

CHAIRPERSON: Dr Klatzow has now been formally sworn in, in terms of the Act, as a member of the commission in his consultancy capacity.

The proceedings will adjourn until two o'clock or such time as, well until two o'clock, and Ms Terreblanche is requested to ensure the attendance or otherwise of the next witness, and to establish the whereabouts of Mr Gert van der Veer, former chief executive of SAA, who was expected to have testified from 11:30. We will adjourn until two o'clock.

COMMITTEE ADJOURNS

ON RESUMPTION:

CHAIRPERSON: Ms Terreblanche, who are you calling next and (indistinct)?

MS TERREBLANCHE: Thank you, Commissioner Ntsebeza, I am calling Mr Gert van der Veer, the former chief executive of South African Airways. He was in that capacity at the time of the Helderberg disaster in 1987. He's been... (intervention).

CHAIRPERSON: Ja, okay, before you proceed, as is customary, I will ask Commissioner Wildschut to swear the witness in, but before we do that, Mr Van der Veer, let me welcome you to these proceedings. For the record and for your own benefit, the panel consists of, to my left, Commissioner Glenda Wildschut, who is the commissioner and a member of the Reparations and Rehabilitations Committee.

I am a Commissioner, I am in the Human Rights Violations Committee and I'm head of the investigative unit.

To my right is Mr Magadla, who is head of special investigations in the operational side of the Investigative Unit.

To my extreme right is Christelle Terreblanche, who I believe you possibly have been talking to. She is assisting in placing all evidence before us in this matter, and with her is Dr David Klatzow, who is a forensic specialist and who has been contracted to come in on as a consultant to the TRC.

I need to indicate that this is an investigative inquiry, it is not a tribunal, it is not a hearing, it is not a court of law, it is not a trial, it's an information gathering exercise. All evidence that has been taken down in this inquiry, which is of a probing and investigative nature, will remain confidential.

If and when a finding has to be made, and there are persons who might be prejudiced by evidence that has been led in this inquiry, an opportunity will be given to them to make written representations and if needs be to have the witnesses who have made allegations detrimental to them brought before this inquiry for purposes, or brought before the commission for purposes of limited cross-examination. However, for the moment any

evidence that has been taken in here remains confidential. For that very reason, therefore, only members of the staff of the commission and those conducted by the commission, and people

invited or subpoenaed to be present and/or their legal representatives need and are permitted to remain during the course of the proceedings.

The proceedings are taken seriously, evidence is taken under oath, and persons who give evidence in terms hereof are committing themselves to obey, and therefore we expect and always, in the majority of cases, have been able to get people who have given evidence to us with due regard to the seriousness with which they must convey and supply information to us.

I will, therefore, unless you have something you want to put on record, Mr Van der Veer, before we commence, I would like to ask Commissioner Glenda Wildschut to administer the oath to you.

MS WILDSCHUT: Mr Van der Veer, do you have any objection to taking the oath?

MR VAN DER VEER: No, I don't, but I have a question (inaudible). Oh, that will help.

MS WILDSCHUT: Yes.

MR VAN DER VEER: Sorry.

MS WILDSCHUT: Please will you direct the questions before we take the oath?

MR VAN DER VEER: My question is that obviously there will be a recording of the proceedings, will I have access to that after this session?

CHAIRPERSON: Ordinarily, no, but if, as a consequence of any, as I indicated earlier, if we are going to be making findings on the basis of any information that we have collected here, and it may be findings of a nature that have, on the basis of which adverse inferences may be drawn about you, for instance, then in that event, it would be necessary for you to be provided with all the information, including a transcript of these proceedings, together with whatever else has been said to your detriment, so that you have an opportunity to rebut whatever allegations are made against you, and in fact to cause such witnesses as may have given evidence about you and against you, detrimental to you, to be called so that you can subject them, either by yourself or through your legal representative, to limited cross-examination.

So it really will depend, but ordinarily, and I think the commission has the power to do so, I wouldn't find any reason for a well motivated case, that you should not be given transcripts of the proceedings.

MR VAN DER VEER: Thank you. Another question please, and that is that it says here in the document that I got that you may want, or I must submit to having things, or the evidence published. Is that correct?

CHAIRPERSON: Sorry?

MR VAN DER VEER: I say that somewhere in the document here it says that you reserve the right to make, it says that:-

"The commission may require you to take the prescribed oath or to make an affirmation that the proceedings shall be recorded and may, subject to the provisions of section 29.5, be made public by the commission"?

CHAIRPERSON: Yes, ja, that is what the law says. As I have been indicating to you, this is the process. Ordinarily, and I want to emphasise that, this process is a process where evidence taken from deponents is confidential, that is why it's restricted, it's not a public session. However, the commission is empowered by the law, sub-section 5 of section 29, to make all or some aspects of the evidence collected in terms of this process, public, but before this happens, all who would be affected by such publication are given an opportunity to make representations, and it may well be that one of the representations would be, for instance, by you to say, "I do not consider that it would be either in the public interest or in my interest that such information should be made available to the public, for these reasons", and you set them out, and a decision will not be taken until an opportunity has been provided to any person who might be adversely affected by the publication of evidence gathered in these circumstances is given. So, for instance, if you are asking the question, will you be confronted tomorrow by anything that you have said here, my answer is no, there would have to be a commission meeting, and the next commission meeting will be

somewhere in June, and at that commission meeting a decision would have to be taken first as to whether evidence gathered during a section 29 process into the Helderberg ought to be made public. The commission would then take that decision and then a resolution formed, but then it does not mean the following day it would be in the public domain. We would then say, "Who has given evidence here? Dr David Klatzow, Mr Gert van der Veer, etcetera, etcetera". We would then now send notices to all of those people, "Look, we are about to publish the information that was gathered from you on a confidential basis. Do you have any representations to make?", and then you make your representations. So it is going to be a process.

MR VAN DER VEER: No, I'm not worried about the publication, sir. What I'm only saying is that if it is published, then it mustn't be selectively published, and all the evidence should be put.

CHAIRPERSON: Very well.

MR VAN DER VEER: I'm sorry, I haven't got a legal adviser, but I just want to satisfy myself on these points, because we talk about transparency... (intervention).

CHAIRPERSON: Yes.

MR VAN DER VEER: ... and then one would like to see that.

CHAIRPERSON: No, I haven't got a problem, Mr Van der Veer, we would really like to you to be well aware what the process is and we welcome you having made the inquiries that you did.

MR VAN DER VEER: Thank you.

GERRIT DIRK VAN DER VEER: (sworn states)

CHAIRPERSON: May I just also indicate that if you want and you are at home with Afrikaans and you would like to give your evidence in Afrikaans, feel free to do so. We have a group of translators here who do simultaneous translations and we would therefore be - they would indicate - but if you are happy to testify in English - what I'm saying is, our preference in the commission is that people should testify in the language in which they best feel they can do so.

MR VAN DER VEER: English is my third language, Mr Chairman, so if I do fall back into Afrikaans, then, that's my second language, it might just be, if one wants to put a specific thought across, or fact across, one has to be sure that one does it in the right way. Thank you.

CHAIRPERSON: You can use Xhosa as well.

MR VAN DER VEER: Unfortunately, I'm not capable of speaking that. Thank you.

CHAIRPERSON: Ms Terreblanche?

MS TERREBLANCHE: Mr Van der Veer, welcome again. We have sent a number of questions to you, I will read it into the record. We've required your presence here today to answer questions and give evidence on your - relevant to your role in SAA during the 1980's, with particular reference to the time of the Helderberg disaster in 1987, to clarify to the TRC the

relationship between Armscor and SAA in the late 1980's, including the relationship between SAA and subsidiaries of Armscor, to answer questions relevant to SAA's policy on cargo, to explain your role in the investigation into the crash, particularly immediate steps taken to secure all the records relevant to an inquiry into an air disaster, and to answer questions pertaining to the whereabouts of the ZUR tapes of all communications between the Helderberg and the Springbok Radio station on the night of the crash.

I don't know if you have prepared something on that line and whether you would prefer for us to just ask you questions?

MR VAN DER VEER: I have not prepared anything at all, I think you should ask the questions, but you are referring, in the Afrikaans note that you sent me, Mr Chairman, that you have certain evidence, and that you would like to query me, whatever it is, on that evidence. If there is such evidence, I would very much like to be brought up to date as to what that evidence is, and whether this is in fact evidence or whether it's hearsay or rumours, because the last thing, Mr Chairman, and this is what I'm worried about, about this whole hearing, is that one starts rumours. Having lost 159 passengers' lives, with the relatives, one doesn't just treat this for the, you know, for the entertainment of others. This is an extremely serious matter. Thank you.

CHAIRPERSON: Ms Terreblanche?

MS TERREBLANCHE: Our evidence is mainly in the form of statements made to us by former and current personnel of SAA, many of them recently. This is a process in which we would try to test those statements. In addition, there are in fact rumours going around that needs to be clarified... (intervention).

MR VAN DER VEER: If we can assist... (intervention).

MS TERREBLANCHE: ...and this is part of this process. If we had it in public, of course, that would be a problem.

MR VAN DER VEER: Ja, that's my main concern, Mr Chairman, and if we can help to throw light on that, I'll certainly be the first person to be of assistance. I mean we all want to know what really happened, though we know what happened, we don't know what caused it, and if we can get to the real facts of that, I mean the Helderberg accident already has had its impact very strongly on the whole of the aviation industry in terms of safety standards which have been improved, in terms of money that has had to be spent, if we can find out anything more that could assist in that direction, you will have my full co-operation.

MS TERREBLANCHE: Thank you. I think we would like to just start off by asking you the exact nature of the relationship between SAA and Armscor during the mid - late 80's. There have been statements to us that you and other members of SAA, as a delegation, went to see Armscor not long before the

Helderberg disaster to get some assurances that they would not inadvertently put dangerous substances on board passenger planes. We are all aware that there are inter-national regulations and that airlines try to be in line with that as often as possible, but that sometimes things go wrong. Can you just clarify to us what your agreement with Armscor was?

MR VAN DER VEER: The agreement would be exactly the same with any other commercial customer of SAA, whether it be Anglo American, whether it be Sappi, whether it be Mondi, whether it be Old Mutual, no agreements, they're customers.

CHAIRPERSON: May I just find out from you, Ms Terreblanche, when you say that there are statements or there is information, do you have these statements, are they in written form? Then I would suggest that those statements must be made available to the witness, the witness must be able to see what has been written, so that he's not at sea, it's an entitlement which the law allows him to do. Can you arrange for him to have these statements? It will also facilitate examination and for him to reply. If, for instance, you are going to be questioning him on statements made, for instance, for argument's sake, by Klatzow, then you should say, "This is a statement that has been made to me by Klatzow, this is a statement made to me by Mitchell, by so and so, by so and so"?

MS TERREBLANCHE: Mr Chairman, I'll make available what I can, I just need to get some assurances from you, as we have discussed in detail this morning, there are some people who are quite scared, so what do we do about those?

CHAIRPERSON: Unfortunately, if you are going to be asking Mr Van der Veer on the basis of the statement which you have, the law is very clear, especially in the constitutional dispensation, it should be on the basis that he has a copy of that statement.

