believing, because I can't remember the actual - there was somebody else or two people came out their motorcar, because they had been to see Judge Margo, and they were from the Airline and I think, I just think, sir, I think it was Jimmy Mouton plus, plus one, I'm not sure of that.

DR KLATZOW: Right, well, Jimmy Mouton tells me that he was called to Judge Margo's chambers. Now, I don't want to debate with you whether it's his house or his chambers, because that could very well be the vagaries of memory, but they were summoned to Margo's presence, and you were present, and you've confirmed that.

MR MITCHELL: I remember that, I can't, you know.

DR KLATZOW: Do you remember what Margo said to them?

MR MITCHELL: No, I really would tell you if I knew, I've got nothing to hide.

DR KLATZOW: Well I'm going to tell you what Ray Scott says that Margo said to them.

MR MITCHELL: Alright, you tell me, because I ...(intervention)

DR KLATZOW: I'm going to read it to you, Mr Mitchell, Peter de Beer the Chairman of the Flight Engineers Association, he had family in London" he now flies for Pheonix Air, this was some years ago, '95, he plus Mouton plus Judge Bredas plus Ray Scott were called into Margo's chambers and told to drop the enquiry that the were pursuing.

MR MITCHELL: No, I'm not aware of this.

DR KLATZOW: They were told that it could cost the country R400 million rand, which co-incidentally is the cost of a Boeing at that time, they were told that it was causing tension, they were told that they did not have the expertise and that national security was at risk. Present were, Mickey Mitchell, Margo, the Airline lawyer and he thinks the DCA was there,

MR MITCHELL: And he thinks?

DR KLATZOW: The DCA, he was quite emphatic that you were there and you've confirmed that.

MR MITCHELL: I've been - no, I was by myself when I went to Judge Margo. That's - I remember going into his house.

DR KLATZOW: But you told me that Mittens was there.

MR MITCHELL: No, I think it was Mittens - when I drove into there and Dr, I am battling to find why I was there, I can't remember why ...(intervention)

DR KLATZOW: Well I want to suggest to you, you were there, ...(intervention)

MR MITCHELL: Can I finish?

DR KLATZOW: Yes.

MR MITCHELL: Thank you. When I drove in and I remember his house next to King Edwards and these people - and I remember them as Flight Engineers, I think Jimmy Mittens was there - I can't - I don't think I was ever in a meeting with the four of them or, who did the other one you say?

DR KLATZOW: Well do you think Ray Scott is lying?

MR MITCHELL: I don't think so, just mistaken, but I don't remember that at all.

DR KLATZOW: Do you think that Jimmy Mittens is lying?

MR MITCHELL: No, I ...(intervention)

DR KLATZOW: So he's also mistaken?

MR MITCHELL: Yes.

DR KLATZOW: The same mistake?

MR MITCHELL: Probably.

DR KLATZOW: Right.

MR MITCHELL: I don't remember that - all those - I don't remember R400 million, I don't remember security, I don't

remember State security, I don't remember - had it been there, I certainly would have remembered.

DR KLATZOW: Who was Joe Bellagada?

MR MITCHELL: Joe Bellagada was the Flight Engineer on the aeroplane.

DR KLATZOW: Did he have a wife?

MR MITCHELL: Yes.

DR KLATZOW: What was her name?

MR MITCHELL: I don't know.

DR KLATZOW: Her name was Yvonne Bellagada.

MR MITCHELL: Yes, I do know now.

DR KLATZOW: Right. She remembers you meeting Jimmy Mittens ... (intervention)

MR MITCHELL: At her house.

DR KLATZOW: Outside the court.

MR MITCHELL: Yes.

DR KLATZOW: Do you remember that meeting?

MR MITCHELL: Gee, I was there for a week, so I don't ... (intervention)

DR KLATZOW: They also remembered that you told Mitten to drop it, the enquiry.

MR MITCHELL: No, I'm not aware of the Enquiry, Dr, I'm not aware of this.

DR KLATZOW: Well, see this is very convenient, because I have the most interesting scenario before me. I have you with every reason not to tell me the truth on this issue, and I have four other people who've confirmed that this even occurred, who implicate you in an event of an extremely serious nature in this investigation.

MR MITCHELL: I agree it's very serious.

DR KLATZOW: I have your ball denial, I have statements inter alia under oath from four other people who maintain you were involved in getting this enquiry dropped.

MR MITCHELL: No, not at all. I support fully that the enquiry is re-opened, if there are new things that have come in completely to find out whether this happened, Commissioner, I will be the first to ...(intervention)

DR KLATZOW: You've ducked the question, Captain Mitchell.

MR MITCHELL: No I haven't, I said ...(intervention)

DR KLATZOW: The question was, that enquiry by the Flight Engineers, they allege that you wanted that enquiry dropped together with Margo.

MR MITCHELL: I'm not even aware of the Flight Engineer's enquiry.

DR KLATZOW: Did you follow the enquiries of the entire Helderberg enquiry, were you aware of the goings-on?

MR MITCHELL: No, I was only a witness there, you know, I
...(intervention)

DR KLATZOW: But you were part of the Airline?

MR MITCHELL: Yes.

DR KLATZOW: You realised that an aircraft had gone down?

MR MITCHELL: Yes.

DR KLATZOW: You must have had a professional interest in
finding out what went wrong?

MR MITCHELL: It was a very hectic time, Dr, I can assure you,
it was hectic, hectic, there was no logical ...(intervention)

DR KLATZOW: We'll get to that in due course. Are you aware
that there's a thing in the aircraft called a cockpit voice recorder?

MR MITCHELL: Yes.

DR KLATZOW: You're aware too that it records the last half
hour of conversation in the aircraft?

MR MITCHELL: Depending on your aeroplane.

DR KLATZOW: Correct. But in that aircraft it recorded the
last half hour,

MR MITCHELL: Yes.

DR KLATZOW: You're aware that that cockpit voice recording
was recovered from Mauritius?

MR MITCHELL: Yes.

DR KLATZOW: You're aware that that cockpit voice recording was transcribed at great expense by Colonel Leonard Jansen, are you aware of that?

MR MITCHELL: Yes.

DR KLATZOW: You're aware that an official version of that cockpit voice recording exists?

MR MITCHELL: Yes.

DR KLATZOW: And was accepted by the Margo Commission?

MR MITCHELL: Yes.

DR KLATZOW: You're aware that on that recording there was a discussion involving dinner being served in the cockpit, are you aware of that?

MR MITCHELL: Yes.

DR KLATZOW: When is dinner served aboard SAA flights out of Taipei?

MR MITCHELL: You mean for passengers?

DR KLATZOW: To the passengers and to the cockpit crew.

MR MITCHELL: It's not the same time.

DR KLATZOW: When is it served to the passengers? Let's do it peace meal.

MR MITCHELL: Nice word peace meal. I would be - what time did the aeroplane get airborne?

DR KLATZOW: About just after 1 o'clock our time.

MR MITCHELL: Dr, I would be wrong to tell you what the plan - what they gave people on the aeroplane, because I don't know.

DR KLATZOW: Captain Mitchell,

MR MITCHELL: Yes,- I'll come back to - by the crew, I'll tell you about ...(intervention)

DR KLATZOW: How long have you being flying?

MR MITCHELL: 40 years.

DR KLATZOW: How many meals have you been served as a proper meal at the top of descent, or just before the top of descent?

MR MITCHELL: A fair number.

DR KLATZOW: Well this is very interesting evidence, because everybody that I have spoken to, including people who should know,

MR MITCHELL: Who?

DR KLATZOW: Gert van der Veer.

MR MITCHELL: He's a pilot?

DR KLATZOW: No, but he flies a lot, and he's a man who should know what goes on, many other pilots, and I can give you their names,

MR MITCHELL: Yes, I'd like that.

DR KLATZOW: I will in due course.

MR MITCHELL: Go ahead.

DR KLATZOW: I'm not going to do it now, but many people have told me that it is extremely unlikely that a meal be served in the cockpit just outside Mauritius.

MR MITCHELL: May I give you another point of view if I may, Commissioner, you're suggesting that just prior to going down somebody asked for his meal.

DR KLATZOW: No, that's not what I suggested, Captain Mitchell, listen to the question. A meal was being served to the cockpit crew, not somebody asked for a meal, a meal was being served to everybody in the cockpit. Now you've read that tape-recording,

MR MITCHELL: Ages ago.

