

TRUTH AND RECONCILIATION COMMISSION
INVESTIGATIVE INQUIRY : SAMORA MACHEL
"IN CAMERA"

DATE: 23 JUNE 1998

HELD AT: JOHANNESBURG

MS TERREBLANCHE: Thank you, Mr Chair, Ms Wildschut will be here soon. Mr Hubner, you have been subpoenaed to come here. I think let me get the Chairperson to do the introductions.

CHAIRPERSON: This is a Section 29 inquiry. The evidence will be received in camera which means all evidence that will be received will be confidential for purposes of satisfying the requirements of Section 29 of the Promotion of National Unity and Reconciliation Act. Only therefore members of the Commission staff and those people conducted by the Commission are entitled to be and remain here.

Mr Hubner I believe that you were subpoenaed to be in attendance at these hearings and to remain in attendance. I was of the view that you are going to testify this morning or during the course of the morning, I see that the time is nearly 15h15 and we have not heard your evidence, but before we proceed with taking your evidence I'll have to swear you in.

STEVEN WILLIAM HUBNER: (Duly sworn in states):

MS TERREBLANCHE: Mr Hubner has been called here to explain what you have witnessed the month or so preceding to the

October 20, 1986 air crash at Mbuzini. I would just like to start off by asking you to explain your role as a Flight Sergeant at 4AD Snake Valley in the South African Air Force during 1986.

MR HUBNER: I was an electronic apprentice, an electronic technician in the Air Force. I dealt with radio equipment and with air traffic control equipment, that was my role.

MS TERREBLANCHE: Were you in the permanent force?

MR HUBNER: Yes, I was there for 12 years.

MS TERREBLANCHE: Can you elaborate a little bit and tell us what you exactly did and what your expertise was?

MR HUBNER: I worked with transmitters, receivers, air traffic control towers, Radarswatch(?) equipment - they used to bring in aircraft, things like that.

MS TERREBLANCHE: Can you tell us where Snake Valley was and what role did it play in the South African Air Force?

MR HUBNER: You've got Waterkloof, and you've got Snake Valley on the opposite side of Pretoria. You've got Waterkloof on the one side and you got Snake Valley on the other side.

MS TERREBLANCHE: Is it a big ... (intervention)

MR HUBNER: It's right next to Swartkops.

MS TERREBLANCHE: Is it as big as Waterkloof?

MR HUBNER: No, no, it actually falls under Swartkops Air Force Base.

MS TERREBLANCHE: Swartkops is also on that side of the ... (intervention)

MR HUBNER: Yes.

MS TERREBLANCHE: And what role did it play? I mean Waterkloof served as kind of an airport for all kinds of things ... (intervention)

MR HUBNER: Waterkloof did maintenance and supplies to all different areas in South Africa.

MS TERREBLANCHE: And Snake Valley?

MR HUBNER: And Snake Valley did the repairs of aircraft, did the repairs of air traffic control towers, did the repairs on C21s and all those other aircraft.

MS TERREBLANCHE: Are you aware of a company called EMLC?

MR HUBNER: EMLC, no.

MS TERREBLANCHE: Were you at any stage with ... (intervention)

MR HUBNER: What is their actual name?

MS TERREBLANCHE: It's Engineering Mechanics Company, also in that area.

MR HUBNER: I had nothing to do with them.

MS TERREBLANCHE: Were you involved in building parts - well, Snake Valley was parts built at Snake Valley.

MR HUBNER: Yes, they had their own research and development lab.

MS TERREBLANCHE: Under which department did it fall, under the Air Force or directly under the SADF?

MR HUBNER: Every Air Force base has a research and development lab, and that falls under the Air Force.

MS TERREBLANCHE: And what do you do at these research?

MR HUBNER: They design boards and they modify equipment to suite the needs, whether it's for an aircraft or it's for radio equipment, or whatever it's for.

MS TERREBLANCHE: What kind - can you give us an example of ...(intervention)

MR HUBNER: Well basically all your electronic engineers go through a research and development lab soon or later when they come into the Air Force.

MS TERREBLANCHE: But can you give me an example of a modification that you would have done and for what reason.

MR HUBNER: They design missile systems, they design everything.

MS TERREBLANCHE: Missile systems meaning for aircraft?

MR HUBNER: Yes, at 50D they design missile systems, and that's right next to Waterkloof Air Force Base.

MS TERREBLANCHE: Now, can I take you to the period preceding the 1986 air crash. I understand that something very special was built at the time.

MR HUBNER: All I saw them building was a mobile beacon, and that was it.

CHAIRPERSON: Mr Vally?

MR VALLY: I'm sorry, sir. Mr Hubner, this doesn't concern you. I just need to put two things on record if I'm able to - I will make an application for two orders and with the Chairperson's permission, I apologise to Ms Terreblanche, if I could quickly do that.

CHAIRPERSON: Go ahead, Mr Vally.

MR VALLY: Thank you, Mr Chair. The issue I want to put on record is that although the inquiry is in terms of Section 29, we have the authority to release the transcript of the proceedings of this inquiry at a later stage.

My first application concerns the evidence given by Mrs Graca Machel. I ask that the said evidence not be released to the Press in terms of Section 33(2), and be kept confidential, even if the rest of the transcript is at some stage released to the Press, ~~that's my first application, Mr Chair~~

CHAIRPERSON: Mr Vally, I'm sure the members of the panel of a similar view. We've quite conscious of the nature of the evidence given in that particular segment of this enquiry, and I think the sensitivities around that sort of evidence are of a nature that we should without hesitation ... (indistinct) and rule that portion of the evidence is not made available to the Press.