I will grant an adjournment for you to organise such statements as you have on the basis of which you will be questioning Mr Van der Veer, and then to make those available to him and give him some sufficient time to get through them, and Mr Van der Veer of course you will understand that these statements are given to you in confidence and that such evidence as you will be giving in relation thereto will be in confidence, and due regard will be given to the nervousness with which these people gave the statements to us, but you also have got rights, and I think it would be unfair for you to go into an inquiry blindfolded, speaking as a lawyer I won't be able to live with my conscience, even though lawyers are not supposed to have consciences.

MR VAN DER VEER: Thank you, Mr Chairman.

CHAIRPERSON: We'll adjourn for a moment to afford Mr...
(intervention).

MS TERREBLANCHE: Dr Klatzow says he's got some specific questions which are not based on statements, which we can go ahead with in the meantime.

CHAIRPERSON: No, I would prefer that we should adjourn, and it should not be a long adjournment, and then, so that when we do start - let's see how far we can take the matter if we re-assemble at quarter to three, so that we have one flow and if you need further time, then you can get further time. Do you think 15 minutes will be enough, or do you need more time?

MS TERREBLANCHE: It will be enough. Thanks.

CHAIRPERSON: We are adjourned until quarter to three.

COMMITTEE ADJOURNS

ON RESUMPTION

GERRIT DIRK VAN DER VEER: (still under oath)

MS TERREBLANCHE: Mr Van der Veer, I just want to clarify that I have interviewed a large number of people and taken statements from them which were with the view to be sworn, although we have had too little time, so at this stage, as it is not sworn, I regard it as notes. I would, however, tell you if I refer to anything specific and if there's anything else, I'll make it available to you.

MR VAN DER VEER: Okay.

MS TERREBLANCHE: I would like to go just back to, can you just tell us when you started your career in SAA, and as what?

MR VAN DER VEER: 1st of October 1983, as chief executive officer.

MS TERREBLANCHE: Before that, where were you, where did you come from, to SAA?

MR VAN DER VEER: I was part of the organisation all my life, not SAA, but South African Railways and Harbours, later on SA Transport Services, and then SAA and then of course that became Transnet.

MS TERREBLANCHE: Can we go back to the previous question, I would just like to find out whether it was the case that you ever sought any assurances from Armscor in terms of cargo?

MR VAN DER VEER: No.

MS TERREBLANCHE: More than... (intervention).

MR VAN DER VEER: I want to point out that we would not ask those assurances from any customer, because you're very much aware of the IATA regulations, which prescribes what cargo is to be transported. Secondly, that you have freight agents who are handling it. The customer must declare that on the weighbill, okay? That doesn't mean to say that SAA doesn't do inspections on cargo it conveys, particularly in the sanctions period.

MS TERREBLANCHE: ~~Were you ever aware of people breaking~~ those IATA stipulations, were you ever aware of illegal cargo on SAA flights?

MR VAN DER VEER: Not really, no, not in that sense. If it was drugs or something similar, that might be reported to me, yes, but not otherwise.

MS TERREBLANCHE: So you are not aware that there were ever any military type cargo that were not encouraged to be on passenger flights or civilian flights, ever on SAA?

MR VAN DER VEER: Mr Chairman, how does one know it's military type of equipment, in the first place, would that be declared on the weighbill, and secondly, if it was military type equipment, then there is no objection of IATA and safety regulations to transport that.

MS TERREBLANCHE: As I understand, all military type cargo had to go... (intervention).

CHAIRPERSON: But, Mr Van der Veer, I think the question is still put, and if your question querying the basis on the question is a reply, then maybe you want to give a reply. I think the question was, were you ever aware of any military type cargo being conveyed on SAA, and I think because you're under oath, we oblige you to commit yourself to a version. If your answer is no, then that's your answer, and then you can explain, of course that, you know, "I could never have been aware".

MR VAN DER VEER: Mr Chairman, then I would like the definition of military type equipment.

CHAIRPERSON: Ms Terreblanche?

MS TERREBLANCHE: According to civil aviation, whenever a military type, any military cargo would be on a plane, they would be told about it. If it was for the military, they would refer it to Armscor or the SAAF and (indistinct).

MR VAN DER VEER: Sorry, I didn't hear the last portion?

MS TERREBLANCHE: Whenever there was going to be military cargo, according to the Chicago Convention, it would have been referred to Armscor or to the SAAF, or it would go through a different route?

MR VAN DER VEER: I'm not aware of anything in that line, but I'd like to ask, not a question, but what is the definition of military equipment? The problem is, let's assume, let's assume it's some piece of electronic equipment, okay? First of all, the name Armscor would not be on it, it might be a subsidiary or a front agency, of whom we are not aware, okay? It's gone through the freight agent and it's called a control mechanism. So the answer to that is, I accept that as a control mechanism, it could be for anything, military or otherwise. I mean that happens with every airline, or not even airlines, any freight company around the world.

MS TERREBLANCHE: I accept that. Yet you have never been aware that something was falsely declared and put on a civilian airline?

MR VAN DER VEER: No. Not something, stuff has been declared, but not in military - in terms of the military equipment you're referring to.

MS TERREBLANCHE: Are you saying that certain cargo was mis-declared, or declared as something else?

MR VAN DER VEER: At times yes, the same problem that the customs people have, because people at times like to declare things at a much lower value for custom purposes. Okay, yes, in that line one is becoming aware of things at times.

MS TERREBLANCHE: And were any of those cargoes that you were aware of, cargo that were destined for the military or Armscor, or for other sanctions-busting purposes?

MR VAN DER VEER: Not aware of it.

MS TERREBLANCHE: I think Dr Klatzow would also like to ask a couple of questions.

DR KLATZOW: Mr Van der Veer, correct me if I'm wrong, but I have very vivid memories of you being a very hands-on type of chief executive officer of South African Airways, is that correct?

MR VAN DER VEER: In certain sectors, yes.

DR KLATZOW: You were a man, for instance, who would participate in advertising, personally you would be standing on the runway with a candle and you were in some of the television ads that were screened for SAA?

MR VAN DER VEER: Quite correct.

DR KLATZOW: You were a man who put his stamp on the Airways in no uncertain terms and you were a very effective chief executive officer, if I may make so bold?

MR VAN DER VEER: That I think history has to show.

DR KLATZOW: I think you... (intervention).

MR VAN DER VEER: I only did my best.

DR KLATZOW: I think that it was a very good best.

MR VAN DER VEER: Thank you.

DR KLATZOW: You were very much involved with the day to day running of the airline, you did not leave things easily to other people and you were a man who kept your finger firmly on the tiller, as it were?

MR VAN DER VEER: Again, in certain aspects of the airline.

DR KLATZOW: In the important aspects?

MR VAN DER VEER: Let's say yes, those things that were very important at that point in time, yes.

DR KLATZOW: You were a man, for instance, who would not allow the wastage of funds on unnecessary projects, you were a man who would see to it that the monies that the airline had were well spent?

MR VAN DER VEER: If I was aware about it, definitely.

DR KLATZOW: Certainly. But at a senior level and on important capital projects, on important projects, you would not allow a waste of money to occur willingly with your knowledge?

MR VAN DER VEER: No.

DR KLATZOW: Now let me turn to the fateful evening of the crash, the 28th of November 1988. When did you first become aware that the airline was missing?

MR VAN DER VEER: I must recollect, I mean this is a long time ago... (intervention).

DR KLATZOW: Yes.

MR VAN DER VEER: I remember it... (intervention).

DR KLATZOW: To the best of your recollection?

MR VAN DER VEER: Ja. I remember it very vividly. It was probably about, I would guess, and please correct me, about four o'clock that night, when Mr Lewis, my deputy, phoned me at house, at my home.

DR KLATZOW: Viv Lewis?

MR VAN DER VEER: Viv Lewis. And he told me that control had phoned him and told me that the Helderberg, at that stage we did not say it was missing, but that we had lost contact with the Helderberg, and that it should, at that time, be landing or have arrived in Mauritius.

DR KLATZOW: At four o'clock in the morning?

MR VAN DER VEER: I think it was about four o'clock our time, I stand corrected on that, please.

DR KLATZOW: Right. I understand that your... (inter-vention).

MR VAN DER VEER: You'll get a better idea of the time later on, sorry.

DR KLATZOW: Yes. There are always fallacies of memory, but to the best of your recollection, Viv Lewis phoned you... (intervention).

MR VAN DER VEER: Yes.

DR KLATZOW: ...and said that the Helderberg was overdue... (intervention).

MR VAN DER VEER: Yes.

DR KLATZOW: ...and what was your next action?

MR VAN DER VEER: The first action was that I asked him whether everybody had been advised. The answer was yes. I then said to Viv, "Viv, get to the airport", okay, "I'll stay at home", and the reason for that is very simple, Mr Lewis stays much closer to the airport than I do, I'm 55 kilometres away, and I didn't want either of us to be travelling and not be available, so I said, "Viv, you go to the airport, let me know when you get there, then I will come out", and that's what I did.

DR KLATZOW: Now, you then went to the airport?

MR VAN DER VEER: I then went to the airport, and that gives you a better indication of the time, ~~because it was that time of the~~ year, I got to the airport just when it was, let's say about five o'clock, the sun wasn't quite out, okay, but it was on its way, it

was dusk, and you can check from that what time it was. It was round about five o'clock.

DR KLATZOW: That is correct. And who accompanied - who was there with you, you were clearly the most senior South African Airways man at the airport, who was with you that morning?

MR VAN DER VEER: At that morning, Viv Lewis was already there, Captain Mickey Mitchell was already there, because he stays closer to the airport, and some of the other senior officers, I cannot give you all the names, and then of course the people that have to deal with safety and an emergency like that, and of course Mr Venter, our spokesman for the airline... (intervention).

DR KLATZOW: Let me remind you of one of the people.

MR VAN DER VEER: ...communication man. Yes please.

DR KLATZOW: Sorry, I'm sorry for interrupting. Let me remind you of one of the people who was there. Do you remember a pilot by the name of Captain Jimmy Deale being there?

MR VAN DER VEER: No.

DR KLATZOW: You were never... (intervention).

MR VAN DER VEER: ~~He could have been.~~

DR KLATZOW: You were never aware that he was there?

MR VAN DER VEER: I cannot say I was not aware, you understand, I cannot recollect. If you give me the name Jimmy, then the name Jimmy Hepworth jumps up.

DR KLATZOW: Right. But Jimmy Deale was there that evening, would you, you won't deny that?

MR VAN DER VEER: I will not, well I cannot say yes or no. It's not that evening, please, it was early that morning.

DR KLATZOW: Right. Early the next morning?

MR VAN DER VEER: Early the next morning.

DR KLATZOW: It was after midnight?

MR VAN DER VEER: No, Saturday five o'clock... (intervention).

DR KLATZOW: Ja.

MR VAN DER VEER: ...in the morning, that's when I got to the flight ops building.

DR KLATZOW: Was the legal adviser for South African Airways there at the time?

MR VAN DER VEER: Mr Attie Malherbe, I don't think he was there at that point in time, no, I think he came later.

DR KLATZOW: Okay. Now, you've also been on record, very vociferously at the time and over the ensuing years, as saying that South African Airways, and clearly it is your own stated intention, wants to make absolutely certain that the truth about the Helderberg comes out?

MR VAN DER VEER: Yes.

DR KLATZOW: And that every assistance that the airline and yourself could offer was there for the taking?

MR VAN DER VEER: Yes.

DR KLATZOW: And that you would in no way intimidate or prevent the truth from coming out?