MR MITCHELL: Well I want to put it to you prevaricating, because it's quite clear from that tape-recording that a meal was being served to everybody in the cockpit.

MR MITCHELL: You had things to eat on the way down if you wanted to you, can I - will you let me just talk a little bit and tell you about this?

DR KLATZOW: Yes, let me hear.

MR MITCHELL: If you had a crew coming out of Taipei, you have a double crew and what would happen is that probably the first part of the crew - no, let's talk, the first part of the crew would sleep in the afternoon and the second crew would operate the aeroplane to about halfway. Now, that means that they would

fly 4/5 hours, then the crew would change over. Now, the decision was that at that stage there, Dr, is that when you - they would have been feeding passengers, but as crew you would eat meals, your own meal, the hot/cold meals whatever you felt like, you'd call for it yourself. You don't have to eat with everybody else, because your time frame's out, you're in Taipei time, you're not in South African time, you'd eat at all the wrong times of the day, so when you're hungry, you call for your meal. And that's what happens, so probably a crew flew halfway and then they changed over, so that man or men, they went into the bunks and the next crew got into the operating, and then they and just before ... (indistinct) and it's 25 minutes for a descent or probably 5 or 10 minutes before then, the people would be woken up, they're going to go down and say, bring me my meal and he'd have his meal, and that is quite normal, I have done this hundreds of times.

DR KLATZOW: Who was the pilot on-board that aircraft?

MR MITCHELL: Dawie Uys.

DR KLATZOW: Who would have flown it out of Taipei?

MR MITCHELL: I have no idea.

DR KLATZOW: Well, is it not likely that the captain would have done so?

MR MITCHELL: No, why, there's three pilots.

DR KLATZOW: Who was the main engineer aboard that?

MR MITCHELL: I don't know.

DR KLATZOW: Joe Bellagada.

MR MITCHELL: No, that doesn't follow - we changed all the time.

DR KLATZOW: He was the main engineer aboard that aircraft, he was the senior man.

DR KLATZOW: Your point is?

DR KLATZOW: Joe Bellagada, Dawie Uys and other members of the crew were being served a meal and every indication was that it was part of the normal meal service, it was not something which happened in an unusual way such as you described, and inter alia, let me just finish, inter alia Jimmy Mouton and the Flight Engineers Association interpreted that meal in exactly the same way as I've interpreted it, namely that it was a meal served in the normal course of events and would have been served shortly after that aircraft reached its cruising altitude.

MR MITCHELL: For the crew that were there, yes, the operating crew, but not for the crew who had gone to the bunks already.

DR KLATZOW: It wasn't the crew in the bunks, it was in the cockpit.

MR MITCHELL: No, sorry, the bunker is next to the cockpit.

DR KLATZOW: It was in the cockpit, it was recorded in the cockpit.

MR MITCHELL: But I have no difficulty with that, I'm agreeing with you, I'm agreeing with you. The crew in the cockpit, those three would have got their meal, but they would have eaten and flown.

DR KLATZOW: Well are you suggesting that that meal was served half way between Taipei and Johannesburg?

MR MITCHELL: That could at ...(indistinct) or anywhere. You eat when you want to, you're not - there's no mealtimes, Dr. When you're flying, you eat when you want to eat. I personally don't eat probably for the first six hours when I'm flying, for a reason ...(intervention)

DR KLATZOW: Captain Mitchell,

MR MITCHELL: Yes sir?

DR KLATZOW: I don't want to be unpleasant, but I'm going to put it to you that you're lying.

MR MITCHELL: No, I'm not lying ...(intervention)

DR KLATZOW: I want to put it to you that you're the only person who put that interpretation on this event ...(intervention)

MR MITCHELL: Well, I'm the - I have the experience here and I really object to that, I want to take note of this, I object to that. I do not lie, I can tell you I've been flying for 42 years and I've got dozens of people who will do exactly the same as I will, dozens, in this Airline where I'm flying dozens, they do not eat at one time, they eat when they feel like it, they change when they like,

my stomach is not the same as yours, so I object to that, Dr
...(intervention)

DR KLATZOW: Precisely.

MR MITCHELL: Please, sir, I object to that.

DR KLATZOW: Have you lodged your objection Captain Mitchell?

MR MITCHELL: Yes.

DR KLATZOW: Precisely the point that your stomachs are not the same would be most unlikely for everybody whose stomachs are not the same to be being served a meal somewhere in the middle of this flight just at top of descent as you would have this Commission believe.

MR MITCHELL: Not unreasonable, ...(intervention)

DR KLATZOW: It is totally unreasonable.

DR KLATZOW: Sir, you are not a pilot.

DR KLATZOW: Is that your answer Captain Mitchell?

MR MITCHELL: ...(indistinct)

DR KLATZOW: Right, now, are you - will you accept that at least one interpretation that can be put on the fact that a meal was being served was that that flight recorder stopped functioning nearer Taipei than to Mauritius, will you accept that that is one possibility?

MR MITCHELL: One of the others too.

DR KLATZOW: Would you accept that it is one possibility?

MR MITCHELL: It's unlikely.

DR KLATZOW: I've not asked you whether it's likely or not, would you accept that it is one possibility?

MR MITCHELL: A highly unlikely possibility.

DR KLATZOW: Tell me why it is so unlikely.

MR MITCHELL: I don't know what your point is that you're making.

DR KLATZOW: Just tell me why it is an unlikely possibility.

MR MITCHELL: That a meal would be served and the cockpit voice recorder stopped there, that's highly unlikely, its ... (intervention)

DR KLATZOW: Well the cockpit voice ... (intervention)

MR MITCHELL: ... (inaudible)

DR KLATZOW: We know that the cockpit voice ... (intervention)

MR MITCHELL: You're a Scientist, you should know this.

DR KLATZOW: We know the cockpit voice recorder stopped as a result of fire.

MR MITCHELL: Correct.

DR KLATZOW: We know that it records the last ½ hour of conversation in the cockpit,

MR MITCHELL: Okay.

DR KLATZOW: We know that there is a discussion about a dinner on that tape-recording.

MR MITCHELL: Which fits my descent.

DR KLATZOW: You say it fits the descent? We'll get to that in a minute. Can you give me one reason why Jimmy Mouton's interpretation is so unreasonable that it should be disregarded?

MR MITCHELL: I think it would be unreasonable to disregard it at all, I think it's one of the possibilities, but certainly isn't the only one.

DR KLATZOW: Why was it disregarded?

MR MITCHELL: I don't know.

DR KLATZOW: I want to put it to you that you were present when Margo persuaded them not to put that on, and that they were threatened, and today, Captain Mitchell, they are still, all four of them, are still extremely intimidated, their families were threatened.

MR MITCHELL: No, I'm not aware of this.

DR KLATZOW: I want to put it to you that you were aware of it.

MR MITCHELL: Sorry, you're wrong.

DR KLATZOW: Right.

CHAIRPERSON: Can I just ask, before you get on with it. You said you were not in Judge Margo's chambers when he is supposed to have put these threats, I mean these indications that, look your family and national security an all that, but in the

course of replying that, you said you visited him at his place, at his home.

MR MITCHELL: Yes.

CHAIRPERSON: What was that all about?

MR MITCHELL: Sir, that exactly - I was scratching my head to find a reason as to - I know I was there because I know how to get to his house, I hadn't been there before, and I've been thing of what is the reason I went there. I'm not a friend of Judge Margo at all, so I was never a visiting friend or anything like that, so I went there for a purpose.

CHAIRPERSON: Was it at his invitation?

MR MITCHELL: Yes, definitely, I wouldn't go there otherwise, oh, definitely.

CHAIRPERSON: Do you think you might find it possible to recall what it was all about? I say so because, you know, there is another proposition that is being put,

MR MITCHELL: Yes.

CHAIRPERSON: And it's a very serious proposition, it comes from more than one witness who state that the whole enquiry was sought to be derailed by a Judge who for good or for bad reasons had felt that it was in the national interest, no less, that certain evidence should be suppressed, that, you know, the enquiry should be led in a different direction that that which the evidence might point, and that certain people were being persuaded to take

certain position which ...(indistinct) would not liked to have taken. Now, and therefor you are one of the people who is indicated to as having been present when this was made, and where you deny that, and I can live with your denying, but where in the process of denying that particular meeting you say, no, the only time that I ever visited Margo was when I went to his home.

And why I'm asking is because I'm quite concerned that a Judge who is presiding in any enquiry of that nature should actually be visited, at his own invitation, at his home in circumstances where it might suggest that he was placing himself in a very invidious position.