MR VALLY: Thank you, Mr Chair. The second application is also for certain information, more specifically documentation not to be released to the Press. This is information, and is more specifically documentation which has been presented to us by our

consultant, Ms Patta. It was provided to us on that condition and we have no reason to want to release it to the Press because it's allegations as part of the inquiry. I ask for a ruling that in terms of Section 33 that the documentation forwarded to us by Ms Patta not be released to the Press at any stage.

CHAIRPERSON: I have no problem in granting that application as well, Mr Vally.

MR VALLY: I thank you, Mr Chair. May I be excused?

CHAIRPERSON: You are excused, Mr Vally.

MR VALLY: Thank you.

CHAIRPERSON: Ms Terreblanche?

MS TERREBLANCHE: Thank you. I'm sorry about that, can you please start over and tell us as best as you could and to the best of your recollection what this very special apparatus was?

~~MR HUBNER: I just saw them building a beacon and that was it.~~

It was basically one person that was assembling it together.

When they came and fetched Clarke mast from my section and they came and fetched the head of the Clarke mast, and ... (intervention)

MS TERREBLANCHE: Can you explain to us what a Clarke mast is?

MR HUBNER: It's to ... (intervention)

CHAIRPERSON: Can you ... (intervention)

MR HUBNER: For me, that is to put up a mast ten metres in the area, it's actually ... (intervention)

CHAIRPERSON: For me, I'm ignorant, what is a beacon, I mean, if you can just - suppose I was ...(intervention)

MR HUBNER: It's a line of sight.

CHAIRPERSON: ... I was blind and you are to explain to me as best you can what a beacon is, what it does, how it looks like.

MR HUBNER: It's basically like your mike there, this is your plane, that's your mike, it guides your plane in, that you're on a set height and whatever.

MS TERREBLANCHE: Are we talking about a VOR beacon?

MR HUBNER: I don't - I just saw them building this beacon, that's all I saw them, and then I didn't want to interfere there then - just after the crash had happened, I asked them where's the beacon, they said it's got nothing to do with you, it's private information, and that's all I know.

~~MS TERREBLANCHE: Before we go on, I ask you to just make a drawing.~~

MR HUBNER: Yes, sure ...(inaudible)

CHAIRPERSON: Could we do it on the board there.

MS TERREBLANCHE: Mr Hubner, are you sure that this was a beacon?

MR HUBNER: Yes, I was told it's a beacon.

...(inaudible) That's your generator, ...(inaudible), then from section - electronic components

CHAIRPERSON: ...(indistinct)

MR HUBNER: Okay, and from there your cable goes out and that goes to the Clarke mast, and your precept goes up, it will hit there, which hits ... (indistinct) to the Clarke mast on top, the cover runs down like that and that gives out your signal.

CHAIRPERSON: Of those things, which is the beacon?

MR HUBNER: This piece here.

CHAIRPERSON: And this mast ... (intervention)

MR HUBNER: Can be assembled within five minutes.

MS TERREBLANCHE: It can be detached?

MR HUBNER: Yes, totally, it actually fits into the back of the trunk.

MS TERREBLANCHE: Can you put it ... (indistinct)?

MR HUBNER: No, it fits into a ... (inaudible)

CHAIRPERSON: Now, what does it do, I see that there are lines on the head of what do you call it, the beacon?

MR HUBNER: You use that one your beacon on top of the mountain and it gives off the signal.

CHAIRPERSON: Now, that other signal line?

MR HUBNER: That signal line tells your aircraft how high it's going, okay, and that you're away from the mountain, and it gives you a direction, everything.

CHAIRPERSON: Does it throw you - it the signal in the form of a light?

MR HUBNER: It's like a pulse, light, it's like an ordinary TV antennae, you pick up the sound wave, and that's basically what it

does here. So if I take this - if I switch off that signal and put this signal now at the bottom of the mountain here, and it's guiding me along that way, ...(indistinct), it's two different heights. See, it's telling you that height, but in the meantime you're right down the bottom here.

CHAIRPERSON: Mr Magadla, maybe you want to stand there because you were wanting to ask questions?

MR MAGADLA: Mr Hubner, if you say you saw them building that thing there, who is them, who do you mean?

MR HUBNER: Some of my friends that were working with me.

MR MAGADLA: Who were they?

MR HUBNER: He was at that stage a Flight Sergeant in the Air Force.

MR MAGADLA: He was a Flight Sergeant in the Air Force?

MR HUBNER: ~~The directive came from my Colonel to my~~
Sergeant-Major, from my Sergeant-Major to him.

CHAIRPERSON: What were their names, Colonel, Sergeant-Major and what?

MR HUBNER: My Sergeant-Major at that stage was Sergeant-Major ...(indistinct)

CHAIRPERSON: And the Colonel?

MR HUBNER: He was in charge of our base at that stage, it was Colonel Slabbert.

CHAIRPERSON: Would he be the Brigadier Slabbert, he's now a Brigadier.

MR HUBNER: ...(inaudible)

MS TERREBLANCHE: And the guy who built the beacon?

MR HUBNER: That you must ask my Sergeant-Major.

MS TERREBLANCHE: He was not a friend of yours?

MR HUBNER: No, we were together when we started the Air Force, it was ...(intervention)

CHAIRPERSON: But what was his name?

MR HUBNER: That you must ask my Sergeant-Major.

CHAIRPERSON: No, but I'm asking you, and you are sworn to speak the truth.

MR HUBNER: Yes, that's why I say, my Sergeant-Major could explain.