MR VAN DER VEER: Definitely not.

DR KLATZOW: And that it was the airline's stated intention to find out what had gone wrong, through Margo?

MR VAN DER VEER: No.

DR KLATZOW: Or through your own endeavours?

MR VAN DER VEER: We have nothing to do with an investigation into an airline, that is the responsibility... (intervention).

DR KLATZOW: No, let me stop you... (intervention).

MR VAN DER VEER: ...of DCA. Yes.

DR KLATZOW: Let me stop you. I understand that DCA bears the final responsibility, but you as an airline, having lost an expensive piece of equipment and 159 lives of valued crew and passengers, wanted to know what was going on, didn't you?

MR VAN DER VEER: Yes.

~~DR KLATZOW: You wanted to know what caused that fire, didn't you?~~

MR VAN DER VEER: Yes.

DR KLATZOW: You stated... (intervention).

MR VAN DER VEER: We still do want to know that.

DR KLATZOW: ...you were going to offer Margo every assistance that was possible for Margo to get to the truth?

MR VAN DER VEER: To Judge Margo or DCA or anybody else.

DR KLATZOW: For Judge Margo read DCA, because they acted as one and the same group, but you were not going to inhibit that in any form or shape?

MR VAN DER VEER: Definitely not.

DR KLATZOW: Now, I'm going to come back to that.

MR VAN DER VEER: Uhum.

DR KLATZOW: ZUR, tell the commission what the functions of ZUR are. Let me lead you through it. ZUR, and you can correct me if I'm wrong, is a home base radio station, which maintains long distance communications with your overseas fleet throughout the world?

MR VAN DER VEER: Yes, on a periodic basis.

DR KLATZOW: I'll get to the periodicity of it in a minute. ZUR is set up as a permanent radio station at SAA?

MR VAN DER VEER: Yes.

DR KLATZOW: It has a sophisticated tape recorder?

~~MR VAN DER VEER: Yes.~~

DR KLATZOW: Which has a 24 hour a day reel to reel tape recording apparatus?

MR VAN DER VEER: I don't know whether the reel occupies 24 hours, but it has a continuous recording capability.

DR KLATZOW: Correct, it's roughly one reel per day, let me help you.

MR VAN DER VEER: Thank you.

DR KLATZOW: And those reels are manned 24 hours a day by a staff of about three people?

MR VAN DER VEER: Yes.

DR KLATZOW: Not only are they manned 24 hours a day, but Mr De Veer, those reels are kept for at least a month, and probably nearly five weeks?

MR VAN DER VEER: Correct.

DR KLATZOW: And they are kept under lock and key?

MR VAN DER VEER: Correct.

DR KLATZOW: What is the function of ZUR?

MR VAN DER VEER: To be able to communicate with the aircraft from the, let's say this central control of the airline, and to give the pilot the ability to record to central control, and we have the system of roughly every hour of reporting back to base station... (intervention).

~~DR KLATZOW: That's correct.~~

MR VAN DER VEER: ...finding out whether everything is okay, whether there's any problems or any messages or any urgency, I mean (indistinct) just having chairs and things like that, right.

DR KLATZOW: Sometimes more than an hour... (intervention).

MR VAN DER VEER: Yes.

DR KLATZOW: ...sometimes it was an hour and a half, it depended... (intervention).

MR VAN DER VEER: Yes.

DR KLATZOW: ...there were standing regulations?

MR VAN DER VEER: Yes, and it also depended on whether one could reach the aircraft... (intervention).

DR KLATZOW: Correct.

MR VAN DER VEER: ...depending on the time of day, because this is not a foolproof communication system.

DR KLATZOW: No, I understand that.

MR VAN DER VEER: Okay.

DR KLATZOW: Now, ZUR, with it's full-time apparatus, its full-time occupancy of a building and its full-time staff on a three shifts a day, was not a cheap operation to run, was it?

MR VAN DER VEER: No.

DR KLATZOW: It cost the airline a substantial amount in salaries, perks, benefits... (intervention).

MR VAN DER VEER: I guess so, like everything else.

~~DR KLATZOW: Absolutely. And it had a serious side to it as~~

well. The last thing you, as chief executive officer, wanted to find out is if an aircraft was missing only when it was late on arrival or when it failed to make contact with an FIR?

MR VAN DER VEER: No.

DR KLATZOW: So one of the things... (intervention).

MR VAN DER VEER: Sorry, no, no, I mean you're making a number of things now. I, as chief executive officer, would not be informed about that or would be interested in that.

DR KLATZOW: No, let me back and let me put the questions to you piecemeal.

MR VAN DER VEER: Thank you.

DR KLATZOW: One of the functions of ZUR is, if there was a major problem aboard the airline, wherever it was, it would be expected, after the preliminaries of dealing with that contingency had passed, that they might be expected to inform the home base?

MR VAN DER VEER: Sorry, when you, no, when you speak to ZUR, you are informing the home base.

DR KLATZOW: That's the point.

MR VAN DER VEER: Okay.

DR KLATZOW: They would speak to ZUR and inform the home base?

MR VAN DER VEER: Quite correct.

DR KLATZOW: ZUR was not set up, at considerable time, cost and effort by SAA, to make certain that there was enough water on the aircraft when it landed at Seoul? That would be inter alia one of its functions?

MR VAN DER VEER: Correct, I've just referred to that earlier... (intervention).

DR KLATZOW: Correct.

MR VAN DER VEER: ...it might be the need for an armchair for a passenger on the aircraft or something similar... (intervention).

DR KLATZOW: But of course... (intervention).

MR VAN DER VEER: ...anything.

DR KLATZOW: Any operational thing about the airline.

MR VAN DER VEER: Yes.

DR KLATZOW: But certainly ZUR, with a full-time tape recording facility was not set up solely to deal with the occasional armchair that you needed, or wheelchair?

MR VAN DER VEER: It had many functions.

DR KLATZOW: Correct. Of which notification of serious events aboard the aircraft was one of them?

MR VAN DER VEER: Of course.

DR KLATZOW: Right. Could you think of a single reason for me on that score why members of South African Airways whom I've spoken to over the years, have always attempted to denigrate and lower the role of ZUR to that of providing water and wheelchairs, and incidentally it's interesting that you use both, because those are the examples which have often been quoted to me, with a diminution of the more crucial role which I've outlined to you and which you've already told me is one of the functions?

MR VAN DER VEER: Uhum.

DR KLATZOW: Could you think of a single reason why people wanted to get away from that real function?

MR VAN DER VEER: Again, that's one of the functions, okay, but I cannot think of any one.

DR KLATZOW: Mr Van der Veer, you've been commendably... (intervention).

CHAIRPERSON: When you say you cannot think of any one, you cannot think of any one reason... (intervention).

MR VAN DER VEER: No.

CHAIRPERSON: ...why anybody would try to (indistinct) diminution... (intervention).

MR VAN DER VEER: I'm not even aware of it, so... (intervention).

CHAIRPERSON: All right.

~~MR VAN DER VEER: I'm not even aware of it so... (intervention).~~

DR KLATZOW: In all fairness I would say to you, Mr Van der Veer, that you've been commendably open and I'm enjoying the interchange, in that I'm getting information now which has been ~~previously inaccessible to me, despite extraordinary attempts to~~ get the kind of information I'm getting from you. Now... (intervention).

MR VAN DER VEER: Mr Chairman, on that point, sorry, did you approach the airline on that?

DR KLATZOW: Yes.

MR VAN DER VEER: In what way?

DR KLATZOW: Telephonically, at numerous times. But we'll deal with that. Mr Van der Veer... (intervention).

CHAIRPERSON: In any event, now it is the TRC which, through him, is approaching you, so everyone's indebted to you.

MR VAN DER VEER: Sir, I have no problem with that.

DR KLATZOW: Mr Van der Veer, you've indicated to us previously that deep in your heart, and deep in the heart of the airline, there's a desire to find out the truth about this thing, however terrible it might have been, and yet, on every level that I have dealt with members of SAA staff, over the last 5½ or six years, there is a golden thread which runs through every single

~~investigation that I've made, and that is one of fear. So much so~~

that I had to resort at times to interviewing your staff members or ex-staff members clandestinely in places where they would recognise me and they would not explain to me how and when they were going to get there, it was very difficult. Could you

~~advance possibly a reason why there should be such a climate of~~

fear which envelops the whole of the Helderberg story, apart from your lack of fear today?

MR VAN DER VEER: I cannot think of any reason at all, except one. Let me explain, Mr Chairman, I retired from that position in '93, okay? I'm not aware that while I was chief executive of the airline that you approached me for any question in that regard. Okay? I have been approached subsequently, and I've been approached by a number of journalists, and Mr Chairman my attitude was exactly the same on every, every question I got, and the answer to that is "no comment", and the reason for that is not because I was not prepared to talk about the incident at all, on the contrary, but the last thing that I want to do is fire rumours or start rumours or encourage rumours about a very sensitive situation like the Helderberg, and any journalist that phoned me, and one or two did, I said to them, "If you have any evidence about the Helderberg accident, don't come and tell me about it, don't ask me questions, go to the powers that be", and I referred ~~them specifically to the attorney, state attorney-general, and said,~~ "Go to them, or the Department of Civil Aviation, and any question that they may have as far as where I can contribute, I will only be too pleased to assist with, but I'm not prepared to give evidence or to give comment on anything just from ~~anywhere"~~

DR KLATZOW: I think that we've strayed a little bit from the question.

MR VAN DER VEER: Okay.

DR KLATZOW: The question was, and I'm going to assume your answer was no, the question was, can you think of a reason why the whole investigation should be pervaded by fear, and I'm sure your answer... (intervention).

MR VAN DER VEER: No.

DR KLATZOW: ...must be no? Okay. Now, let me get back again, and I'm sorry to jump around like this, but I want to get back to that awful morning when it was dawning on you that the aircraft was overdue and probably missing. Contact had been lost at Plaisance and the operators at ZUR knew about that, and you, by that time, were at the airport. Are you aware, well let me rephrase that question, you must be aware that immediately after the aircraft went missing, numerous rumours surfaced, almost immediately? You must be aware of those, sorry, I'm going to have to ask you for a verbal response onto the record?

MR VAN DER VEER: The answer is, one is aware of rumours at that point... (intervention).

DR KLATZOW: Yes.

MR VAN DER VEER: ...and you have also yourself in your mind another 15 or 20 other... (intervention).

DR KLATZOW: But of course

MR VAN DER VEER: ...things, okay?

DR KLATZOW: But there were rumours?

MR VAN DER VEER: I guess so.

DR KLATZOW: And many of those rumours must have come to your attention?

MR VAN DER VEER: I guess so, yes.

DR KLATZOW: You must be aware that one of the earliest rumours was that there had been an acrimonious conversation between Uys and ZUR which had been tape-recorded?

MR VAN DER VEER: No.

DR KLATZOW: Have you never been aware of that?

MR VAN DER VEER: I've only heard that much, much - the word acrimonious I don't even know about, I'm not aware of an acrimonious conversation, and I have not heard that, I've picked that up later as a rumour.

DR KLATZOW: Were you aware that there was a rumour of any conversation?

MR VAN DER VEER: I've read it in the newspaper, there was even a rumour that Captain Uys phoned me through ZUR apparently in the middle of the night.

DR KLATZOW: Correct, that rumour was certainly current at some stage during the investigation.

MR VAN DER VEER: I think so.