MR MITCHELL: An invidious position?

CHAIRPERSON: Yes.

MR MITCHELL: I take note of that Commissioner.

CHAIRPERSON: Dr Klatzow? I'm just saying maybe it will be in all our interest for you to remember exactly what it was, you see, that you ...(inaudible)

MR MITCHELL: I give you my word, if I get it there, I'm here, I've got nothing to hide, I'm at your behest, sir, but I - there's just something that I remember driving in and I can't put my finger on it what we were there for, I'd rather not say it was that or this, because I actually - is it possible to approach the Judge and ask him?

CHAIRPERSON: We can explore that, but from all accounts it looks like the Judge is a bit on the old side now, he's very senile.

Anyway, you said it was you, who else was there, you said when "we"?

MR MITCHELL: I was by myself when I - I went there by myself. And when I got out my car I remember a car drove out, to my memory, I think it was ...(indistinct), but again, I don't want to point fingers at somebody and I'm not sure who it was, but I know I went there.

CHAIRPERSON: But you recall also that as you went in some people were leaving and it is your considered opinion, though doubtful that it must have been Flight Engineers.

MR MITCHELL: I think.

CHAIRPERSON: You see, again, in the light of what is being put, you see ...(intervention)

MR MITCHELL: I get your point.

CHAIRPERSON: In the light of what is being put, it's again quite something that is very worrisome, that a Judge was who was presiding should - and if it was at his invitation that you and those Flight Engineers obviously were at his invitation at the place, and I want to put the other proposition, and this what I put to Gert yesterday, that we must take into account what the times were at which we were living in those days. It is not far-fetched, it may, in 1998, appear to be far-fetched for a suggestion to be

made that a Judge could have made a proposition of that nature, but when you take into account what happened in this country, when evidence was placed by an advocate of a Senior Counsel, for instance in the case of the Harms Commission, before the Harms Commission, evidence that was placed over a long period - against the bedrock of public confessions that had been made by certain individuals about the prevalence of hit squads, evidence which was rejected as being false, but which has not been proved in every single event by the perpetrators coming forward, and many others, to show that it was not just an act of a few bad apples, it was a prevalence, the nature of which we deal in this particular chamber, day in and day out in an expression by way of amnesty applications. So those sort of things are not far-fetched, and that a Judge could have make a proposition like that is not far-fetched, and it is our experience from what has been put before us in the course of this enquiry that people were frightened then, and still are frightened now because of the sort of environment that was created by suggestions which, it is our view, made by this Judge that it is not in the national interest for certain information to be made available for that Commission.

So, it is absolutely and critically important that you should endeavour to recall why it was that you went to see Judge Margo at his house, at his invitation, at a crucial time when the presiding officer should have stayed away from private conversations of any

nature whatsoever which involves people who were potentially witnesses before you.

MR MITCHELL: Thank you, Chair, for explaining it, I've not been up to speed on the Truth Commission processes living in Mauritius, so I would thank you for that background. I certainly would endeavour every single bit to scratch my head during the next discussion that come and if something recalls there, I give - I'm under oath, I give you my solemn word that I will tell you, I've got nothing to hide, I've got nothing to pretend, I didn't do anything wrong, and believe me, if there's anything at all I can help, I will.

CHAIRPERSON: Dr Klatzow?

DR KLATZOW: Captain Mitchell, if a conversation about the Engineers Report was had with you, it would be something that you would remember?

MR MITCHELL: There were two reports, you know? There was a very serious report about the Boeing, about the problems on the electrical systems and how to de-activate the electrical systems.

DR KLATZOW: Please answer my question. Had the Flight Engineers given you a report about a meal being served at a different interpretation on board the aircraft, you would have remembered that?

MR MITCHELL: Probably, Dr.

DR KLATZOW: Had the Flight Engineers had an altercation with you or had you been in any way heated about this report, you would have remembered that?

MR MITCHELL: I had a fairly good number of arguments with the Flight Engineers Association because I represented SAA, so I ... (intervention)

DR KLATZOW: I'm talking about the report relating to the Margo Commission.

MR MITCHELL: I'm not aware of this one, Dr.

DR KLATZOW: Is there any reason why the Flight Engineers would wish to incriminate you or to get you involved unnecessarily or to falsely accuse you?

MR MITCHELL: I can't see why they should

DR KLATZOW: Of course they couldn't. I now want to read to you what Jimmy Mittens says,

"A teams comprising my brother and Andre Halt, both Flight Engineers, helped me analyse. We unanimously said the investigation went down the wrong track, we believe to this day that there were two fires aboard that plane and at that stage we did not know that the ZUR tapes went missing. We submitted our report and immediately realised we were standing on toes. We summoned to SAA, Mickey Mitchell, Chief Pilot from the SAA Safety Officer asked us if we were

accusing him of saying that the pilot, Captain Uys was told to fly on despite the fire. We hadn't even thought of it at that stage."

Do you remember that conversation?

MR MITCHELL: No.

DR KLATZOW: Is there any reason why Mittens would lie?

MR MITCHELL: I don't want to call people liars, Dr, but inaccuracy probably.

DR KLATZOW: I don't think so, I think that they would confirm that under oath.

MR MITCHELL: Yes, but inaccurate.

MS WILDSCHUT: Excuse me, I just want to say that he said this to me - this is something he said to me very recently and he was very passionate about it and said he would do that under oath.

MR MITCHELL: I have no difficulty, maam, but I don't recall this, I really don't.

DR KLATZOW: I want to put it to you, Captain Mitchell, that the reason that you cannot recall that is not because your memory is fading, because you have quite a clear memory of many of the things which you've testified to today, I want to put it to you that the reason that you disavow any knowledge of this, is because there are extremely sinister implications which could very well involve you.

MR MITCHELL: I'm sorry, I don't agree.

DR KLATZOW: And that one of the implications is that a vital tape, which you claim nothing was on, despite the fact that you hadn't listened to it, went missing after it was in your care, and you'd passed it on to somebody else, and that you never informed the Margo Commission of the steps of this tape.

MR MITCHELL: Sorry, sir, I did, via Rene van Zyl.

DR KLATZOW: You were in the witness box, you had heard the conversation, you had every opportunity to say to the Judge, Judge - you were discussing the tape immediately before my presentation, I had that tape, it was locked in the safe, and this man had the keys and he's the man you should ask about it.

MR MITCHELL: Don't you think Rene van Zyl would have done that?

DR KLATZOW: I'm not asking what Rene van Zyl would have done. I want to know why you didn't do it.

MR MITCHELL: Sorry, sir, that's not my job, that's his job.

CHAIRPERSON: I differ, I differ, I differ, I differ, Mr Mitchell.

In a Commission nobody has a job like there is a job description.

In a Commission, especially in a Commission, more than in fact in a court of law, in a commission you endeavour to bring information to the attention of the Commission that might be germane to the issues being thrashed out, and that might assist the Commission to arrive at a fair and a balanced verdict.

MR MITCHELL: Yes.

CHAIRPERSON: And I'm sure you now appreciate, if you had brought that information to the attention of the Commission then we would certainly not be here.

MR MITCHELL: Yes, you're right.

DR KLATZOW: Well, why didn't you?

MR MITCHELL: As I say, in my ignorance, Dr, I'm not aware of Commissions or acts, this is the first one I've ever been to, is that I assume that the investigator has spent a lot of time with the Judge explaining things.

DR KLATZOW: Well, I want to put something else to you, Captain Mitchell,

MR MITCHELL: Yes.

DR KLATZOW: When we started this discussion over an hour ago, you attempted to convince the Commission that the tape had been taped over, you put it as a fact, and remember, you are under oath, that the tape had been taped over, not that it had been lost. You went out of your way to correct me in my statement to you.

MR MITCHELL: I don't think we'll ...(indistinct) I'll say again ...(intervention)

DR KLATZOW: So you think it was taped over?

MR MITCHELL: I think so.

DR KLATZOW: Then please tell the Commissioner why it is that you didn't show the remains of the tape, and I'm going to give you a very logical reason why you didn't.

MR MITCHELL: ... (indistinct)

DR KLATZOW: You answer my question first, I'm asking the questions, Captain Mitchell.

MR MITCHELL: You asked two now.

DR KLATZOW: Why is it that you did not give the empty tape to the Commissioner at the time, Margo, if that is what you said? Tell me why you didn't give that tape to him, and if the tape was lost, why did you try to convince this Commission that it had been taped over?