MR MAGADLA: Don't you know the person yourself?

CHAIRPERSON: No, Mr Hubner must go and sit down, he really doesn't realise the importance. Mr Hubner, this is very

serious and I can understand that you wouldn't like to be the one

to disclose, but that's what the - in essence this whole exercise is

in aid of. The only, of course, the only guy - that's why we are

holding these proceedings behind closed doors is precisely

because we feel that we want people to be comfortable in saying

things which are otherwise not public - ...(indistinct) - so it is

important that you tell us the name of the person who was your

Sergeant-Major - or Sergeant-Major, - was it Sergeant-Major, a

friend - the friend.

MR HUBNER: My friend just put it together because he was told to, he wasn't - my Sergeant-Major was basically in control of the whole thing, but he got the directive from above.

CHAIRPERSON: Who was your friend?

MR HUBNER: That's what I said to Debra right from the beginning, that's for her to go ask my Sergeant-Major, if he wants to disclose it, that's ... (intervention)

CHAIRPERSON: No, no, no, but we are asking your now. I don't want to have to say, are you refusing to disclose the name, because then I would have to invoke in terms of section 39, and I thought that you are coming because you wanted to co-operate.

MR HUBNER: I basically told you basically what the whole - what I saw, and that's what I saw.

CHAIRPERSON: Yes, we are not - Mr Magadla?

~~MR MAGADLA: Now, of those components of the beacon~~
... (intervention)

CHAIRPERSON: No, no, no, Mr Magadla, we can't go beyond this. I want to be able to know that Mr Hubner is refusing to disclose the name of his friend, and if he is then I need to record that he is refusing, and therefore he's in contravention of the Act.

MR HUBNER: I'm not refusing, I feel you can get it from my Sergeant-Major.

CHAIRPERSON: Well, I am instructing you to give me the name of the person ... (intervention)

MR HUBNER: And I feel it's not up to me to give it to you.

CHAIRPERSON: Are you refusing therefore to do so?

MR HUBNER: If my Sergeant-Major stood here and said I can do it, I'll do it with the greatest of pleasure.

CHAIRPERSON: No, no, no ...(intervention)

MR HUBNER: Until then I will not give anything.

CHAIRPERSON: Okay, let's ...(intervention)

MR HUBNER: I feel I've also got rights as much as what you've got rights.

CHAIRPERSON: Let's start from the beginning, maybe you don't understand. ...(inaudible) Mr Magadla, you can proceed with the other evidence whilst I look for -

MR MAGADLA: Those components of the beacon, which part of them did you have to hand over to those people?

MR HUBNER: They came and they took the Clarke mast out of my section and they took the ...(intervention)

MR MAGADLA: Which one is that then?

MR HUBNER: The antennae piece, they took that out of my section and they took the top head piece out of my section.

MR MAGADLA: Okay.

MR HUBNER: That's all I know about - that they took from my section.

MR MAGADLA: Now you say normally at the top of a hill or a mountain there is a beacon that's there all the time?

MR HUBNER: It should usually be there or otherwise at a runway or wherever - they to use to guide the plane in and to tell them what the heights are, and things like that.

MR MAGADLA: Now, if they came to you to ask for that material to construct a beacon, now, wouldn't you have asked them as to what beacon - what do you want to do with that, because we've got a beacon that's always there?

MR HUBNER: I didn't know what they were using it for. I didn't even know why they were building the thing.

MR MAGADLA: But they did built it.

MR HUBNER: I don't know whether they used it on that, or they didn't use it that - I wouldn't know, that's why I said they must ask my Sergeant-Major. All I know is that they used those components of mine, and that's all I know, they came and fetched it out of my department.

MR MAGADLA: They used it at the bottom of that hill in Mbuzini.

MR HUBNER: I don't know where they used it to be very honest.

MR MAGADLA: Well, let's bring us back to Mr Ntsebeza's question, because if you don't know - you need to tell us the names of the people who know, so that we deal with those people.

MR HUBNER: That's why I say, you must get my Sergeant-Major here and ask him. It's up to him to disclose what - who

had the stuff, who took the stuff off the base, where it went to, I don't know that.

CHAIRPERSON: What is the name of your Sergeant-Major, Mr Hubner?

MR HUBNER: Sergeant-Major Meyer.

CHAIRPERSON: What are his first names?

MR HUBNER: I just know him as Sergeant-Major Meyer, he was my Sergeant-Major, that's all I know him as.

MS TERREBLANCHE: Do you know his Military number?

MR HUBNER: No.

MS TERREBLANCHE: Can you provide your own Military number to us?

CHAIRPERSON: Now, I'm ...(intervention)

MS TERREBLANCHE: Sorry, I asked a question, he's still answering.

MR HUBNER: I can tell you my ID number, but I don't know what ...(intervention)

MS TERREBLANCHE: How can you - can you send us your Military number?

MR HUBNER: Where you going to find it, it was - I'll have to get it from Snake Valley, and that was ten years ago when I was last there.

CHAIRPERSON: Ms Terreblanche, can I - or let me put the questions to Mr Hubner - were you aware that you are entitled to legal assistance before you came to these proceedings?

MR HUBNER: I don't need legal assistance, for what?

CHAIRPERSON: Did you hear my question?

MR HUBNER: Yes, but what do I need it for ...(intervention)

CHAIRPERSON: Did you hear my question?

MR HUBNER: Yes, but for what do I need it.

CHAIRPERSON: Please reply the questions as I put to you, Mr Hubner, don't tax my patience. You were aware that you're entitled to legal assistance? Is the answer yes?