DR KLATZOW: Yes.

MR VAN DER VEER: Now you are also aware that after an accident there are certain guidelines which have to be complied with in terms of Department of Civil Aviation rules, aren't you?

MR VAN DER VEER: Correct.

DR KLATZOW: And one of the guidelines is that every available piece of information relating to the aircraft which could possibly have a bearing on its loss has to be made available to DCA?

MR VAN DER VEER: Yes.

DR KLATZOW: And that you, as a responsible chief executive officer, would make certain that that standing instruction was complied with to the last letter?

MR VAN DER VEER: Theoretically yes, as CEO... (intervention).

DR KLATZOW: Correct.

MR VAN DER VEER: ...practically that's impossible to do in a large organisation.

DR KLATZOW: Correct, but that would be the role of the chief executive officer... (intervention).

MR VAN DER VEER: Certainly.

DR KLATZOW: ...and that man would be you?

MR VAN DER VEER: Certainly.

DR KLATZOW: Now, you must be aware at this stage, and you must be aware shortly after the accident, that the middle tape of the ~~ZUR~~ tape recordings was no longer available for the Department of Civil Aviation?

MR VAN DER VEER: Uhum.

DR KLATZOW: You must be aware, and have been for all these years, that the tape regarding the take-off of that aircraft was available, and still is, in fact?

MR VAN DER VEER: I've never listened to it, I'm not aware of that, I know there is a tape missing, okay?

DR KLATZOW: Right. Let me - the tape - let me fill you in... (intervention).

MR VAN DER VEER: Please.

DR KLATZOW: ...and if you want to contradict any of it, please do so. The information that I have is that the tape of the take-off from Taipei is available. The tape recording at ZUR of the following day is available. What is missing is the tape in between.

MR VAN DER VEER: That's the piece that I'm aware of is missing.

DR KLATZOW: Correct.

MR VAN DER VEER: Okay, I don't know what there is, please.

DR KLATZOW: No, we're ad idem, there's a tape... (intervention).

MR VAN DER VEER: Okay.

~~DR KLATZOW: ...there's tape in between that is missing.~~

MR VAN DER VEER: Yes.

DR KLATZOW: And not only is that tape missing, but the rumours have persistently alleged that there is something sinister on that tape.

MR VAN DER VEER: Uhum.

DR KLATZOW: You're aware of that?

MR VAN DER VEER: Uhum.

DR KLATZOW: You're also aware, Mr Van der Veer, that an extensive investigation by DCA culminated in a hearing chaired by Mr Justice Margo?

MR VAN DER VEER: Yes.

DR KLATZOW: Were you satisfied with the outcome of the Margo Inquiry?

MR VAN DER VEER: Yes.

DR KLATZOW: You felt that it was done impartially and taking all facts into consideration?

MR VAN DER VEER: Yes.

DR KLATZOW: And in fact I remember quite well that you attended a large number of the sessions of that inquiry, because I remember seeing you there?

MR VAN DER VEER: Not a large number, a few, sorry.

DR KLATZOW: You were certainly there, because I...

(intervention).

MR VAN DER VEER: I was there... (intervention).

DR KLATZOW: ...I can remember seeing you there?

MR VAN DER VEER: Yes I was, yes I was.

DR KLATZOW: So you paid more than a passing interest to Mr Margo's deliberations?

MR VAN DER VEER: Yes.

DR KLATZOW: And I presume that you would have had staff members inform you... (intervention).

MR VAN DER VEER: Yes.

DR KLATZOW: ...about the proceedings?

MR VAN DER VEER: Yes.

DR KLATZOW: Probably Viv Lewis?

MR VAN DER VEER: Anyone that was there.

DR KLATZOW: And certainly Mickey Mitchell was there quite a lot?

MR VAN DER VEER: Yes. And the legal adviser, Mr Malherbe... (intervention).

DR KLATZOW: Correct.

MR VAN DER VEER: ...etcetera.

DR KLATZOW: Correct. There would have been, probably daily or every other day, there would have been debriefing sessions?

MR VAN DER VEER: Not necessarily debriefing, but they kept me informed.

DR KLATZOW: Right. Now you must also have been aware that at the time, with the rumours circulating, that the missing

ZUR tape would be likely to be viewed in an extremely serious light?

MR VAN DER VEER: Yes.

DR KLATZOW: And it must have been obvious to anybody but a fool, and you are no fool, that the most sinister inter-pretation possible could be placed on that missing tape?

MR VAN DER VEER: Obviously.

DR KLATZOW: And that any steps towards elucidating what had happened to the tape would have been useful?

MR VAN DER VEER: Yes.

DR KLATZOW: You were also, I'm assuming, and correct me if I'm wrong, well informed about the legal preparations relating to the Margo Inquiry, who was to be called, not necessarily the nitty-gritty... (intervention).

MR VAN DER VEER: Not the nitty-gritty.

DR KLATZOW: ...but you would have been aware of the broad... (intervention).

MR VAN DER VEER: Yes.

DR KLATZOW: ...brash picture of what was happening?

MR VAN DER VEER: Yes.

DR KLATZOW: And certainly the missing ZUR tape would have been more than a detail on that canvas, it would have been part of the broader picture?

MR VAN DER VEER: It was one of the items.

DR KLATZOW: It was. Are you aware that the tape was signed out that night of ZUR? Or let me just start you a little further back, you realise that not anybody could just walk into ZUR and help yourself to a tape?

MR VAN DER VEER: Correct.

DR KLATZOW: But for the tape to get out of ZUR, it would have to be signed out according to a well-rehearsed procedure?

MR VAN DER VEER: Correct.

DR KLATZOW: You're also aware that with the seriousness of the allegations being made relating to that tape, that if the tape had been accidentally or inadvertently overtaped, that the simplest thing to do to allay the fears, would have been to take the tape, because they are large, they are larger than this book, take the empty tape, the tape which has now been unfortunately overtaped, and go to Judge Margo in open court and say, "Judge Margo, we have made an unforgivable error. Here is the tape which somehow got back into the line and got overtaped and we are sorry, but here it is". Was that ever done?

MR VAN DER VEER: No.

DR KLATZOW: Did anybody ever tell you at the time that the tape had been overtaped?

MR VAN DER VEER: Yes.

DR KLATZOW: Who told you that?

MR VAN DER VEER: Probably Captain Mitchell or Mr Viv Lewis.

DR KLATZOW: And did you admonish anybody for this?

MR VAN DER VEER: No.

~~DR KLATZOW: Did you ask to see the overtaped tape?~~

MR VAN DER VEER: No.

DR KLATZOW: You know, of course, that the tapes have a record system of a yellow card which is filled in as each is completed?

MR VAN DER VEER: I don't know the detailed record system, but I do know there is a record system.

DR KLATZOW: There is a record system. And it would not have escaped you that, had that been the version, that Mitchell or Lewis would have come to you and said, "We've blued, this is serious, we've overtaped that tape". Did they do that?

MR VAN DER VEER: Yes.

DR KLATZOW: Did they show you the tape?

MR VAN DER VEER: No.

DR KLATZOW: So you accepted that the tape had simply been overtaped?

~~MR VAN DER VEER: Yes.~~

DR KLATZOW: Without any further investigation?

MR VAN DER VEER: Yes.

CHAIRPERSON: Can I just... (intervention).

MR VAN DER VEER: Because it was out of my hands at that point in time.

CHAIRPERSON: Yes. You know, I just want to say you should accept that you are not on trial. I'm not saying that you have

~~done anything to indicate that you consider yourself to be on~~
trial, but we will ask some of the questions in a very broken and a penetrative way, and I think one of my questions which you have endeavoured to counter already is, was going to be whether you did not consider that it was a matter for which, as chief executive officer, you should have demanded more proof of it having happened, but then you had begun to say it was out of your hands. Maybe let me allow the questioning to flow. Mr... (intervention).

DR KLATZOW: Well I don't mean for one moment to suggest that you're on trial, Mr Van der Veer. What I'm trying to do is to get to the base of the problem. Having been aware that the tape was important, having been aware that it was taped over, are you aware that Jimmy Deale signed the tape out that night?

MR VAN DER VEER: No.

DR KLATZOW: That his signature is somewhere in the records ~~and that he has told me in a tape recorded telephone conver-~~
sation, albeit inadvertently, that he signed the tape out that night.

MR VAN DER VEER: I'm not aware that Jimmy Deale signed it. Let me explain the situation on that Saturday morning, not that

night, okay? It's five o'clock in the morning, we have an aircraft missing, we're not sure what happened, okay? When Mr Lewis phoned me the first time, he said to me, "It's got fuel for another hour, hour and a half". So we did not necessarily assume that it had gone down at that point, okay? Just about five o'clock, or just after five o'clock, we then realised, if it hadn't landed at Mauritius and it hadn't landed anywhere else, it would be out of fuel, full stop. We would then have to assume at that point in time the aircraft is lost. Now the priorities on the mind of a chief executive at that time of the morning with an incident like that are yes, to secure records, obviously, but there's no way that the CEO can do that on his own, right? So it was reported to me, and if I'm correct, it was Captain Mickey Mitchell and Lewis which said, "We have taken the tapes and we've sealed them", that's it, nothing more. My attention at that point in time was far away from trying to look at detailed records, because, and let me explain this, please, Mr Chairman, the first point is, if the aircraft is in the sea, there could be survivors, what are we going to do? That's our first priority. The second priority is, we have 159 people on board. The aircraft would land very early that Saturday morning in South Africa, the people are basically on their way to the airport to meet their relatives. How do we handle them? The third thing on my mind, which you may or may not be aware, but that same evening we had an engine failure on a

747 on (Indistinct) Island, on the other side, the London route, and the aircraft, we could get no relief aircraft to remove 300 passengers. The other one is to send the rescue team to Mauritius. So when a man reports to me, whom I've got the greatest confidence in, that it's been done, I accept, I don't need to check up.

DR KLATZOW: I want to stop you there, because we've got limited time... (intervention).

MR VAN DER VEER: Thank you.

DR KLATZOW: ...and much information to gather and I accept immediately your assurances that there was pandemonium, in a controlled way, that night.

MR VAN DER VEER: There was no pandemonium.

DR KLATZOW: There was frenetic activity... (intervention).

MR VAN DER VEER: Okay, yes.

DR KLATZOW: ...would that be more acceptable?

MR VAN DER VEER: Yes.

DR KLATZOW: Right.

MR VAN DER VEER: And high stress... (intervention).

DR KLATZOW: Correct.

MR VAN DER VEER: ...and everything else.

DR KLATZOW: Now, your evidence to this commission is that Mickey Mitchell told you that he'd sealed all the tapes, including the ZUR tapes, and they were ready for collection by the DCA?

MR VAN DER VEER: Not all the tapes, the ZUR tapes.

DR KLATZOW: Correct, the important ones, the ZUR tapes.

Could you explain to the commission how it was that when Mr Roy Downes from DCA came to the airport to collect those tapes, they were missing?

MR VAN DER VEER: Number one, I don't know when he came to collect that... (intervention).

DR KLATZOW: Three weeks later.

MR VAN DER VEER: Okay. Let me explain to you that in those three weeks I had not been once in my own office, okay? I only got back 21 days after the accident for the first time in my own office. My office is in town, sir, it's not at the airport.

DR KLATZOW: But I think the answer to my question is, you have no explanation as to how, once Mickey Mitchell had... (intervention).