MR MITCHELL: Can I just come back to your first question.

DR KLATZOW: Yes.

MR MITCHELL: Your first question is, why didn't I give the tape to the Commission. Now, when Rene van Zyl came back and said there's nothing on the tape, I can't remember that we accepted the tape back into SAA. In fact, I'm pretty sure that tape is locked up in Pretoria.

CHAIRPERSON: But that wouldn't be the reason for you not producing the tape, whether it was in Pretoria or anywhere else. And in any event, we've dealt with the question of the tape that was brought back by the DCA people. That tape was brought

back on the basis that it was the tape relevant to a date other than the one in question.

I think the question is relevant to the tape which you, under oath, have sought to say to us was taped over, why was that tape not produced by you at the Enquiry?

MR MITCHELL: But sir ...(intervention)

CHAIRPERSON: As proof of the fact that it was taped over, it was an inadvertence, but there it was, end of the story.

MR MITCHELL: Yes, Commissioner, the point I make is that came back, Rene van Zyl said there's nothing on this tape, about the Helderberg ...(intervention)

CHAIRPERSON: But you are not answering the question, Mr Mitchell,

MR MITCHELL: I'm missing the point, yes.

CHAIRPERSON: Let's deal with one question first.

MR MITCHELL: Okay.

CHAIRPERSON: On the basis of your own evidence today, namely that that tape, the crucial tape, the ZU tape, whatever it is called, had been taped over. Now that tape about which all of us are in agreement, I'm talking about the tape that was claimed to have been lost when in fact it had not been lost, but had been taped over, the question is, why did you not make that tape available to the Commission as evidence of the fact that there should be no issue as to what happened to the tape, it was not

lost, it's here, it's physically here, except that it won't contain anything, even if the anything is nothing. It is here, we taped over it, here is that tape, why didn't you do that, that's the question?

MR MITCHELL: Commissioner, I do not think that tape is in the hands of SAA at all, it remains in the hands of the investigator who is Mr Rene van Zyl.

CHAIRPERSON: That still doesn't answer the question, why didn't you when you gave evidence say, look the tape is available,

MR MITCHELL: Yes.

CHAIRPERSON: It was taped over.

MR MITCHELL: Yes.

CHAIRPERSON: Why didn't you?

DR KLATZOW: Captain Mitchell, I'm going to advance a suggestion to you,

MR MITCHELL: Yes?

DR KLATZOW: If the tape had been taped over and you'd given it to the Commissioner, you may remember that there was a small unpleasantness called Watergate, which resulted in the impeachment of President Nixon, and part of the reason that Nixon was impeached, was that they were able to uncover information from tapes that had been re-taped over.

MR MITCHELL: Yes.

DR KLATZOW: Now, if the tape had been taped over, which I find inexplicable,

MR MITCHELL: It can happen.

DR KLATZOW: Of course it can. Why didn't you give it to Margo?

MR MITCHELL: But I didn't have it.

DR KLATZOW: Neither did DCA.

MR MITCHELL: But DCA did.

DR KLATZOW: Let me ask you this question, because let's deal with that point, what did Rene van Zyl say to you when he came back with the tapes?

MR MITCHELL: In round words, the tape there had nothing on it to do with the Helderberg.

DR KLATZOW: Well let me tell you what Rene van Zyl said.

MR MITCHELL: Okay.

DR KLATZOW: And this is out of the horse's mouth. He came back and you were told that it was not the correct tape.

MR MITCHELL: Yes.

DR KLATZOW: "We were then told that the tape was taped over" and his comment is, "I find this really weird". Now which is true, Captain Mitchell, you're under oath and you've not got a ... (indistinct) of versions.

MR MITCHELL: No, no, that isn't the same thing, that's exactly what we're saying.

DR KLATZOW: No, it's not.

MR MITCHELL: I see it as the same thing, I'm very sorry.

DR KLATZOW: Well then why did you never produce the taped-over taped?

MR MITCHELL: Because he kept.

DR KLATZOW: He didn't, it was never given to him.

MR MITCHELL: No, no, no, we're talking at cross-purposes here.

DR KLATZOW: No, we're not talking cross-purposes.

MR MITCHELL: No, no, I see what - the tape that went to Rene van Zyl was thought to be the one that was the Helderberg.

DR KLATZOW: Yes.

MR MITCHELL: And it went there, but it had been taped over.

DR KLATZOW: But it was the wrong tape.

DR KLATZOW: But it had been taped over and another day was on this tape.

DR KLATZOW: Yes?

MR MITCHELL: So when it came over that the information on that tape pertained to another day,

DR KLATZOW: Yes?

MR MITCHELL: So when he brought the tape back and said, this is the wrong tape,

DR KLATZOW: Yes?

MR MITCHELL: But we said it's not the wrong tape, we gave that to you, that's the one we got.

DR KLATZOW: It was the wrong tape.

MR MITCHELL: That's right.

DR KLATZOW: And the explanation as to where the right tape was proffered was, is the explanation that you've given us today, that it was taped over.

MR MITCHELL: And that's the one that he took with him.

DR KLATZOW: No it is not the one.

MR MITCHELL: No, sorry, sir.

DR KLATZOW: There are two tapes.

MR MITCHELL: Sorry, sir.

DR KLATZOW: There is a tape which was the tape of the following day, which was given to Rene van Zyl.

MR MITCHELL: Sorry, sir, I don't see it like that.

CHAIRPERSON: We canvassed this point earlier on, and I think you were, in fact, I'm sure you were in agreement that we're talking about two tapes,

MR MITCHELL: Yes.

CHAIRPERSON: The one tape that was given to the Flight Engineers, I think, is that what Mr van Zyl is? That tape was the one which was returned to you, it had nothing on it, precisely because it was a tape relevant to a day other than the day in question. That tape was then returned ...(intervention)

MS TERREBLANCHE: Sorry to intervene, but I think there is a confusion. There are a number of things, there is the Mauritius conversation, no, there's the CVR ... (intervention)

CHAIRPERSON: There's no confusion in the way the evidence was led. The evidence I understood to be that was when we come to the issue of the tapes that were taken away, there is a tape that was given to Flight Engineers ... (intervention)

MR MITCHELL: DCA.

CHAIRPERSON: I mean DCA, that's - DCA was given a tape,

MR MITCHELL: Yes.

CHAIRPERSON: And that tape is the one that was returned on the basis that there was nothing on it. And earlier on, I think we will agree, that it had nothing on it precisely because it related to a day other than the date in question. And it is then that earlier on, it was your considered opinion that the tape in fact that had remained, is the tape that had been taped over. And that is the tape that we're talking about, there are two tapes. Certainly by way of earlier evidence it was clear that there are two tapes. Now, as I understand it, you are seeking to say the tape that was taped over is in fact the tape that was given through to Van Zyl and he brought it back.

MR MITCHELL: That's my impression.

CHAIRPERSON: Well, then there's one tape and then I don't know what I do with your earlier evidence which you seemed to

be emphatic in trying to ...(inaudible) between the tape that went away and then was returned, and the tape that ought to have remained, except that it had been taped over, which is why you were saying it actually never got lost.

MR MITCHELL: We never had a lost tape at all.

CHAIRPERSON: Dr Klatzow?

DR KLATZOW: Well, Mr Commissioner, the evidence gets more and more confusing as we go along, ...(intervention)

CHAIRPERSON: Yes, I agree with that.

DR KLATZOW: Because, no 1, Margo found, as a fact, that there had been a lost tape, or that it had been transcribed over, sorry, taped over. He made that as a factual finding, and he made it because you, who was one of the people who could have shed light on it, never said a word about it at the Commission.

MR MITCHELL: Then I stand corrected, because if you tell me, I should have, but, my assumption is - then again I come back to the mistake that I thought that DCA would have told the Judge or the problem, so I assumed that.

DR KLATZOW: And you were quite happy to sit in court and watch the Judge being misled and going down a wrong alley without saying a word.

MR MITCHELL: You think the Judge was misled?

DR KLATZOW: Answer the question.

MR MITCHELL: I didn't see the Judge being misled.

DR KLATZOW: Right, now, you see the difficulty I have with your evidence is as follows, Mr Mitchell, I'm going to tell you from the word go.

MR MITCHELL: Okay.

DR KLATZOW: There are a number of murky issues that arrived on our doorstep as a result of the loss of that aircraft, and your name is central to several of them. There was a tape-recording, made of ZUR, which is placed in your hands, which goes missing.