MR HUBNER: Yes.

CHAIRPERSON: You elected not to make use thereof because you don't need it?

MR HUBNER: That wasn't - I don't know who the people are to go to in the first place.

CHAIRPERSON: Yes, I don't want to be unfair to you, Mr Hubner, I want to read to you the provisions of Section 39(e) of our act, it's Section 39(e)(ii),

"Any person, who having been subpoenaed in terms of this Act, without sufficient cause refuses to answer fully and satisfactorily to the best of his or her knowledge and belief any question lawfully put to him or her shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding two years, or to both such fine and such imprisonment."

Now, that's why I don't want to be unfair to you is because maybe this is something that a legal advisor would have brought to your attention.

MR HUBNER: So then can you give me a legal advisor then?

CHAIRPERSON: My legal advice to you is to answer the questions that have been put to you.

MR HUBNER: No, I feel if that's what Section 20 or 30 or whatever it is, whatever Section it is, I feel it's my right then for you to give me an attorney so that he can answer your questions and I don't have to answer it.

CHAIRPERSON: If you read your subpoena you would have understood that it was saying you're entitled to one. If you can't get one then you can ask the Commission to assist you.

MR HUBNER: To be very honest, I received a fax.

CHAIRPERSON: I see.

MR HUBNER: And on the fax it states there something about Section 29 - something about Section ...(inaudible), only you would know, but that was never given to me, no other sections were given to me.

CHAIRPERSON: Now, there is a question that is being put to you and I will repeat that question, and you must answer it.

MR HUBNER: I feel I deserve an attorney so that he can guide you to the guidelines here.

CHAIRPERSON: Do I therefore understand you to be saying you refuse to answer the question that was put to you ... (intervention)

MR HUBNER: No, I feel from here onwards I don't have to answer anything until I've got an attorney, thank you.

CHAIRPERSON: So you are refusing to answer the questions put to you?

MR HUBNER: I don't have to answer anything from here onwards until I get an attorney, thank you.

CHAIRPERSON: Ms Terreblanche, do you have anything that you wish to say on the question of whether Mr Hubner was aware of his rights to an attorney?

MS TERREBLANCHE: Yes, I did inform him and I also informed him that he just needs to phone the office for an aeroplane ticket and there seems to be the one misunderstanding on the other. I'm not sure whether it's deliberate or not, but ... (intervention)

CHAIRPERSON: No, I'm not asking you to pronounce on what his attitude is here, I'm just asking you if he was aware of his rights, his entitlement to seek an attorney if he wanted to. I've heard what he said about whether he - why he should have needed an attorney, but before he came here, was he aware that he is entitled to an attorney and if he couldn't provide one on his own accord, the Commission will supply him with one. Did it state in his invitation in so many words?

MS TERREBLANCHE: Yes, it was the same as the other invitations and the communication was the same with all other 18 people.

CHAIRPERSON: Now, Mr Hubner, I wouldn't like to be unfair to you. Again I say to you, when you appear in these proceedings, it is on the basis that you will answer all questions lawfully put to you. The last question that has been lawfully put to you by me is one that seeks to know the name of your friend so that we can take the enquiry further. Now, as I understand it, you are refusing on the basis that we should go and ask your Sergeant-Major. Unfortunately we are asking you because you are now on the stand, you have sworn to speak the truth, the whole truth and nothing but the truth. For the last time I ask you, are you refusing to disclose to us the name of the friend who you claim was assembling the beacon of the nature that you illustrated on that board and whom you say was your friend.

MR HUBNER: Basically I'd like to know if I can get a lawyer?

CHAIRPERSON: That's not the question I'm asking you.

MR HUBNER: Or an attorney or whatever.

CHAIRPERSON: The question I'm asking is whether you are refusing to give ... (intervention)

MR HUBNER: I'm not refusing, I'll discuss it with him and then we'll come back to the question.

CHAIRPERSON: If you are not refusing, then tell us.

MR HUBNER: After I've spoken to a lawyer it's up to him to decide what I should say and what I shouldn't say.

CHAIRPERSON: Unfortunately the record will have to show that Mr Hubner is refusing to answer to a question that is lawfully put to him, and is therefore in contravention of Section 39 of the Promotion of National Unity and Reconciliation Act, no 34 of 1995. I will therefore direct that criminal charges should be preferred against him in terms of that act and that it should be done as quickly as possible. Do you have any further questions to put Mr Hubner?

MR HUBNER: I'd like to know who the lawyers are and how I can get a lawyer because I feel I have the right to one.

CHAIRPERSON: Mr Hubner, we have dealt with this particular matter to finality now and if you really wish to consult the ~~services of your lawyer you will do so after we have dealt with~~ we have left the ... (intervention)

MR HUBNER: If you want to know who the person is, I'll tell you who the person is, but I feel it's unjust in the fact that I'm not allowed a lawyer to discuss this whole thing.

CHAIRPERSON: Mr Hubner ... (intervention)

MR HUBNER: It's unfair.

CHAIRPERSON: ... I'm giving you one last chance, I'm not going to argue with you.

MR HUBNER: The person's name is Sergeant Stander.

CHAIRPERSON: Does he have a first name?

MR HUBNER: I don't know what his first name is, I just know them as Sergeant Stander, Sergeant-Major Meyer, Colonel Slabbert, I don't go around asking what their first names are.

CHAIRPERSON: But Mr Hubner, I thought that this was your friend?

MR HUBNER: He worked with me and I just know them as their surnames. I don't know their first names.

CHAIRPERSON: Didn't he have a nickname, like Hempies?