MR VAN DER VEER: No.

DR KLATZOW: ...sealed the tape... (intervention).

MR VAN DER VEER: No.

DR KLATZOW: ...it could go missing?

MR VAN DER VEER: No. It could have gone missing in umpteen ways.

DR KLATZOW: Correct. But Mickey Mitchell had told you he sealed the tape?

MR VAN DER VEER: That morning.

DR KLATZOW: Did you ever approach him and upbraid him for the missing tape?

MR VAN DER VEER: Yes.

DR KLATZOW: What did you say to him?

MR VAN DER VEER: What did I say to him?

DR KLATZOW: Yes.

MR VAN DER VEER: That was much later than just the three weeks, to the best of my recollection, remember this was 12 years or something ago, 11 years, and they told me that somehow the tape had got back into the circulation, okay?

DR KLATZOW: Did you question them how that somehow was?

MR VAN DER VEER: Yes I did.

DR KLATZOW: What did they say?

MR VAN DER VEER: What can you say, if that's the situation, okay, it happened.

DR KLATZOW: Well... (intervention).

CHAIRPERSON: I think the question is, what did he say, if you can still remember?

MR VAN DER VEER: I cannot remember.

CHAIRPERSON: This is a tape that contained vital information relevant to over 100 people who had died in very tragic circumstances.

MR VAN DER VEER: Mr Chairman... (intervention).

CHAIRPERSON: I think what we are trying to say - no, I must say from the very onset, Mr Van der Veer, that we are not pretending that in the cosy room in which we are, with the benefit of hindsight, we have all the answers, but we must be satisfied at the end of the day that the suspicions that surround this thing are able to be explained away in a manner that will satisfy the 101 victims of, friends of victims of Helderberg, so that also you can say and feel at the end of the day that you are clear in your own conscience you did everything that any human being can have done in the circumstances. So take our questions in that light. So if we want to know what Mitchell said to you, if he said that to me, I don't know what would have been my reaction then, but it would have struck me as extremely strange for a man who had not only said he has taken the tapes and secured them and sealed them; for him now to tell me that those tapes have somehow gone back into circulation, so I think that's what we are trying to get at, how did this happen? We will ask Mitchell, if he does come, but, you know, we would like to know what he said to you... (inter-vention).

MR VAN DER VEER: Okay.

CHAIRPERSON: ...to the best of your recollection? Is that the... (intervention).

DR KLATZOW: That's what I want to know. I'm not suggesting anything else, but you must have been at the time extremely

perturbed to find out that a vital, or potentially vital, piece of information had been destroyed?

MR VAN DER VEER: Yes, but not that vital. First of all... (intervention).

DR KLATZOW: I'll get to that.

MR VAN DER VEER: ...if there had been a conversation, the operators would have been speaking to ZUR... (intervention).

DR KLATZOW: Well I'm going to get to that.

MR VAN DER VEER: ...and the individuals are there to question. That's my first point. The second point was that you must remember that there was much more evidence from the Mauritian side, in terms of... (intervention).

DR KLATZOW: Well, let's deal with it slowly, Mr Van der Veer... (intervention).

MR VAN DER VEER: Okay.

DR KLATZOW: ...in pieces... (intervention).

MR VAN DER VEER: All right.

DR KLATZOW: ...because otherwise I'm going to lose the thread of what I want to ask you, and I'm sure that there'll be ample opportunity at the end for you to add whatever you want and I won't interrupt you.

MR VAN DER VEER: Thank you.

DR KLATZOW: But the issue is that how could you know, at that early stage, that it wasn't vital information? Here was a

piece of documentation covering the period, the exact period, when the trouble aboard the Helderberg started, how could you possibly know that that didn't have the vital piece of information on it?

MR VAN DER VEER: Because the vital piece of information, or the information, the aircraft had, the Mauritius tower had the full recording of the conversation with the pilot.

DR KLATZOW: No, that's making a number of assumptions, and I will deal with those assumptions... (intervention).

MR VAN DER VEER: Thank you.

DR KLATZOW: ...in due course, but the point is this, that you could not have known that there wasn't something important on that tape?

MR VAN DER VEER: No.

DR KLATZOW: And your evidence to this commission is that you reacted to Mickey Mitchell with some degree of reprobation?

MR VAN DER VEER: Disappointment.

DR KLATZOW: Disappointment, correct. Would it surprise you to know that Mickey Mitchell says that he took the tape from Jimmy Deale, who was sent there, who does not deny that, and says that he gave it into the hands of you and Malherbe. Do you wish to deny that?

MR VAN DER VEER: No, but I - it could have been, I don't know.

DR KLATZOW: Hang on, let's stop there. If Mitchell says that he took the tape from Jimmy Deale and gave it to you, do you accept that?

MR VAN DER VEER: If he says so, I will not deny it, but I cannot recollect that.

DR KLATZOW: Right. That is what he says.

MR VAN DER VEER: Okay. Could you explain possibly to the commission then how Mickey Mitchell should be blamed for having lost the tape, because according to his evidence you were the last person in possession of that tape?

MR VAN DER VEER: I have no answer to that. I cannot honestly recollect. Okay, I cannot say whether he gave the tape to me, what I do know, in my mind, all the years, is that we made sure that the tape was there and it was sealed, okay? Mr Malherbe could have been with me, yes, but you must remember at that point that was not the most important item on my mind.

CHAIRPERSON: No, no, that's not the question, Mr Van der Veer.

MR VAN DER VEER: Okay. So I don't know.

CHAIRPERSON: You see... (intervention).

MR VAN DER VEER: If Mickey says he gave it to me, I will accept what he says.

CHAIRPERSON: You see, we have now to be certain, because I don't know whether I follow this very slowly. My recollection of

your evidence thus far has been, until this question was put, that you were informed by Mickey Mitchell that, or the other gentleman, Lewis, that the tape had been secured and I got the impression that it was they who had secured it, they had sealed it.

Now you don't seem to be denying the fact that it could have been you and/or Malherbe who did it. Now is it possible for you, if I understand and recall your evidence well, to say whether in fact it was you and/or Malherbe who secured the tape, or whether it was, as you originally testified, Mitchell who did so? Because it's then going to be able to elucidate for us as to whether the conversation which you seem to allude to took place where Mitchell came back to you to say, "We have unfortunately lost the tape (indistinct)". So it is important who secured that tape, was it you and/or Malherbe or was it Mitchell, as originally testified to by you?

MR VAN DER VEER: Mr Chairman, what does the word secure mean?

CHAIRPERSON: Taking the tape and put it somewhere where it is going to be sealed.

MR VAN DER VEER: No, I did not do that.

CHAIRPERSON: ~~Not even in the fashion - are you then firmly~~ denying that the tape was put into your hands by Mitchell, as has been put to you by Dr Klatzow, and that the last person who had

that tape was you, because we must get a firm denial from you on that score?

MR VAN DER VEER: Okay, I did not secure the tape in any plastic bags or something like this, okay... (intervention).

CHAIRPERSON: That was not my question, Mr Van der Veer.

MR VAN DER VEER: No, that's the word secure.

CHAIRPERSON: No, that is not the word secure.

MR VAN DER VEER: Secondly, if it was handed to me or to Mr Malherbe, I will not deny that, okay, I don't know.

CHAIRPERSON: Can you answer the other question, are you accepting, as Mitchell has indicated, that you were the last person to whom the tape was given?

MR VAN DER VEER: I don't know. If I knew, I would tell you so.



CHAIRPERSON: Dr Klatzow?

DR KLATZOW: Well let me ask you this, at the time of the Margo Commission, you must have been aware that the rumours, ugly rumours, were already circulating and that the ZUR tape, as was indicated, if you read the Margo Inquiry, formed a part of Margo's annoyance, allegedly?

MR VAN DER VEER: Uhum.

DR KLATZOW: Margo expressed the view that he wanted to find out exactly what had happened to this tape. Now did you ever

instruct Viv Lewis or Mickey Mitchell to go to Margo and say, "I had the tape and I'm sorry, we taped over it"?

MR VAN DER VEER: No, because as I say now, I cannot even recollect of having the tape in my hands, okay?

DR KLATZOW: No, listen to the question very carefully... (intervention).

MR VAN DER VEER: Thank you.

DR KLATZOW: ...your evidence has been twofold... (intervention).

MR VAN DER VEER: Yes.

DR KLATZOW: ...the first evidence that you gave, when I first started dealing with this question, was that you asked Mickey Mitchell, or Mickey Mitchell had told you that he had secured the tape, and that upon learning that Mickey Mitchell had somehow inadvertently not secured the tape and that it had been overtaped, you responded to that with disappointment?

MR VAN DER VEER: Disappointment, hmm.

DR KLATZOW: When I put to you that Mitchell would say and has said, on tape, to me, that he gave that tape, and in fact Jimmy Deale backed him up, that they gave that tape to you, in the presence of Malherbe, you will not deny that?

MR VAN DER VEER: I cannot deny it, because I do not recollect that he gave it to me. If he did, he could have given it to me, I cannot recollect though. Correct.

DR KLATZOW: I just want to get your evidence correctly, which of the two is correct, because they are mutually destructive of each other, the two versions you've given?

MR VAN DER VEER: I guess so.

DR KLATZOW: So which of them is correct?

MR VAN DER VEER: How can I say which one is correct if I cannot recollect. You have... (intervention).

DR KLATZOW: Right.

MR VAN DER VEER: ...I mean you have a third person here, which is Mr Malherbe, the legal man.

DR KLATZOW: I'm going to ask him, believe me, when I get the opportunity... (intervention).

MR VAN DER VEER: Please.

DR KLATZOW: ...I'm going to ask him that question.

MR VAN DER VEER: And I hope you're going to ask him to come in.

DR KLATZOW: Yes.

MR VAN DER VEER: Okay, because I don't know.

DR KLATZOW: Let's get - we're diverting now... (intervention).

MR VAN DER VEER: Thank you.

DR KLATZOW: ...what I want to do is get back to the real issue, which is this, did you ever tell Mickey Mitchell to go and make a

full disclosure of that to Judge Margo, say to him, "Look, I messed up, I lost the tape..." (inter-vention).

MR VAN DER VEER: No.

DR KLATZOW: "...I overtaped it"?

MR VAN DER VEER: No.

DR KLATZOW: Why not?

MR VAN DER VEER: Because at that point in time, remember the investigation into the Helderberg accident took place much much later than the accident itself.

DR KLATZOW: Yes.

MR VAN DER VEER: Isn't it something like 18 months... (intervention).

DR KLATZOW: Yes.

MR VAN DER VEER: ...if I recollect, because... (inter-vention).

DR KLATZOW: Yes, it's a year's gap.

MR VAN DER VEER: Well, a year went by before we found the cockpit voice recorder, you'll remember that?

DR KLATZOW: Yes.

MR VAN DER VEER: So at that point in time the whole investigation, all documents, were under control of DCA, okay, and we were not... (intervention)

DR KLATZOW: Except the ZUR tape?

MR VAN DER VEER: That's right, because it was missing.

DR KLATZOW: And it was missing... (intervention).

MR VAN DER VEER: Okay.

DR KLATZOW: ...they found out that it was missing three weeks after the fatal accident?

MR VAN DER VEER: Apparently, I cannot recollect when that was said to me, you're saying three weeks, I accept that.