You then give no proper explanation. In fact, your explanation has been like treading on quicksand, during even this enquiry, you have shifted from one explanation to another, faster than my plodding thoughts can follow you.

MR MITCHELL: Hardly plodding.

DR KLATZOW: That's the first thing. The second, thank you, the second thing is this, that there is a series of statements which implicate you, Captain Mitchell, in something grossly improper in this enquiry, and all you can do is to deny that they occurred, and yet four people will propose under oath that you were somehow involved in suppressing that report ...(intervention)

MR MITCHELL: I'm sorry, this is dying.

CHAIRPERSON: Yes, I think there is a grave problem with the sound system and I don't know - we must get it right. Do you need time ...(intervention)

DR KLATZOW: Sorry, my microphone was off.

CHAIRPERSON: Can you hear me?

MR MITCHELL: I can hear now, that's fine.

DR KLATZOW: Sorry, my microphone was off. We have a conversation that Jimmy Mouton claims to have had with you, which has had to be wrung out of him, he didn't rush to me or to anybody else and volunteer this. It had to be squeezed out of him, painfully and at great anguish to all concerned, which says that you met him and you accused him of the second fire, and you had a fit about the report, that you were upset out the report, and you've conveniently developed an amnesia for that.

MR MITCHELL: ...[inaudible]

DR KLATZOW: No, he said to you: "Here's the report" and you called him in and said: "Are you suggesting that the pilot flew on despite the fire", that's what you said to him and you've forgotten that?

MR MITCHELL: Ja.

DR KLATZOW: So Mitchell is right, Mittens is a liar?

MR MITCHELL: No, Mitchell does not remember.

DR KLATZOW: So you can't gain say that?

MR MITCHELL: What does that mean?

DR KLATZOW: Well, it never ...[intervention]

CHAIRPERSON: You can't say it never happened, it's just that you do not remember it happening.

DR KLATZOW: So in other words, if Jimmy Mittens says it happened, you can't deny that it happened?

MR MITCHELL: I would be wrong to because I'd be calling him a liar and I don't, I just don't remember.

DR KLATZOW: Well, so it could have happened?

MR MITCHELL: If he said so, it could have happened but I don't remember that.

DR KLATZOW: Well, give me a reason why Mittens would say it happened if it never happened?

MR MITCHELL: You know Doctor, I don't know. If - probably if we sat down and talked about it through with Jerry Mittens and he told me all about it and so forth, I would understand that but ...[intervention]

DR KLATZOW: Yes, yes. Well, let's go further Captain Mitchell, there was a report which the Margo Commission never heard, that's fact. The Margo Commission was never in possession of the Flight Engineer's report.

MR MITCHELL: Really? Why didn't they give it to him?

DR KLATZOW: Because you and Margo suppressed it, I want to put it to you.

MR MITCHELL: Oh nonsense. They could go direct to ...[intervention]

DR KLATZOW: Well, let's just look at the logic of the whole thing ...[intervention]

MR MITCHELL: No, no, no, it's nonsense.

DR KLATZOW: They did go directly to him.

MR MITCHELL: They could go anywhere, they could go to you.

DR KLATZOW: Captain Mitchell, they went directly to Margo and they were intimidated. That will be will their evidence. And you have come with a version that you don't remember it but they will say this, four different people will say this.

MR MITCHELL: Well, I don't remember Judge Margo meeting with him, I don't, I know I went to his house. I know I that but I, that's important ...[intervention]

DR KLATZOW: Captain Mitchell, you're getting deeper by the moment.

MR MITCHELL: Yes.

DR KLATZOW: Because your evidence under oath, not half an hour ago, was that you went to Margo's house for reasons that you cannot remember, that at his house you remember Mittens and the flight engineers having been there.

MR MITCHELL: I think so.

DR KLATZOW: Yes. Now which is true, what you said to me three minutes ago or what you said earlier?

MR MITCHELL: Sorry Sir, I have not conflicted it.

DR KLATZOW: The record - Captain Mitchell, the record will be the judge of that.

MR MITCHELL: Incorrect.

DR KLATZOW: And I am telling you that you contradicted yourself under oath, which is the true version Captain Mitchell?

MR MITCHELL: I don't see any difference in the versions, I've got no versions. I'm not here to lie, I'm here to assist and I want to do as best as I can and if I can't remember, I'm just very sorry, I just can't remember and I take note of the very important issue that the Commissioner said about why was I at Judge Margo's house. Now I take note of that, that's very important.

The other issue of talking to the flight engineers and so forth like that, I regularly spoke to flight engineers, that was my job, they came to me about feedback. I regularly spoke to flight engineers on many, many issues, money, the whole lot and I don't remember this one as a specific one nor do I definitely not remember them being threatened and harassed and things like that, I really don't ...[intervention]

DR KLATZOW: I want to put it to you that that is a very convenient amnesia.

MR MITCHELL: I'm very sorry Sir, as much as I'd like to try, I'd like to help you. I want to know what happened as much as you do and believe me I have not, I would like to, I'm doing my best as I can to help you down the, I've help you down the load on three things today that I can remember quite clearly of the eating, the meal thing and ...[intervention]

DR KLATZOW: No, I want to get to the meal.

MR MITCHELL: And I'm clear about that and I'm correct, I know I am.

DR KLATZOW: Yes.

MR MITCHELL: And I'm also correct about the HF tape and so forth and on that basis, you put your whole discussion on this tape because you've had your basis, your basis wrong.

DR KLATZOW: No, no, my basis is not wrong and there is much, much more to the propositions that I'm putting to you than the facts that I've just put to you. But about the tape recording regarding dinner, you have put to us and to this Commission a version about how you eat your meals in a highly idiosyncratic fashion.

MR MITCHELL: Sorry Sir, ...[indistinct] many, many, I ...[intervention]

DR KLATZOW: Can I finish my questions, we both can't talk at the same time. May I finish my question? You have attempted to explain to this Commission that everybody on SAA and the Pilot's Association and whoever, eat their meals at top of descent, when in fact the true issue is that the meal is primarily served shortly after takeoff and you have not been seen fit to accord proper recognition to the possibility that that tape recorder could have stopped functioning earlier in the day. And I want to put it to you, there's a reason that you don't want to accept that version because the moment you accept that version, the entire Margo

finding goes out of the window Captain Mitchell. It would be untenable to Margo's finding, that a pilot of Captain Uys' standing experience would fly on from a fire which occurred outside Taipei, only to have it reoccur outside Mauritius.

MR MITCHELL: I agree with that 100%, no pilot in South African Airways, and no pilot having had a fire like that would fly on, that's categoric.

DR KLATZOW: That's perfectly right.

CHAIRPERSON: Except that if you were to land in hostile territory, then there would be a problem for that pilot wouldn't it or certainly it would have been a problem for South African authorities? For instance, you couldn't land in India or Bombay or anywhere else?

MR MITCHELL: Sir, when you're on fire you land anywhere Sir, believe me.

CHAIRPERSON: Of course there is the proposition that could be made, when you are ordered not to land anywhere but to fly on then you won't land anywhere.

MR MITCHELL: No, not at all. A Captain is a Captain, he's not ordered, you don't tell Captains what to do. Captains by the law of the land, will fly the aeroplane and they are in total command. If he doesn't want to fly that he won't fly it, he is in command. Nobody tells Captains what to do.

DR KLATZOW: I want to put to you a version Captain Mitchell, that Captain Uys had a fire, that he had fought the fire and probably got it out, that he had then asked, because the rule and regulations suggest that the moment you've got the fire out you land at the nearest suitable airfield. And I want to suggest that he radioed in for permission to do that and he was asked - listen to the proposition ...[intervention]

MR MITCHELL: I'm listening.

DR KLATZOW: Before you prejudge it. He asked ZUR permission to land and landing under those conditions would invoke a search of his cargo and a full inquiry and SAA could not afford to have it's hold searched when it was carrying military contraband and that is the reason that Uys flew on.

MR MITCHELL: Sir, that's a reasonable proposition and I accept it as one of the possibilities but at the same time I know, I knew South African Airways pilots. One, if you have a fire you are going to go and land, sorry, you are going to go and land, that's it, you ...[intervention]

DR KLATZOW: I don't want to interrupt you but I'm going to. There are so many incidents of people having various types of fires and not doing that, that it makes a mockery of your statement, that's number one. Number two, we are suggesting to you that there was a serious fire aboard that aircraft and that Uys

did not land, and the one interpretation that you can put on the meal on the tape recorder, you are incredibly reluctant to accept.