MR HUBNER: No, I just know him as Stander, that's all.

CHAIRPERSON: Ms Terreblanche?

MS TERREBLANCHE: Mr Chairperson, I believe Ms Patta would like to ask a few questions.

CHAIRPERSON: Ms Patta?

MS PATTA: Mr Hubner are you scared coming here today?

MR HUBNER: No, I don't see why I should have to say anything against my friends, I was only a friend of his, that's all. Why should I have to say anything against him. If you want to know anything about the colleagues that worked with me ask my Sergeant-Major, I mean it's his job, not my job.

CHAIRPERSON: Why are you feeling that ...(intervention)

MR HUBNER: Why should I have to say things about my colleagues?

CHAIRPERSON: Why are you feeling that you are saying anything against him? This is a legitimate ...(inaudible)

MR HUBNER: Because the person who gave him the orders to do it is the person that you should ask.

CHAIRPERSON: No, no, no, why are you ... (intervention)

MR HUBNER: That's how I see it, that's how I was brought up in the Defence Force.

CHAIRPERSON: Yes, now ... (intervention)

MR HUBNER: If you get told to pick up a weapon and go put it over there, you pick it up, you go put it there, you don't stand and ask questions about it.

CHAIRPERSON: The question I'm asking, why are you feeling that by telling us the name of the person, who in your mind was being asked to do something legitimate and lawful?

MR HUBNER: Because now you're going to go to him, you going to tell him he's also got to come appear, he's also got to stand here. He's going to tell you exactly the same thing, that you must go see my Sergeant-Major. So you're going to stand and harass him for no rhyme or reason.

CHAIRPERSON: Are you saying we are harassing people here, is that what you're saying?

MR HUBNER: You're going to harass him for no rhyme or reason, he was ... (intervention)

CHAIRPERSON: Are you suggesting that we are harassing people - are you suggesting that we harass people here?

MR HUBNER: I feel you're going to do that, he's going to be sitting here now, he's going to have to have to now explain to you why he put it together, because my Sergeant-Major told him so.

CHAIRPERSON: Ms Patta?

MS PATTA: Mr Hubner, you saw the beacon being built how long before the Samora Machel plane crash?

MR HUBNER: It was about a month before.

MS PATTA: And what happened to it over that weekend?

MR HUBNER: I really don't know.

MS PATTA: But did it leave the base, what happened?

MR HUBNER: It left the base, yes.

MS PATTA: Over which weekend?

MS PATTA: The weekend that the accident took place, that period, that week it wasn't there, he wasn't at work either.

MS PATTA: And when you asked where it had gone to, what did people say?

MR HUBNER: They told me, it's got nothing to do with you, which it had nothing to do with me.

MS PATTA: And what did your friend tell you he was doing with the beacon?

MR HUBNER: He told me he's not allowed to talk to me about it, it's got nothing to do with me.

MS PATTA: And did you ask him after the Samora Machel plane crash, because it must have been suspicious, did you ask him?

MR HUBNER: That's when I asked him.

MS PATTA: What did you ask him?

MR HUBNER: He said to me - I said to him, now what did you use the beacon for, and he said to me, it's go nothing to do with you, I'm not allowed to talk to you about it, that was his exact words.

MS PATTA: Did you ask him - did you say, did you have anything to do with the Samora Machel plane crash?

MR HUBNER: He said to me he can't talk to me about anything.

MS PATTA: You're an electronics person, okay, you know how beacons work and all that kind of thing, would it be possible in your opinion for that kind of equipment to be used to bring down a plane and make it crash?

MR HUBNER: I can't see why not.

MS PATTA: Was he the only person involved in building it, or were there other people brought in?

MR HUBNER: No, there must have been other people involved to design it, to think of it, to put the whole thing together. It doesn't take one person to do that.

MS PATTA: So you wouldn't - 4 AD Snake Valley, you wouldn't have designed it, they would have sent you the design and said build this.

MR HUBNER: It would have been designed in the RO research and development lab.

MS PATTA: Okay.

MR HUBNER: The officers there would have designed it.

MS PATTA: And after the Samora Machel plane crash occurred, did the thought occur to you that that equipment that was being built there was somewhere connected?

MR HUBNER: Yes, that's the first thing that came to my mind, and that's the only reason - why else would you build something like that.

MR MAGADLA: Were you in charge of that equipment before they came to fetch it from you?

MR HUBNER: I was only in charge of the Clarke mast and the head piece, I was in charge of that.

MR MAGADLA: Did they have to sign for it when they took it from you?

MR HUBNER: No, it was used - the equipment that we were using - we had six air traffic control towers that we used to loan out to Jan Smuts Airport, Middelburg Army Base, we used to loan it out to all the different bases when they had problems with their towers, so I was in charge of the tower equipment, and that was - the head was part of the equipment that we used there, that's all.

MR MAGADLA: So after they had taken it, did whatever they did with it, did they bring back the things to you?

MR HUBNER: No, I never ever saw it being brought back, they never ever questioned it, they weren't worried about - my Sergeant-Major said to me, it's got nothing to do with you, we need that and we're taking it, that's it. It's not my equipment, it's the State's equipment.

MR MAGADLA: I think you were saying that that which was said to have been something that had nothing to do with you, was when you asked them as to what they did in view of the fact that after they had taken that thing away from you to build that beacon, then there was this air crash. Now you were eager then to know as to whether that has to do with the air crash, then they said that had nothing to do with you, but I'm saying the fact that you were in charge of the part of that thing that was removed from you, now, you had a lot to do with that, nobody would have said you've got nothing to do with it. I'm saying therefore, did you ask them as to, then where is that thing, why don't you return it because it has got to be there because it was unsigned for. You had to account for it at the end of the time.