DR KLATZOW: I'm telling you that both René van Zyl and Roy Downes found out that that tape was missing three weeks.

MR VAN DER VEER: I accept that.

DR KLATZOW: Right. Could you explain to me, the tape now having been secured by Mickey Mitchell, and according to him given into your hands, how Captain Du Toit would be in a position to say to Roy Downes and to René van Zyl that he had listened to the tape and there was nothing on it?

MR VAN DER VEER: ~~Mr Chairman,~~ could I find out which Captain Du Toit this was?

DR KLATZOW: I've given you the full information, I think his name was Charl du Toit.

MR VAN DER VEER: Charl du Toit, correct, okay, I'm aware of Charl du Toit.

DR KLATZOW: Now he made a statement to René van Zyl, saying, "I've listened to the tape and there's nothing on it", when could he have done that?

MR VAN DER VEER: I don't know.

DR KLATZOW: Do you think it is possible that he could have done that?

MR VAN DER VEER: I don't know.

DR KLATZOW: Now let me... (intervention).

MR VAN DER VEER: I mean if the tape went missing, okay, and it was only found out three weeks later, what happened to that tape? I don't know.

DR KLATZOW: Now, you must be aware that Margo made the following finding: he said the ZUR tape either was over-taped or was inadvertently lost. You're aware of that?

MR VAN DER VEER: Uhum.

DR KLATZOW: Sorry, you must give a verbal response.

MR VAN DER VEER: Yes.

DR KLATZOW: Okay.

DR KLATZOW: Let me put to you the reasons why I say that cannot possibly be true. If the tape had been inadvertently overtaped, somebody would have gone to Margo and said, "There is the tape". Did anybody, to your knowledge, do that during the inquiry?

MR VAN DER VEER: Not to my knowledge.

DR KLATZOW: Ever?

MR VAN DER VEER: Not to my knowledge.

MR VAN DER VEER: Therefore that cannot be a viable version, do you agree with me, Mr Van der Veer?

MR VAN DER VEER: I don't know, because I have no knowledge.

DR KLATZOW: But just reason it through and logic. If I've damaged a tape so that it can no longer provide the tape recorded information, the honest, open thing to do would be to go to the judge running the inquiry and say to him, "There is the overtaped tape, there is its card, there's all the information, I'm sorry, we've blued". Now nobody did that?

MR VAN DER VEER: Not to the best of my knowledge.

DR KLATZOW: I can assure you, I've read the inquiry extremely carefully, nobody did that.

MR VAN DER VEER: Okay.

DR KLATZOW: Therefore that cannot be a correct version.

Now let's deal with that, that cannot be so. The next step is to find out what happened to the tape and who was responsible. Do you know whether Captain Mitchell ever made any statement? He sat in the court listening to the inquiry, he realised that there was a great to-do being made about the missing tape, are you aware of any statement that Captain Mitchell made to elucidate and to put the judge out of his misery?

MR VAN DER VEER: ~~Not to the best of my knowledge, but then~~

I didn't attend the whole court case... (intervention).

DR KLATZOW: Okay.

MR VAN DER VEER: ...I didn't read the proceedings, I don't know.

DR KLATZOW: But you are correct, Jimmy Deale was not called or questioned on the missing tape. Not only was Jimmy Deale not called, Mitchell had overheard Judge Margo's alleged displeasure at the missing tape, and failed, either through his attorneys or your attorneys, to furnish the judge with the missing piece, to say that either he had overtaped it, or got it back into the system, and explained how, or that he had given it into your hands, as he alleges. Could you explain that?

MR VAN DER VEER: I can't.

DR KLATZOW: There is no explanation.

MR VAN DER VEER: Well I can't explain it... (intervention).

DR KLATZOW: Okay.

MR VAN DER VEER: ...because I'm not aware of the detail.

DR KLATZOW: Okay, but I'm inviting you to give a logical explanation, apart from amnesia. Look at it in the light of the facts that I've given you and give me a reasonable explanation, to the commissioner.

MR VAN DER VEER: I've just told you, I cannot give you an explanation.

DR KLATZOW: Thank you.

MR VAN DER VEER: Now let us turn to another important issue. The cockpit voice recorder is a half hour tape recording of the last half hour in the cockpit, is that correct?

MR VAN DER VEER: Correct.

DR KLATZOW: It is a wire recorder which sits in the tail?

MR VAN DER VEER: Yes.

DR KLATZOW: It was recovered and deciphered?

MR VAN DER VEER: Yes.

DR KLATZOW: An official record and an official version of what is on that exists and was before the Margo Commission?

MR VAN DER VEER: Yes.

DR KLATZOW: That version was gathered at considerable expense, in excess of R200 000,00?

MR VAN DER VEER: I don't know what the price was, but the answer is yes, it was considerable cost... (intervention).

DR KLATZOW: Okay.

MR VAN DER VEER: ...to the taxpayer.

DR KLATZOW: Correct. Now let's get back to the flight.

Have you ever flown aboard SAA flights to and from Taipei?

MR VAN DER VEER: Yes.

DR KLATZOW: Have you ever taken off from Taipei on the way home on an SAA flight?

MR VAN DER VEER: Yes.

DR KLATZOW: When is dinner served?

MR VAN DER VEER: It depends what time the aircraft left.

DR KLATZOW: Well, let's put it at hours... (intervention).

MR VAN DER VEER: Okay.

DR KLATZOW: ...hours after leaving?

MR VAN DER VEER: What was the timetable at that point in time?

DR KLATZOW: They left, you know as well as I do what the timetable was, they left at, I think it was... (inter-vention).

MR VAN DER VEER: It was about ten o'clock that night?

DR KLATZOW: ...it was about ten o'clock that night.

MR VAN DER VEER: I think that's round about the time, okay.

DR KLATZOW: When would they have served dinner?

MR VAN DER VEER: It depends what class you're in, but probably within an hour after take-off, because it would be fairly late at night.

DR KLATZOW: Well, do they not, is the normal standard fare that a bar service comes before the dinner?

MR VAN DER VEER: Yes.

DR KLATZOW: And that bar service is throughout the plane?

MR VAN DER VEER: That's why I'm saying it depends on what class you're sitting in.

DR KLATZOW: Yes. And thereafter they clear up the bar service, give you another drink and serve you a dinner?

MR VAN DER VEER: Normally, yes.

DR KLATZOW: Correct. Are you aware that on the official version of the tape recording of the cockpit voice recorder there is a discussion in the cockpit of dinner being served?

MR VAN DER VEER: No.

DR KLATZOW: Have you never been aware of that?

MR VAN DER VEER: I'm not aware of it. All I have looked at is the 83 seconds that had to do with the accident.

DR KLATZOW: But your own staff members had copies of that... (intervention).

MR VAN DER VEER: Uhum.

DR KLATZOW: ...of the official record.

MR VAN DER VEER: Uhum.

DR KLATZOW: And if there were a discussion of a dinner on that cockpit voice recorder, Mr Van der Veer, I want to put it to you that it is extremely important, okay, because we know that had that cockpit voice recorder stopped functioning at the top of descent into Mauritius, dinner would long since have been served up and the plates cleared away, and that the tape recorder would have been covering topics other than a discussion of dinner, because I know of no flight where dinner is served at the top of descent, is that correct?

MR VAN DER VEER: Not normally.

DR KLATZOW: Correct.

MR VAN DER VEER: I mean... (intervention).

DR KLATZOW: So if a dinner is served, and if an official version of that tape recording is that dinner was discussed aboard that flight, and that conversation was recorded on the cockpit voice recorder, it would indicate that that cockpit voice recorder had stopped round about the time of dinner?

MR VAN DER VEER: I guess so, but then remember your pilot would not necessarily be served dinner when the passengers are being served dinner.

DR KLATZOW: No, normally the pilot is served dinner at the end of the passenger (indistinct).

MR VAN DER VEER: I don't know. Okay, it depends... (intervention).

DR KLATZOW: That is normally the case?

MR VAN DER VEER: ...it depends on - because they have been resting, their time is out, so they may elect to have dinner or something to eat at other times, I don't know.

DR KLATZOW: That may be, but this was dinner served in the cockpit, and it was dinner served to the entire cockpit crew... (intervention).

MR VAN DER VEER: Uhum.

~~DR KLATZOW: ...and it is unlikely that the version which you~~
are wanting to suggest is the correct version. It is likely that what happened is that at the time of the tape recording going

useless, because of a fire I may add, it had its last conversation immortalised in the form of a discussion about dinner.

MR VAN DER VEER: Uhum.

DR KLATZOW: Which means that it would have occurred at the time dinner was served, do you accept that?

MR VAN DER VEER: To the pilot?

DR KLATZOW: Correct.

MR VAN DER VEER: Yes.

DR KLATZOW: And that would not have been... (intervention).

MR VAN DER VEER: If they discussed about it, then presumably that would be the time.

DR KLATZOW: Mr Van der Veer, you're not going to seriously suggest that your crews aboard the aircraft, and your crews have an enviable reputation for being good crews, would be sitting guzzling dinner as they're preparing to go into Mauritius to land?

MR VAN DER VEER: Certainly not.

DR KLATZOW: Correct. So to suggest that they were being served dinner at the time of the accident occurring or just before is not tenable?

MR VAN DER VEER: I guess not.

DR KLATZOW: ~~Correct. And therefore if a discussion of~~
dinner, which is an official discussion about dinner, is immortalised on that tape recorder, it suggests that there is or

was a problem which caused the CVR to stop functioning within two hours of Taipei?

MR VAN DER VEER: Possible. I don't know.

DR KLATZOW: Well, could you give me a better explanation?

MR VAN DER VEER: It could be much more than two hours.

DR KLATZOW: Well, three hours.

MR VAN DER VEER: Okay.

DR KLATZOW: Okay. It could be?

MR VAN DER VEER: It could be.

DR KLATZOW: But... (intervention).

CHAIRPERSON: I think the suggestion here, Mr Van der Veer, is that, on all what he has been putting to you, the likelihood is more that the recorder was rendered unfunctionable, not as the plane was preparing to descend, but however significant the time might have been after it had taken off from Taipei? So if we are talking eight hours of travel between Taipei and Mauritius, I think what is being suggested to you is that it was more in the direction of it happening after it left Taipei than when it was just about to land in Mauritius?

MR VAN DER VEER: Yes, okay. But the voice recorder did work, I mean it may have stopped, okay, I mean one could derive that from that, but the voice recorder did work when the actual incident happened... (intervention).

CHAIRPERSON: Yes.

MR VAN DER VEER: ...or when the fire was detected...
(intervention).

CHAIRPERSON: Yes, I think... (intervention).

MR VAN DER VEER: ...okay?

CHAIRPERSON: ...but when he says is... (intervention).

MR VAN DER VEER: Let's get that very clear.

CHAIRPERSON: ...what he says is that that is more likely to have been happening en route from Taipei rather than at the time that it was preparing to descend. I think that's what is sought to be put to you.

MR VAN DER VEER: Ja, okay. Remember when the incident happened he wasn't preparing to descend, he was still at top of level flight, and you can ask about the flying people about that.

MS TERREBLANCHE: Still top of descent?

MR VAN DER VEER: Well, before that. Okay, he wasn't on top of descent at that point, okay?

DR KLATZOW: Mr Van der Veer, if he was not at top of descent, he would have been very close to top of descent?

MR VAN DER VEER: Very close to it, likely.