MR MITCHELL: 100% I do not accept, I really do not accept this one. There was no fire, the fire came later.

DR KLATZOW: How do you know that Captain Mitchell?

MR MITCHELL: They would have landed Doctor, they would have landed.

DR KLATZOW: They would have landed unless ...[intervention]

MR MITCHELL: With a fire of that kind of quality.

DR KLATZOW: They would have landed unless they had thought they had it out and had been ordered to go on. What do you think the results would have been if Bombay officials had searched the hold of that aircraft and found military ordinance aboard?

MR MITCHELL: You'd probably go to jail with the Captain.

DR KLATZOW: And what else do you think would have happened? What do you think would have happened to SAA?

MR MITCHELL: Well, ...[intervention]

DR KLATZOW: This country stank in the eyes of the world, to ...[indistinct] a metaphor.

MR MITCHELL: I was only thinking of the Captain, please not.

DR KLATZOW: Sorry?

MR MITCHELL: I was only talking about, thinking about the Captain.

DR KLATZOW: I'm talking about SAA.

MR MITCHELL: There would have been problems.

DR KLATZOW: What sort of problems Captain?

MR MITCHELL: I'm not a politician.

DR KLATZOW: But do you not think that it is highly likely that civilised countries would have said: "Who are these fools carrying military ordinance over our countries in civilian aircraft?"

MR MITCHELL: Sir, again I am not part of that process, I am not a politician, I am a pilot, I don't get involved in these kinds of issues, it's not my interest.

DR KLATZOW: Well I'm assuming you're a man of ordinary intelligence or possibly above ordinary intelligence.

MR MITCHELL: Thank you.

DR KLATZOW: Captain Mitchell, what do you think would have happened to the passengers who learnt that they are about to enter, overseas passengers or for that matter any passengers because it would have been world news, do you think that passengers would have been queuing up to fly aboard SAA aircrafts that were carrying rocket fuel all over the place?

MR MITCHELL: I don't know ...[indistinct] rocket fuel or anything.

DR KLATZOW: Just answer the question please.

MR MITCHELL: The passengers would have definitely been most unhappy with SAA.

DR KLATZOW: Yes.

MR MITCHELL: Absolutely.

DR KLATZOW: I want to put it to you Captain Mitchell, that had that information come out, it would have sunk SAA deeper than the Helderberg.

MR MITCHELL: Probably, probably, but let's get back to the first one please doctor. That Captain, no Captain will fly with that kind of fire, no Captain.

DR KLATZOW: He thought he had it out.

MR MITCHELL: Sorry Sir, sorry.

DR KLATZOW: He thought he had it out.

MR MITCHELL: Sorry, I'm emphatic about that. Furthermore, if there was any kind of fire - look you're quite right about a cushion catching light and they put it out with a fire extinguisher and they sit with it, if there was a fire on board that aeroplane earlier in the day, which you are suggesting, I can guarantee you that any Captain would - you'd have a man sitting there until you landed at that emergency place. I mean, you must be stupid to fly, I mean you're putting your neck on the line.

That doesn't work like that doctor, it really doesn't. Please accept my word. I am a pilot, I've got lots of experience, I know what pilots think.

DR KLATZOW: And you have, despite your experience, you have a deep dark secret to cover up?

MR MITCHELL: No Sir, I can give you my word, really I haven't. Stupid I may be but I'm not covering anything up, sorry.

DR KLATZOW: You have every reason to cover up.

MR MITCHELL: No, no.

DR KLATZOW: Because you were at the centre of it.

MR MITCHELL: Oh no.

DR KLATZOW: You have every reason to prevaricate and to lie about it.

MR MITCHELL: I'm not lying. *

DR KLATZOW: Whereas the people who have made these statements have no reason whatsoever to lie.

MR MITCHELL: No, sorry.

DR KLATZOW: You have not given us one adequate explanation for any of the things that I've put to you.

MR MITCHELL: I've disagreed with you on them, yes.

DR KLATZOW: Of course you have but you haven't given one adequate explanation.

MR MITCHELL: I'm sorry, I've told you about the HF which is a very, very valid process and I hope you take note of it because your whole case falls apart when you look at that. Secondly, when you look at the eating process of which men eat in the aeroplanes, that certainly is a most logical process and I can give

you evidence on many Captains like that Sir, many.

Furthermore, the process of a Captain and a fire, Captains will land doctor, Captains will land, they will not fly. When you've got a fire and your necks is at stake, believe me there is one thing that we taught our Captains and that is why they are Captains, they will land.

DR KLATZOW: Why didn't he?

MR MITCHELL: Because he got the fire much later.

DR KLATZOW: One last question Captain Mitchell, the cockpit voice recorder records the last half hour in the aircraft, is that correct?

MR MITCHELL: Yes.

DR KLATZOW: The last conversation immediately before that aircraft plunged into the sea some 130 odd nautical miles outside Mauritius was a conversation with Plaisance Airport?

MR MITCHELL: Yes.

DR KLATZOW: Do you remember that?

MR MITCHELL: Yes.

DR KLATZOW: It started with: "This is Springbok 295, we have a smoke problem".

MR MITCHELL: Right.

DR KLATZOW: Have you heard that tape?

MR MITCHELL: Yes.

DR KLATZOW: That was the last half hour's conversation aboard that aircraft was it not?

MR MITCHELL: Yes.

DR KLATZOW: Sorry?

MR MITCHELL: Recorded, yes.

DR KLATZOW: Correct. Can you give me - and that was a smoke problem, Captain Uys said: "We have a smoke problem", not: "We have a fire problem or anything else: "We have a smoke problem", okay?

MR MITCHELL: Yes.

DR KLATZOW: And you pilots are taught to be accurate in your communications, so if he had a smoke problem he had a smoke problem. Can you give one - have you read the tape recording transcript of the CVR?

MR MITCHELL: Yes.

DR KLATZOW: Is there one word of that conversation on that CVR?

MR MITCHELL: Is there one word?

DR KLATZOW: Is there one word of the Plaisance conversation on the cockpit voice recorder?

MR MITCHELL: Sorry?

DR KLATZOW: Is any of the conversation between Uys and Plaisance present on the cockpit voice recorder?

MR MITCHELL: Yes.

DR KLATZOW: Show me where please.

MR MITCHELL: Didn't it say land runway 14 ...[intervention]

DR KLATZOW: Show me where the conversation on the CVR corresponds in any way with the Plaisance tape recording, which is a good quality tape recording.

MR MITCHELL: Isn't it there they say runway 14 at Plaisance ...[intervention]

DR KLATZOW: Don't say: "Isn't it". Are you telling me that there is an overlap, that the words spoken by Uys on the cockpit voice recorder are mirrored in the conversation with Plaisance, and if you are telling me that I am going to invite you to show me, I have both conversations here.

MR MITCHELL: Sorry, can I give to you what I understand you're asking me?

DR KLATZOW: Yes.

MR MITCHELL: They were coming in to land and Dawie Uys says: "Plaisance, Springbok 294"

DR KLATZOW: Correct.

MR MITCHELL: "We started the descent on the way down. We're down to 140. We've got smoke problems", that's the tape I'm talking about.

DR KLATZOW: Yes.

MR MITCHELL: And then Plaisance comes back and says: "What is your height, what are you doing" ...[intervention]

DR KLATZOW: That's correct.

MR MITCHELL: Then he says: "Cleared under 5000 feet ...[intervention]

DR KLATZOW: That's correct.

MR MITCHELL: And he says: "Runway 32 and 14" and he, that's the tape ...[intervention]

DR KLATZOW: Your memory is astounding, it is good and it is accurate.

MR MITCHELL: Yes.

DR KLATZOW: And I'm not being sarcastic.

MR MITCHELL: No, I've got the ...[intervention]

DR KLATZOW: Yes. Show me one word of that conversation on the cockpit voice recorder.

MR MITCHELL: But isn't that the cockpit voice recorder tape?

DR KLATZOW: No, it isn't, it is the tape taken from the airport control tower at Plaisance.

MR MITCHELL: Well there you are, I didn't know that.

DR KLATZOW: Well now you do, now show me one word of that conversation of the last half hour of that aircraft ...[intervention]

MR MITCHELL: I get your point, I get your point.

DR KLATZOW: Can you explain that?

MR MITCHELL: No.

DR KLATZOW: I will explain it to you.

MR MITCHELL: Okay.