MR HUBNER: No, I didn't have to account for any of the equipment there. ~~That equipment was at Telkom as such, so it~~ was just in my section that it was, that's why I said to Debra the beacon should still be there.

MR MAGADLA: So whoever wanted to just go there and take whatever they wanted, they would just take it?

MR HUBNER: As long as they got authority from my Sergeant-Major they could take it, there's nothing I could do about it. My Sergeant-Major had control over all the equipment on that Telkom section.

MR MAGADLA: Now during the time of the investigation of the Machel crash, were you or these people approached by the

investigators to account for the fact that they were the people who built the beacon?

MR HUBNER: No, I don't think anybody knew about it, I don't see how anybody would have known about it.

MR MAGADLA: So it was a matter of this thing being covered up?

MR HUBNER: I'm sure.

MR MAGADLA: This would also be the reason that you feel that if you mention this other person's name, then you are breaking that bond or that vow of a cover-up?

MR HUBNER: I don't - you see the thing - what, all I saw was them building this thing, and no-one - you would never know what the true story behind the whole thing is and the moment that accident happened - it wasn't there that week, that week it was missing and when I asked them about it they said to me, it's got nothing to do with you.

MR MAGADLA: Now the point is now ...(intervention)

MR HUBNER: That's all I know about the whole thing, and who designed the boards I don't know, who designed the trolley I don't know, who - the generator, anybody can get that, I mean that's ...(intervention)

MR MAGADLA: The point is now that you have come to us with this story, and it's quite an interesting story, and it's quite an important story, and you know people are being questioned about

it to verify things in order that we know whether indeed your story is true ... (intervention)

MR HUBNER: I don't know who has been questioned.

MR MAGADLA: ... now, okay, now wouldn't you feel that from yourself now, wouldn't you feel that your story is never ever going to be corroborated in any way, verified in any way if it came from you and you alone, as you know that the whole thing was covered up and you know and you've come up with the truth now?

MR HUBNER: Yes, but ... (intervention)

MR MAGADLA: Don't you feel that there should be other people to support your story?

MR HUBNER: That's why I said to Debra, go to my unit and see if you can see the trolley. Then if you can see it, get it taken away then, see what frequencies are on there, and from there onwards you can take the matter further.

MR MAGADLA: Which trolley is this?

MR HUBNER: The one that they used ... (intervention)

MR MAGADLA: On that thing?

MR HUBNER: Because I mean if that's what it was used for, the frequencies should - either the crystal should still be in there, or the crystals have been taken out, or the trolley should be there.

MR MAGADLA: Where's this now, in ... (intervention)

MR HUBNER: At 4AD Snake Valley.

MR MAGADLA: Snake Valley?

MR HUBNER: Yes, that's what I said to her right from the beginning. She's then got all that information, I gave it to her, I gave it to her two friends from the Attorney-General's office or whatever. So that's why I don't understand what's the ... (intervention)

CHAIRPERSON: No you see, we have to have it on record with us, this is a different process. The Attorney-General's process is a different one. I'm sure Dr Tobie Pretorius or whoever else is working with that information at the Attorney-General's office is going to pursue it for purposes of a criminal prosecution. We are, you know, enacted to provide a different sort of function, and that function is to expose the truth to the extent that is necessary for other reasons.

MR HUBNER: I see.

~~MS PATTA: But maybe just to say, if I could have put it on the record myself I would have, but it's not the same as you putting it on the record.~~

CHAIRPERSON: Yes.

MR HUBNER: Because I only told her what I saw, and that was it, I mean.

CHAIRPERSON: No, no, no, we are quite - you are perfectly ... (intervention)

MR HUBNER: More than what I saw I know nothing else about, I wasn't there, I don't know what crystal frequency they used, I know nothing about the whole thing. I just saw them building

this thing, and that to me was not right - what were they building it for, for what reason, it's the same as I saw them taking other things, that's also not right.

MR MAGADLA: What was that?

MR HUBNER: Lots of things, I saw lots of things while I was in the Air Force there.

CHAIRPERSON: Like what for instance?

MR HUBNER: Don't make sense. I told her, she knows about it.

CHAIRPERSON: Can you share with us what it is?

MR HUBNER: It's about De Beers, De Beers and Atlas Aircraft Corporation. It's the same as Bombay, when they came over with that Mig 21.

CHAIRPERSON: Now I see.

MR HUBNER: ~~Whatever happened to that Mig 21? You know~~
what became of it, it became the Cheetah aircraft, they stole the engine out of it and they used it to design the Cheetah aircraft.

CHAIRPERSON: I see.

MR HUBNER: It's the same as when we were in Angola, what were we doing in Angola? My honest opinion to you, what were we doing there, protecting De Beers and Anglo American's diamonds, stealing diamonds from Angola, that's what we were doing there. That's why I say, there's too many things that are not right.

CHAIRPERSON: I hear you.

MR HUBNER: And it's the same as the - what's this vehicle they, with the organs on it, with the missiles, that we ... (intervention)

CHAIRPERSON: Stallion ... (indistinct)

MR HUBNER: That we designed in this designed in the country?

CHAIRPERSON: Stallion ... (indistinct)

MR HUBNER: It was stolen from the Russians, ... (intervention)

MS PATTA: G5s.

MR HUBNER: It was stolen from the Russians, and it was stolen via the Angolan war, and then we re-designed it and put it on a Sable 20 and said this is a South African manufactured weapon, which it wasn't.