DR KLATZOW: Then it would be unlikely that dinner would have been served... (intervention)

MR VAN DER VEER: Yes.

DR KLATZOW: ...at that time?

MR VAN DER VEER: Yes. I'm not arguing that point with you.

DR KLATZOW: Now, you very, very fairly conceded that if dinner is discussed aboard the CVR, it places the event which caused the CVR to stop working closer to Taipei than to Mauritius?

MR VAN DER VEER: Yes, from that point of view, yes.

DR KLATZOW: And therefore a discussion about dinner would be extremely important, if it were so and if it were true?

MR VAN DER VEER: Yes.

DR KLATZOW: Right. Are you aware of a group of people who call themselves the Flight Engineers Association?

MR VAN DER VEER: Yes.

DR KLATZOW: Do you know that they prepared a report for Judge Margo?

MR VAN DER VEER: No, not specifically. I know a lot of people have prepared reports for Judge Margo, or for the commission... (intervention).

DR KLATZOW: The question is... (intervention).

MR VAN DER VEER: ...for the commission.

DR KLATZOW: ...do you know whether they did?

MR VAN DER VEER: If you ask me specifically, I cannot say

so.

DR KLATZOW: Okay. Are you aware of Jimmy Mouton, does the name ring a bell?

MR VAN DER VEER: Jimmy Mouton, Jimmy Mouton?

DR KLATZOW: Jimmy Mouton.

MR VAN DER VEER: Just give me some more information please?

DR KLATZOW: Well, he calls himself Jimmy Mouton, but other people call him Jimmy Mittens.

MR VAN DER VEER: No.

DR KLATZOW: Are you aware... (intervention).

MR VAN DER VEER: Except for having read, is this the same name on the document?

DR KLATZOW: That is correct.

MR VAN DER VEER: Okay. No, not aware of such... (intervention).

DR KLATZOW: Are you aware of Ray Scott?

MR VAN DER VEER: Explain please who Ray Scott is?

DR KLATZOW: He was also part of the airline Flight Engineers Association.

MR VAN DER VEER: Not specifically, sir.

DR KLATZOW: Are you aware of a man called Judge Bedaar

MR VAN DER VEER: How do you spell that?

DR KLATZOW: B E D A A R, and Judge is obviously a
nickname.

MR VAN DER VEER: No.

DR KLATZOW: And does the name Peter de Beer also not ring a bell with you?

MR VAN DER VEER: Peter de Beer in what context?

DR KLATZOW: He was the chairman of the airline Flight Engineers Association.

MR VAN DER VEER: Yes.

DR KLATZOW: Do you remember him?

MR VAN DER VEER: Yes.

DR KLATZOW: Now, I've put to you a version about the tape recorder which you have found reasonable, it is not an unreasonable suggestion and in fact you yourself have agreed that the event was the fire and that that caused the lack or the cessation of function of the CVR?

MR VAN DER VEER: Yes.

DR KLATZOW: I want to tell you that the Flight Engineers Association put together a report and attempted to put it before Margo. Are you aware of that?

MR VAN DER VEER: No. Not to the best of my knowledge again, I... (intervention).

DR KLATZOW: Are you aware that Margo refused to hear it?

MR VAN DER VEER: No. I wouldn't be able to understand why he should.

DR KLATZOW: Should hear it or should not hear it?

MR VAN DER VEER: Why he should not hear it.

DR KLATZOW: Absolutely.

MR VAN DER VEER: I mean there was an open invitation to everyone to submit evidence.

DR KLATZOW: Correct. And Margo, together with SAA, wanted to find out the truth, is that not correct?

MR VAN DER VEER: I hope so.

DR KLATZOW: Are you aware that all the members of the airline engineers committee were called into Margo's chambers, are you aware of that?

MR VAN DER VEER: No.

DR KLATZOW: I presume then you're also unaware that they were told to drop their inquiry?

MR VAN DER VEER: I'm not aware of that. I see the allegations, or whatever, the reference in this thing. No.

DR KLATZOW: Do you find that strange, that Margo should call people in who wish to present him with a perfectly reasonable explanation, and are told to drop their inquiry?

MR VAN DER VEER: Yes, I would.

DR KLATZOW: In fact it might even be improper?

MR VAN DER VEER: I cannot make any judicial, but I mean it would be very - to me, I couldn't understand that.

DR KLATZOW: Well is a judge's duty not to hear and test the evidence rather than to prevent it from coming before him in the first place?

MR VAN DER VEER: I guess so.

DR KLATZOW: I'm going to read you something, Mr Van der Veer.

MR VAN DER VEER: Please.

DR KLATZOW: This is from a man who was on that committee and was called into Margo's chambers, and I want your comment on this.

MR VAN DER VEER: Uhum.

DR KLATZOW: He, Mittens and Judge Bedaar and Ray Scott were called into Margo's chambers and told to drop the inquiry. It could cost the country 400 million rand and 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, Judge Margo, your lawyers for the airline and he thinks the DCA was there. Margo said to this individual, whose name is Ray Scott, "The safety of your future and your family are at risk".

Let me hear your comment about that?

TAPE CHANGES - WORDS LOST - START OF NEW TAPE:

DR KLATZOW: Well if that had been said, do you find that reprehensible?

MR VAN DER VEER: I wouldn't understand an attitude like that.

DR KLATZOW: But let's assume for a moment that it was said, what would you say?

MR VAN DER VEER: That's what I'm saying, it's unthinkable that that could happen, sorry, that's all I'm saying.

DR KLATZOW: Have you read - do you remember who Guiseppe Belagarde was?

MR VAN DER VEER: Yes.

DR KLATZOW: Did you see there an affidavit from his wife?

MR VAN DER VEER: I saw that.

DR KLATZOW: She was with Jimmy Mouton the day he was called in to judges chambers... (intervention).

MR VAN DER VEER: I read that one just now.

DR KLATZOW: ...he came back visibly shaken.

MR VAN DER VEER: Uhum.

DR KLATZOW: That's what she says. Is there any reason why she should lie?

MR VAN DER VEER: No.

DR KLATZOW: Is there any reason for you to doubt that that was correct?

MR VAN DER VEER: No. If that's what she said, I don't know whether she did this under oath, I don't know.

DR KLATZOW: It is, it is a sworn statement.

MR VAN DER VEER: Then I must accept what it says.

MR VAN DER VEER: Are you aware that the same information has come to this commission from a number of different sources?

MR VAN DER VEER: No. Except from what I've read here.

DR KLATZOW: Correct.

MR VAN DER VEER: Okay.

MR VAN DER VEER: Those are a number of sources, they are three sources... (intervention).

MR VAN DER VEER: Okay.

DR KLATZOW: ...independent and independently gathered, and furthermore wrung from the witnesses at great cost, this was not something that they were wishing to tell, they told it at great personal anguish and pain. Is there any reason why we should disbelieve them?

MR VAN DER VEER: Not if it's a sworn statement, and I mean... (intervention).

DR KLATZOW: Even if it's a statement of what happened, unsworn, is there a reason to disbelieve what I tell you... (intervention).

MR VAN DER VEER: No.

DR KLATZOW: ...and only to believe it when I swear to it?

MR VAN DER VEER: No, why should I?

DR KLATZOW: So there's no reason to disbelieve them?

MR VAN DER VEER: I don't think so.

DR KLATZOW: If that is true, would you accept that that points towards Margo wanting to cover certain information?

MR VAN DER VEER: I cannot make any deductions, all I'm saying, it's very, is the word incomprehensible?

DR KLATZOW: Would you accept, Mr Van der Veer, that if that happened, a reasonable and probable explanation is that Margo did not wish that information to come before his tribunal?

MR VAN DER VEER: That's one of the deductions one could make.

DR KLATZOW: Give me another one?

MR VAN DER VEER: Gosh, you're jumping this on me right now. I don't know. If that's the deduction you want to make, I think it's fair.

DR KLATZOW: I'm happy, Mr Van der Veer, for you to mull over that for as long as you like, and to give me a better explanation.

MR VAN DER VEER: I cannot, I cannot explain, you understand, if this is true, then I cannot explain what Judge Margo's attitude was, and again then I would suggest that one, you mentioned the name of certain individuals, that you get them before the commission, because I'm not aware of it, I'm sorry.

DR KLATZOW: Mr Van der Veer, they are terrified to the point of patheticness.

MR VAN DER VEER: Why? Sorry, I mean... (intervention).

DR KLATZOW: I would like to ask you.

MR VAN DER VEER: I don't know.

DR KLATZOW: Because I can't think of a reason other than that they've been intimidated.

MR VAN DER VEER: Right.

DR KLATZOW: And each and every one of them... (intervention).

MR VAN DER VEER: By whom?

DR KLATZOW: ...has told me that they've been intimidated.

MR VAN DER VEER: By whom?

CHAIRPERSON: Let's put it in another fashion. Here is a judge of the supreme court (indistinct), and I'm assuming for the moment, I am not in a, this is an investigative inquiry, let us assume that it happened as they say it did happen, I mean they are saying it almost 12 years after the event, and the judge says to you, "The security of your work and your family is at risk", and I want you to contextualise this in the period that we are talking about, we are talking about 1988, and we now know, even if we didn't know then, from all the things that the De Kocks and everybody else have said, that we lived in a time and period when people did die, when people did disappear, when people did get killed, and if a judge could have said that, wouldn't it have been enough reason for anyone to be afraid?

MR VAN DER VEER: I guess so, yes.

CHAIRPERSON: And if we again assume that this took place as is indicated by these people, and I'm asking just your own opinion, don't you find that this was very discomfoting?

MR VAN DER VEER: And inexplicable, and I'm very sorry it wasn't brought to my attention.

CHAIRPERSON: Yes, well we can now explain some of the things that we couldn't explain in that era. I mean the work that we've been doing over the last 2½ years, exhuming bodies, being led to those bodies by senior police persons, colonels, say "This is where we buried so and so", I mean those are things that ordinarily were inexplicable. So I think what I'm trying to get at is really to get your own sense of what you, whether you now are able to say those were really bad times, "If this is true, then it explains a lot of things that I have in my own mind been refusing to accept because they were totally incomprehensible and inexplicable in what I regarded as a normal and decent, civilised society".

MR VAN DER VEER: Then totally inexplicable, I mean if this is true, then it's inexplicable, okay, and that's the last thing you would expect from any board or any inquiry. I mean I have had myself 25 years of experience in the Railways, of accidents, and I've headed boards, and the last thing I would have done, as chairman or whatever of the board, or member of the board, to point people away and ignore any evidence that they might give.

Okay?

CHAIRPERSON: Let me give you another example. We lived through a period where allegations were made about hit squads

and hit squad activities, there was even a commission of inquiry that was instituted, presided over by a judge, Judge Harms, evidence placed before it by an advocate of the supreme court, Tim McNally, and that went through the course, evidence was led, cross-examination took place and all that, and a finding was made by that judge, that there's no evidence of these hit squad activities, but that same judge has now had to say, in the light and in the wake of revelations, that "Had I just but known", that is more, it's in a sense that's what he says, "Had I just but known that these things were actually taking place, because now I'm able to accept", I mean it's not only Dirk Coetzee and Mfumelele(?), it's a whole legion of security police persons. So I'm just trying to get you to appreciate that this is not just an idle inquiry, even judges then were misled, that's supposing (indistinct), but then when there is evidence that says he himself took an active role in saying things about national security, things about the security of your family, things about the security of your job, and as it turns out, there were many people whose jobs, and I think that will be put to you, whose jobs took a better turn in the wake of this inquiry, but then that's something else that Mr Klatzow - but I think what I was trying to get you to understand is that if the allegations are true, and it's not just a question of it being inexplicable, it's totally reprehensible, and I would like to know that if we qualified it by saying let's imagine that these are true,

would you take the view that this was the most reprehensible thing any judge, any person, let alone a judge, could have done?