DR KLATZOW: That the cockpit voice recorder ceased functioning before that last half hour.

MR MITCHELL: That's feasible.

DR KLATZOW: Now, in the light of that your denials are even more hollow about the fact that that cockpit voice recorder ceased functioning earlier.

MR MITCHELL: I've haven't denied it and I'm not anti what you're saying, so I ...[intervention]

DR KLATZOW: Well, you could have fooled me Captain Mitchell.

MR MITCHELL: No I'm not, they're not hollow, I'm just trying to ...[indistinct] together there so that we can link this together, that the cockpit voice recorder as well as the Plaisance tape don't match and so forth. So you're saying that it could have been further back down there and hence the reason why it wasn't ...[intervention]

DR KLATZOW: Correct.

MR MITCHELL: I hear you. I haven't heard that concept before.

DR KLATZOW: Well, for a man who was at the centre of the investigation and a man of your experience ...[intervention]

MR MITCHELL: No, no, hang on, I'm not at the centre of the investigation, sorry.

DR KLATZOW: You were a key figure in the early stages, you lost friends and colleagues aboard that aircraft, you are a professional man and not only that, I happen to know that there are regular briefings about aircraft accidents and this one would have been particularly important, which and pilots undergo and you often present Captain Mitchell.

MR MITCHELL: Not really, but that's another thought. I haven't thought down that line, so I take note of what you're saying.

DR KLATZOW: Yes. And I want to put it to you that the reason the Jimmy Mittens report never got before Margo is that he and the rest of his crew were intimidated because you've conceded to this Commission that his interpretation was a reasonable interpretation. You disagree with it but it an interpretation.

MR MITCHELL: Certainly.

DR KLATZOW: And furthermore, that in some inexplicable way you were summoned by Margo to his house in the middle of the night at the same time as the flight engineers ...[intervention]

MR MITCHELL: No, no, no, I didn't say the middle, that's dramatic.

DR KLATZOW: Some time at night.

MR MITCHELL: No, it was daytime.

DR KLATZOW: Whatever.

MR MITCHELL: No, that's important.

DR KLATZOW: No, it's not important.

MR MITCHELL: It is.

DR KLATZOW: The fact is ...[intervention]

MR MITCHELL: We must report accurately.

DR KLATZOW: Well, let's record it accurately. You were summoned to Margo's house outside the proper sitting of the hearing, together with the flight engineers, which corresponds with what they have told us despite the fact that you deny everything else that they have told us. And incidentally that version had to be wrung out of you with some difficulty.

MR MITCHELL: Sorry, I've got a bad memory but I was as helpful as I can be.

DR KLATZOW: Well, Captain Mitchell, a lot of the help that you've given us, I must tell you has been inadvertent.

MR MITCHELL: Well, I'm sorry, I would have like to have been more direct.

DR KLATZOW: I have no further questions.

MR MAGADLA: Mr Mitchell, when you were summoned to Justice Margo's house, did you have a personal lawyer or did you have a lawyer for the company, for SAA at that time? A lawyer who represented the SAA in the Commission?

MR MITCHELL: Present with me at that visit Mr Magadla?

MR MAGADLA: No, no, no, not with you but did you have your own personal lawyer at the time, not going there with him, just a lawyer looking after your own affairs, personal affairs.

MR MITCHELL: My personal affairs?

MR MAGADLA: Mm.

MR MITCHELL: Is that my personal or South African Airways affairs?

MR MAGADLA: Both, let's say both.

MR MITCHELL: Alright. The lawyers of South African Airways were the men from Transnet, the people from Barlow and Clyde in London and Mr Puckrin.

MR MAGADLA: Okay. Now, did you inform at any one of them or did you inform Mr Puckrin that we you were being summoned by Justice Margo to go to this house at night?

MR MITCHELL: No, it wasn't at night Sir.

MR MAGADLA: Or whatever time.

MR MITCHELL: No, it sounds dramatic at night but it wasn't ...[intervention]

MR MAGADLA: Well, let's leave the drama, but did you inform them that you had been summoned by Justice Margo to go to his house, which you knew was very irregular, highly irregular for him to have done that?

MR MITCHELL: Sir with respect, I did not know it was irregular. It might sound dumb but believe me, I did not know it

was irregular. If a Judge says to me to come to his house, don't argue, I'm going.

MR MAGADLA: But then knowing that he's investigating that matter and he's presiding on that Commission and that you were a likely witness in that matter, did you not see it fit to inform the lawyer that represented the company SAA, that: "Look, I'm being called by that Judge, I don't know what questions he wants to ask me, I just thought I should let you know or tell me what to say when I get to him"?

MR MITCHELL: No, I didn't do that because I'm not aware of the legal process. It's exactly the same as I've come here today, with an open mind and open statement here. I've got no lawyer with me now.

MR MAGADLA: Are you saying you did not know that there was a lawyer looking after the interests of SAA?

MR MITCHELL: No, I've said there was, the whole system was in place but I was not, I really was not aware that what the Judge, he was interfering with the process.

MR MAGADLA: After you had seen the Judge, did you go to, did you inform the lawyer as to what the Judge had said to you? I mean, the company was preparing their own version into what happened to the Helderberg, now that's done in conjunction with all the role players, the main role players like yourself. Now you are being called by a Judge somewhere privately or otherwise and

you go there, what about informing these other people, the people who were actually in charge of the interests of the company?

MR MITCHELL: I wonder whether the other people who went to the Judge also informed the company's lawyers of the process.

MR MAGADLA: No, I'm talking about yourself Mr Mitchell.

MR MITCHELL: Sir, I didn't inform anybody because I didn't think it was relevant.

MR MAGADLA: Did you inform them as to what the Judge had said to you?

MR MITCHELL: Well, I don't know what the Judge said to me Sir, I'm trying to remember what it was about. I ...[intervention]

MR MAGADLA: No, at that time. You forget now, it's a long time now but after you had been to the Judge, did you go to the other members and say to them: "What did he call you for, he called me for this, this is what he said to me"?

MR MITCHELL: I get the point ...[intervention]

MR MAGADLA: Or: "Have we been saying the same thing to the Judge or not"?

MR MITCHELL: No, we didn't compare notes with anybody, I really didn't. I can't ...[intervention]

MR MAGADLA: Did you tell your family that you had been called by the Judge and he had this to say to you?

MR MITCHELL: Probably. If I look at my diary, no, it's 10 years ago, you won't find it. It will be in my diary that I went

there. Probably I would have told my wife I've been or my secretary, that I would have gone. I'm sounding particularly dull, I'm very sorry.

MR MAGADLA: Maybe finally just in a nutshell, what did you seek to clarify with the documents that you have before you now?

MR MITCHELL: These ones here Sir? What I wanted to clarify is that the basis, and I'll try and make it a simple straight sentence without repeating myself.

The purpose of the big discussion on the tapes is based on the fact that there was communication between the aeroplane and ZUR. Now in the evidence the people who were there before, the Mr Dick and Mr Naudè, they stood up for the system and said it's a wonderful radio system and it's in actual fact a very relevant system. You could to ZUR all the time. Well, in actual fact they were wrong. They gave wrong evidence to the Court, they were incorrect. And the point that I make is right. Now why I brought that evidence from this last flight and also in addition to this, when Mauritius radio called ZUR 3 times x four frequencies the following day and didn't get them, the point I'm making about it is that HF Communications is not a telephone. That is the first thing. The probability we had over six hours no contact a matter of a week ago, and this is just an example because it happens every second night. It's not every night, it depends on the ...[indistinct] sphere and I've brought documents to give to the

Commission to show that the base line of saying that communications did take place Sir, it did not take place. If they did transmit there it skipped distance over the top, on top of the world, through the ...[indistinct] sphere and there was none there.

Doctor Klatzow is a scientist and I'm very happy to give him all these documents. I've got documents from Aikaho, from Iata, from Afri Region, the whole lot of them, to show that HF radio is not a good means of communication. So the simplest assumption that you can say, I spoke to ZUR or was suggested by a lady who came to see me in Mauritius, she said: "You telephoned", I said: "No, Madam it's not a telephone, you're lucky if you get it", so ...[intervention]

MR MAGADLA: Does that seek to confirm that there was nothing on the tape?

MR MITCHELL: That seeks to confirm that the probability that there was no transmission between the aeroplane and ZUR. And then my next link to this is, if that is the case and the man had heard it, he would have written it down but he didn't ...[intervention]

MR MAGADLA: Would that kind of evidence not have helped Justice Margo then in coming to an informed decision in his inquiry?