CHAIRPERSON: I know, anyway, Ms Terreblanche?

MS TERREBLANCHE: I would just like to get quickly back to your expertise. ~~Can you just tell us about this thing, what do you~~ mean when you say you put it on a trolley to take it away, what kind of trolley - like, not a baby trolley?

MR HUBNER: No, just an ordinary ... (intervention)

MS TERREBLANCHE: Shopping trolley?

MR HUBNER: Like a shopping trolley type - the pull trolley, because you only need two wheels, and the front bit makes it stand automatically, and all you need is just the box in the front with electronic components in which is enough to give you a frequency through to your head.

MS TERREBLANCHE: Have you ever come across such a device that could self-explode or self-detonate?

MR HUBNER: Never ever, ever.

MS PATTA: Mr Hubner, the device - this thing, could it be mounted onto a Land Rover?

MR HUBNER: It could be put onto anything.

MS PATTA: Could it be put onto a helicopter?

MR HUBNER: Easy.

MS PATTA: How, just show us how high it is.

MR HUBNER: That's what made me think about it because for them to put that on a helicopter and to drop someone - it would take him 15 minutes to put it up and they come back and pick him up 15 minutes later, it's gone, there's nothing there, so that's what was so funny about the whole thing.

MS PATTA: Just show us how tall it is? Okay, so it's not very tall. And your friend was the same rank as you, why would he have been involved in building some equipment like this, and you wouldn't have been?

MR HUBNER: Because he had been at Tech, he'd done electronic courses in the Defence Force as such, and he worked in the research and development lab, he was taken and he went on to T1, T2, T3 and things like that, whereas when I was in the Air Force I started off with N1, N2, N3, and then went on to N4 and then started doing subjects of N5. So I wasn't in the same field as what he was - we were separated, one lot of electronic guys

would do the exchange system and the other lot electronic guys would do walkie-talkies, another lot electronic guys would do like I was doing, air-traffic towers, another lot of electronic guys would do - each one would have his own field and as you went through the system right from the beginning you'd start off on repairing transmitters and then from transmitters you'd go on to receivers, and from receivers you'd go on to all the different pieces of equipment.

MS PATTA: And what was your relationship with Signal Intelligence Division, SIGID?

MR HUBNER: I had nothing to do with them.

MS PATTA: Did you know of their existence?

MR HUBNER: No.

MS TERREBLANCHE: Was there any part of such a beacon that was about the size of a block of butter that was a scrambler?

MR HUBNER: They could easily fit that in there.

MS TERREBLANCHE: Could they fit it in?

MR HUBNER: Easily fitted in

MS TERREBLANCHE: Would it be part of such a machine?

MR HUBNER: When I was in the ... (indistinct) receivers, we were busy with the Harper system at that stage, and the Israeli's were stealing our designs to use in Israel, and it's very possible that they could have put it in, very possible.

MS TERREBLANCHE: What would the use of that have been if you wanted to decoy a plane?

MR HUBNER: To decode what his signal is and then to lock onto it, that they could easily do.

MS PATTA: Could you use it to listen in to a plane as well?

MR HUBNER: Yes, but you don't even need that, you can just use an ordinary yellow ... (indistinct) system, you could break into their code that way, which they often used up at the Border, often.

MS TERREBLANCHE: Now such a signal, if they were locked into a specific signal, would it work better if that signal is then switched off and you decoy them with the small thing, or can you ... (intervention)

MR HUBNER: I really don't know, because often when they were up at the Border you'd hear they that our radar system got shot down, then they'd use the Russian radar system to operate our planes, which they often did as well. So they ... (indistinct)

MS TERREBLANCHE: Your beacons for airports, were they different to this, they were larger?

MR HUBNER: They were totally different, totally.

MS TERREBLANCHE: But you could - the little sender on top would be as powerful?

MR HUBNER: You see, the beacons we use at the Defence Force - at the Airport are totally 360° guidance, whereas that, you'd have to line it up and then guide them in, whereas the ones that we used ran on - it was what we call a Radarschwatz system, and that was a full 360° what you call it, and that was - the mast

on that alone would take you about 2 hours to get it up, it's not like this that you can do in a few minutes, and even just to move an air traffic control tower, it's a mission, believe me, you wouldn't - there's no way you can get that on another side of a mountain, you physically have to get wheels and then tow it and then re-loosen everything, then you have to balance it because if it's not balanced your equipment doesn't function 100%, there's too much involved in that, that would take you hours, it doesn't take 5 minutes. That I used to do at Airports, so I can tell you all about that, that they used at Jan Smuts.

MR MAGADLA: Sergeant Stander, where is he now?

MR HUBNER: I really wouldn't know, I've been out of the Defence Force for 10 years now, yes, 10 years. I left in 1990, you're guess is as good as mine.

MR MAGADLA: ~~Could he still be in the Defence Force?~~

MR HUBNER: He could be out of the country as far as I know.

MR MAGADLA: Could be out of the country?

MR HUBNER: Could be out of the country, could be anywhere, because basically the Defence Force could never accept the fact that you could get further ahead with your studies than your officers, and they used to try and get rid of the people, personnel, and that I can vouch for 100%, because my friend was one of the directors of ESCOM and he used to work with me, and they told him he's not good enough to become an officer in the Air Force, it's actually a joke.

MR MAGADLA: Now, these other two people, Sergeant-Major Meyer and Colonel Slabbert, ...(intervention)

MR HUBNER: They should be on pension now.

MR MAGADLA: Now, you just mentioned their names without any problem. Would there have been any reason for that?