MR MITCHELL: But he did. He said there are five pilots on this Commission and he has come to the conclusion that there's no

point in going down that particular road, that's exactly what he said.

MR MAGADLA: So it was the basis of your evidence or your information that Justice Margo came to the kind of finding that he came to?

MR MITCHELL: No, Sir. Mr Germishuys, Mr Thomkins, all the other people were pilots there. I was not part of the discussion with anything with the Commission or the Judge. I only went there once Sir, for this meeting and then I was a witness.

MR MAGADLA: But if you were so clear in your mind about helping Justice Margo, how is it that you have this kind of difficulty about informing about the tape that had been taped over or producing that tape?

MR MITCHELL: It was so irrelevant Sir.

MR MAGADLA: Irrelevant?

MR MITCHELL: Yes, yes. If I know that there was no communication and my man didn't write anything then, I know what radios can do and I know what radios can't do and they didn't call. So if it didn't come through them, I just disregarded it, it was very low priority.

MR MAGADLA: But hearing that, I think it has been said quite often here that he was furious about this issue of the tape and you were there then to say: "Judge it is relevant because I know there was nothing on that tape"?

MR MITCHELL: It was said Mr Commissioner, it was said. It was said that what was written down was on, Mr Nadel handled all of that. I didn't handle any of the ZUR processes, the other four people, I think it's four, spoke to Judge Margo and handled the whole process. At the end of it he said: "That's enough of that".

So, I don't run ZUR, they were one of the many things that were there but I certainly didn't run ZUR and hence the reason, when I knew there was nothing on the tape and nothing on the sheet, it's a very low priority process.

MR MAGADLA: But finally, there has been talk of a delay in this plane taking off from Taipei.

MR MITCHELL: Yes, Sir.

MR MAGADLA: Now what about that delay, what was the reason and how was it explained?

MR MITCHELL: No, I don't know.

MR MAGADLA: Was there no delay?

MR MITCHELL: I don't know.

MR MAGADLA: Are you hearing it for the first time now?

MR MITCHELL: At the back of my mind I think there was a delay. There was a 20 minute or, there was an incoming aeroplane for moving cargo or something. An incoming aeroplane had ...[intervention]

MR MAGADLA: Was that on the ZUR?

MR MITCHELL: No, no, no, I read that there was an incoming aeroplane and there was cargo to be transferred from A to B.

MR MAGADLA: Cargo to be transferred from A to B?

MR MITCHELL: Yes.

MR MAGADLA: What sort of cargo?

MR MITCHELL: I don't know. Pilots don't know what's the cargo and that is quite important too. A pilot doesn't know what the cargo is, he merely signs the load sheet and that sort of thing.

MS TERREBLANCHE: Excuse me to interrupt, I would just like to know if there is anything to be photocopied to save time?

MR MITCHELL: I've brought the photocopies with me, so I've got a double to give to you.

MS TERREBLANCHE: Wonderful, thank you.

MR MITCHELL: It's very important what I tell you.

MS TERREBLANCHE: I would just like to ask one question quickly, you were quoted very recently in the Saturday Star of 23rd of May 1998 and in it you are to have said: "The truth about the event leading to the Helderberg crash will probably exceed even the wildest fantasies of any ...[indistinct] fiction writer.

MR MITCHELL: Commissioner ...[intervention]

DR KLATZOW: Could I answer that for you, because the quote emanates from a reporter who listened to the conversation which

I had with you and misquoted you and the quote about that is incorrect.

MR MITCHELL: Sir, you're on my side for once.

DR KLATZOW: No, I'm on your side all the time Captain Mitchell, when you're on the side of truth.

MR MITCHELL: Ja. Commissioner I brought this in to say the first thing that I want to take about, is that, I got this on Saturday morning when I got to South Africa and clearly, I don't have to go any further, that's wrong.

DR KLATZOW: That particular quote is wrong. What you did say to me when I put these versions to you at the original tape recorded conversations I had with you, was that: "You could believe these stories about the tape recordings and what have you if you believed or if you read James Hadley Chase". That is what you said, quote. And that was taken out of context and misquoted to give the quote which is in the paper, which I must apologise for although it was not my fault.

MR MITCHELL: Where did she get the tapes?

DR KLATZOW: What tapes?

MR MITCHELL: The ones, how did she manage to get that?

DR KLATZOW: Because I played it to her in my study.

MR MITCHELL: Really?

DR KLATZOW: Yes.

MR MITCHELL: Oh dear me.

DR KLATZOW: Not: "dear me".

MR MITCHELL: Dear me.

MS WILDSCHUT: Okay, are there any more questions that you'd like to put?

DR KLATZOW: Just one last question Madam Commissioner.

MS TERREBLANCHE: Yes, Doctor Klatzow?

DR KLATZOW: It must have been very - you must have been very curious as to what happened to the Helderberg?

MR MITCHELL: I think the company went such a way to find this out there, it's one of the reasons that amaze me. I'm not part of intrigue and politics or anything like that at all but why when aeroplanes crash and people get killed, that's my line, I'm a pilot.

We went to incredible depths, four kilometres to pull this out there and we did it. The purpose of that was to find out why the aeroplane crashed. We fought with Boeing, we fought with Renè van Zyl to find out why the aeroplane went and we worked together on the process and to this day we still don't know.

DR KLATZOW: Did you in that process of your insatiable curiosity ever bother to listen to the ZUR tape or did you simply accept the assurance that it was irrelevant because nobody had written anything in the log?

MR MITCHELL: Sir, you might call me dumb but I just accepted it on face value that there was nothing there, so you probably think me dumb, I ...[intervention]

DR KLATZOW: I just want to tell you one last thing, do you know a man called du Toit, Captain Charl du Toit?

MR MITCHELL: Yes.

DR KLATZOW: He told Renè van Zyl a different version, so we've got enough versions here to really make a Hobson's choice.

He told Renè van Zyl that he'd listened to the tape and there was nothing on it.

MR MITCHELL: Did he?

DR KLATZOW: Yes.

MR MITCHELL: I don't know that.

DR KLATZOW: Well I'm telling you that's what he said.

MR MITCHELL: I don't know that.

DR KLATZOW: So we have a whole series of versions about what happened to this tape but the one thing is certain.

MR MITCHELL: Yes.

DR KLATZOW: It disappeared shortly after leaving your hands, never to reappear.

MR MITCHELL: Really? I don't see it like that. It went to DCA.

DR KLATZOW: It didn't go to DCA Captain Mitchell, we've been through that ad nauseam but thank you for your participation.

MS WILDSCHUT: Captain Mitchell, it remains for me to thank you too. It's probably been a harrowing day for you. We would

like to conclude if no-one else has anymore questions. Thank you very much for coming.

MR MITCHELL: Thank you. I'm sorry ...[inaudible] I'm sorry that I seem to have got tongue tied and got things crossed over. My pure intent is to get the exact truth right over to you because I am as keen as everybody if this inquiry comes open I'm the first to be in line to assist you. So, thank you and I hope it was helpful. I hope you can make use of this important statement that I made on the baseline of your assumption that the ZUR tapes had something because this is ...[indistinct]

MS WILDSCHUT: Okay.

Miss Terreblanche, do you have more witnesses for today?

MS TERREBLANCHE: No more witnesses for today.

MS WILDSCHUT: Thank you.

MS TERREBLANCHE: We'd just like to suggest that before Mr Mitchell goes - I'm also tired, that he just hands over the evidence to the Chairperson.

MS WILDSCHUT: Is that in order Mr Mitchell?

MR MITCHELL: No, certainly. With your permission, may I show Doctor Klatzow the process that I've gone through so that he can see my logic that I've put in there or is that not in order?

MS WILDSCHUT: Well that will be done off the record then.

MR MITCHELL: Yes, okay. It's just so that he sees the logics, the way I put it in, so when he phones me again on tape then I can tell him what I'm talking about.

MS WILDSCHUT: We just want to put it on the record that it is the Commission's file.

MR MITCHELL: Okay.

MS WILDSCHUT: We will then resume tomorrow morning at 09H30, thank you.

MR MITCHELL: Madam, a question, are you finished with me or do I come back tomorrow morning at 09H30?

MS WILDSCHUT: Thank you, we're finished with you, you can go and have a good sleep.

MR MITCHELL: Thank you.

WITNESS EXCUSED

HEARING ADJOURNS