MR HUBNER: No, they were my Sergeant-Major for all the years I was there. I was at ...(intervention)

MR MAGADLA: I mean it has been very difficult to mention the name of Stander. Is it because you know Stander is the person who was deeply involved in this thing?

MR HUBNER: No, you see the - he would only do what they would tell him to do, so it would actually come from higher up, it would come via - to be very honest it would come from Air Force Headquarters, then it would go to LL Car and from LL Car it would come down to my Colonel and from my Colonel it would come down to my Sergeant-Major, and from my Sergeant-Major it will come down to him, that's basically where it would come from, all the way from the top all the way down to the bottom. So he would only do what they tell him to do.

MR MAGADLA: If we say, what they tell him, we would be meaning then people like Sergeant Meyer?

MR HUBNER: Yes, my Colonel and Sergeant-Major Meyer tell him to do that, they've been given orders from above for him to do that - if he didn't do it they'd use somebody else anyway.

MR MAGADLA: But he was answerable to these two guys, to the two people?

MR HUBNER: Yes, he was told to work on it.

MR MAGADLA: By them?

MR HUBNER: By them, yes. According to my knowledge, that's what I know about it.

MS TERREBLANCHE: Just one last question, were you aware in Angola and so forth that such beacons were used in terms of decoying planes?

MR HUBNER: No, never, never.

MS TERREBLANCHE: But it can be used?

MR HUBNER: When that was designed we were already over with the Angolan war, it was really basically at an end. So whether they used it there or not I wouldn't know, but I doubt it, ~~because then they would have built a whole lot of them, they~~ wouldn't have just built one.

MS TERREBLANCHE: Yes.

MR HUBNER: That's my honest opinion, it's like air traffic control towers and containers that they took, they would never take one container, they would take six, seven containers at a time, and that all had radio equipment in it, and that's what I used to repair, the radio equipment in that as well.

MS TERREBLANCHE: No further questions.

CHAIRPERSON: Mr Magadla?

MR MAGADLA: Have you got any information as to what happened to the wreckage of that plane, parts and things?

MR HUBNER: Nothing, no.

MR MAGADLA: You haven't seen it?

MR HUBNER: I don't even know where it went down, I asked them over here today for the first time.

CHAIRPERSON: Okay. Well, it remains for me to thank you, Mr Hubner. I am sorry that there was a slight misunderstanding in the course of your giving evidence, but as they say, "all's well that ends well", and you will not realise it, but your evidence taken together with other evidence is beginning to build a picture which might possibly lead us to the resolution of this problem, which not only this country, but Southern Africa itself has been trying to come to terms with. So your effort has been worth its while.

MR HUBNER: But there's a lot of things I don't understand, wars that are taking place around in other African countries like Zambia and ...(indistinct), and Ghana, and places like that. De Beers has got a lot to do with it, hey, a heck of a lot to do with it, because I can tell you three weeks before a war takes place exactly where it's taking place and why, because of people like Executive Outcomes that are involved in it. They're being paid by De Beers to kill people. For what reason? It's purely because they're in the diamond industry, they're stealing the diamond

minerals from other countries, and this what I know about it, I've seen it.

MR MAGADLA: But why would they kill ordinary people and so the people would have be competitors in that thing?

MR HUBNER: You need to have got the arms from De Beers to fight MPLA. The moment we pulled out the MPLA started taking over the diamond mines in Angola, they sent Executive Outcomes in to stand in to protect the mines and to train MPLA to fight Unita. So on the one side they were giving Unita weapons and the other side they were getting MPLA trained to fight each other so that they could keep total control over the diamond industry. And that's exactly what's happened now in Zambia, exactly, I'm telling you now they paid for it, De Beers paid for it - Anglo American De Beers.

~~CHAIRPERSON~~ Well I'm sure that this should form the subject of another form of inquiry ... (intervention)

MR HUBNER: And I wouldn't be surprised if they're behind this, I really wouldn't be surprised. Where did ... (indistinct) ever get their weapons from, whoever supplied them their weapons? Who supplied Frelimo? Who paid for the aircraft to fly that stuff up and down? Dannel electronic section is basically owned by Anglo American De Beers, they're 50% shareholders in it. Krygkor is 50% shareholders by De Beers, Atlas Aircraft Corporation is 50% shareholders by De Beers. The State owns a percentage of it ... (intervention)

MR HUBNER: Mr Hubner, I'm sorry, but ... (intervention)

MR HUBNER: It's something totally different to ... (intervention)

CHAIRPERSON: We have other evidence that we need to call.

MR HUBNER: That's what I don't understand, there's too many things that are ... (intervention)

CHAIRPERSON: Ms Terreblanche if you'll call a further witness.

MS TERREBLANCHE: Thank you, we're calling Dr Abdul Minty. Thank you very much Mr Hubner.

MR HUBNER EXCUSED

CHAIRPERSON: Welcome, none of the people who are here really need any introduction and I would assume that we should - we have Mdu Lembede at the beginning of the - to the left of - to the right of you where you are standing, opposite you,

(inaudible)

CHAIRPERSON: Oh yes, oh well, then you know each other.

Debra Patta, ordinarily she is with 702, but for purposes of this particular enquiry she is conducted to the Commission. Christelle Terreblanche is the investigator. You know Commissioner Wildschut, Wilson Magadla and myself are know to you. Before we take your testimony I will ask Commissioner Wildschut to swear you in. Commissioner Wildschut.

DR MINTY: (Duly sworn in, states):

CHAIRPERSON: Ms Terreblanche?