Are you able to say that?

MR VAN DER VEER: Yes, but I don't know about the facts of it, but the answer is yes, I mean, okay.

DR KLATZOW: Predicated totally on if it was true, we're reaching the end of our session and I don't want to delay you more than I have to, but there are some important things I have to ask you.

MR VAN DER VEER: By all means.

DR KLATZOW: And please bear with me, Mr Van der Veer... (intervention).

MR VAN DER VEER: I've got no problem.

DR KLATZOW: ...how much was a Boeing in those days, ballpark figure, give or take a few shillings here or there?

MR VAN DER VEER: Well the new 400's we bought just subsequent to that, when was it, '91, 1991, were 135 million dollars, you can work out the rand value.

DR KLATZOW: So it was, would a figure of 400 million rand be close, give or take a few shillings?

MR VAN DER VEER: Ja.

DR KLATZOW: Small change?

MR VAN DER VEER: Ja. 350, something like that, or depending on - okay.

DR KLATZOW: Let me put to you an interpretation on what Margo said to Scott. "The country cannot afford, it's going to cost the country 400 million rand", which is give or take a few shillings, the price of a Boeing.

MR VAN DER VEER: Okay.

DR KLATZOW: Okay? And the interpretation which I wish to place on that is that if the insurers had known about the true facts of the Helderberg, they would have delayed or refused to pay out that claim.

MR VAN DER VEER: Ja, one can make that deduction.

DR KLATZOW: Did they ever pay you out the claim?

MR VAN DER VEER: Yes, they did.

DR KLATZOW: Lloyds of London paid out the full amount?

MR VAN DER VEER: I don't know whether it was Lloyds, because we go through a whole consortium.

DR KLATZOW: But believe me it was Lloyds.

MR VAN DER VEER: Okay.

DR KLATZOW: And they paid out?

MR VAN DER VEER: Yes they did.

DR KLATZOW: Did you ever make any disclosures to Lloyds that the airline may or may not have been carrying weapons of war?

MR VAN DER VEER: No.

DR KLATZOW: Did you ever say to them, "On the odd occasion, we're going to be carrying explosives for Armscor"?

MR VAN DER VEER: We never did.

DR KLATZOW: So if they found out about the fact that you were, that would have been a material non-disclosure?

MR VAN DER VEER: Yes.

DR KLATZOW: And they would have told you to take your claim and take a hike?

DR KLATZOW: Yes.

MR VAN DER VEER: And that is probably what Margo meant when he said that to Ray Scott?

MR VAN DER VEER: I don't know.

DR KLATZOW: Okay.

MR VAN DER VEER: I mean... (intervention).

DR KLATZOW: Now, let me deal with another point. The role of a radio operator at ZUR, how would you describe that in the hierarchy of SAA, was it close to your position... (intervention).

MR VAN DER VEER: No.

DR KLATZOW: ...in terms of seniority, was it a lowly position?

MR VAN DER VEER: Yes.

DR KLATZOW: Very lowly?

MR VAN DER VEER: I wouldn't say very lowly.

DR KLATZOW: Well how much lower could you get than a radio operator, apart from being possibly a cleaner or one of those very

menial tasks? It was, as I understand his job, it was menial and it required very little skill, he had to keep notes of what was said... (intervention).

MR VAN DER VEER: Uhum.

DR KLATZOW: ...and he had to see that the tapes didn't get fouled up, and it was not a job that required a rocket scientist to do?

MR VAN DER VEER: No.

DR KLATZOW: What is Mr Nadel doing now?

MR VAN DER VEER: Was he the operator?

DR KLATZOW: Yes.

MR VAN DER VEER: I have got no idea.

DR KLATZOW: Are you aware that he became the area manager for SAA in Miami?

MR VAN DER VEER: No, that was subsequent to my time.

DR KLATZOW: It was very close to your time that that happened.

DR KLATZOW: When was this?

DR KLATZOW: It was shortly after the accident, Mr Van der Veer.

DR KLATZOW: No.

MR VAN DER VEER: You retired in '93?

MR VAN DER VEER: That's right, but we didn't fly to Miami then.

DR KLATZOW: Well... (intervention).

MR VAN DER VEER: We started flying, when was it, July, was it 1990 again.

DR KLATZOW: Yes.

MR VAN DER VEER: And I introduced, we introduced, when did we introduce the first flight to Miami? I can't remember.

DR KLATZOW: You tell me.

MR VAN DER VEER: Probably '91, I don't know. I'll have to check up.

DR KLATZOW: '91?

MR VAN DER VEER: Was it? I think so, I don't know.

DR KLATZOW: Yes.

MR VAN DER VEER: I honestly don't know.

DR KLATZOW: Correct, which is two years before you retired?

MR VAN DER VEER: Yes.

DR KLATZOW: And therefore you did fly to Miami shortly after the accident?

MR VAN DER VEER: No, that's not shortly after the accident... (intervention).

DR KLATZOW: It's within a year?

MR VAN DER VEER: ...that's four, five years later.

DR KLATZOW: No, '91?

MR VAN DER VEER: I'm sorry, the accident happened in '87.

DR KLATZOW: Yes. Yes, after the inquiry.

MR VAN DER VEER: After the inquiry.

DR KLATZOW: When was the inquiry?

MR VAN DER VEER: The inquiry happened about 18 months after the accident, so that... (intervention).

DR KLATZOW: So that's '89.

MR VAN DER VEER: ...must have been the middle of '89.

DR KLATZOW: And within two years, in other words within a year, 18 months, Vernon Nadel was the manager for SAA in Miami, is that correct?

MR VAN DER VEER: I cannot, I cannot, sorry, if you look at the records, then that's correct.

DR KLATZOW: That is correct.

MR VAN DER VEER: Okay, I'm not denying that.

DR KLATZOW: I want to put it to you that that is correct.

MR VAN DER VEER: Okay.

DR KLATZOW: Is that, in your experience, a fairly meteoric rise?

MR VAN DER VEER: No, not necessarily.

DR KLATZOW: Can you give me the name of one other person who has enjoyed a similar rise from radio operator status to area manager in your airline?

MR VAN DER VEER: I'm sorry, I can't answer that question, you can look at the records, but the point I'm trying to make, first of all, cargo, at one stage, at that stage, was not the most

important section of SAA, we had no cargo division, if you remember, and the reason for that simply is this, because in the sanction time we had to fly around the bulge, and the aircraft has a limited payload, so you carry the kilo that brings you the best result, which means passengers, so it was only, if I'm correct, round about '91, and I stand corrected, you can look at the records, that we started in fact with the cargo division, okay?

So if he was cargo manager, Miami, at that point in time, I don't know how many flights we had, but it's probably one or two flights a week, initially, and that would not be a very high job.

DR KLATZOW: No, it wasn't cargo manager, it was area manager.

MR VAN DER VEER: Was it area manager? Well then he was, gosh, you're talking '91, I think it's later than '91.

DR KLATZOW: Do you remember Vernon Nadel?

MR VAN DER VEER: Ja. I remember the name.

DR KLATZOW: Does it not strike you, because it has struck many people, in the airline and outside the airline, as a rather spectacular rise in fame and fortune?

MR VAN DER VEER: I can't comment. I would have to look at the gentleman's record, okay, where he had been, what his background was.

DR KLATZOW: Yes.

MR VAN DER VEER: All right?

DR KLATZOW: Now, let me ask you another question, if a serious incident occurred aboard a South African Airways plane on a foreign airfield... (intervention).

MR VAN DER VEER: Yes?

DR KLATZOW: ...is it likely that you would get to hear of it? Let's assume a nuclear cargo fell out of it on Miami Airport, would you get to hear of that?

MR VAN DER VEER: If it was nuclear, yes, but then we never transported nuclear cargo.

DR KLATZOW: If it was military, would you get to hear of it?

MR VAN DER VEER: No, not necessarily, because we don't transport military equipment.

DR KLATZOW: Are you certain?

CHAIRPERSON: Or at least not to your knowledge?

MR VAN DER VEER: Unless - ja.

CHAIRPERSON: Because you didn't check what was being put there and what have you?

MR VAN DER VEER: No.

CHAIRPERSON: I think that is what is being conveyed to you, that people like you either would be unaware of what was conveyed, but that did not remove the fact that it was conveyed, or were colluding about it and were not prepared to disclose it, no such a suggestion has been put to you, but I think you must accept that... (intervention).

MR VAN DER VEER: Yes.

CHAIRPERSON: ...we can put propositions, because there is investigation that has gone on that has revealed, so whenever he says, he premises, "Look, you were carrying, you know, military hardware", etcetera, etcetera, it is on the basis that there is information to that effect, and therefore you are entitled to say, "I didn't know about it", but I don't think you are entitled to be as emphatic as to say, "We never carried it".

MR VAN DER VEER: Not to my knowledge.

CHAIRPERSON: It would never have been licensed...
(intervention).

MR VAN DER VEER: Definitely not.

CHAIRPERSON: ...for you to carry those, because...
(intervention).

MR VAN DER VEER: Well, again... (intervention).

CHAIRPERSON: ...(a) you had an arms embargo, which was an international arms embargo, and secondly I don't think the aviation rules would have allowed you to carry dangerous substances in passenger airlines... (intervention).

MR VAN DER VEER: The point is... (intervention).

CHAIRPERSON: ...and since the Helderberg was a passenger airline, though it had what I understand in your technical terms, kombi, kombi aircraft, but nonetheless it was a passenger aircraft and I'm sure your rules would have made it impossible for you to

carry dangerous substances on an airline that was supposed to be carrying human beings as well.

MR VAN DER VEER: Quite correct, but the point is, certain military equipment, okay, we would, one, not know that it was military, but that military equipment would not be a danger at all, okay? There is lots of equipment that all airlines transport. I mean we transport our own aircraft components and everything else, okay?

DR KLATZOW: Would you carry rockets?

MR VAN DER VEER: I would carry a rocket if it was classified under IATA and it wasn't loaded or charged.

DR KLATZOW: Are rockets classified under IATA?

MR VAN DER VEER: I'm not sure, you will have to ask the people.

DR KLATZOW: Well let me put to you a proposition... (intervention).

MR VAN DER VEER: Okay, please.

DR KLATZOW: ...Mr Van der Veer, do you know a pilot called Flippie Looch?

MR VAN DER VEER: I've heard of the name.

DR KLATZOW: Have you heard of a pilot called Deon Storm?

MR VAN DER VEER: Yes.

DR KLATZOW: Are you aware that both pilots, whilst refuelling and being parked on the apron at Tel Aviv Ben Gurion Airport, experienced a very similar experience?

MR VAN DER VEER: I'm not aware of that, I have heard the rumour subsequently.

DR KLATZOW: Are you aware that, let me tell you what it is, and it is not a rumour, it is true.

MR VAN DER VEER: Uhum.

DR KLATZOW: During the loading of his plane, Looch saw them drop a piece of cargo out and walked around to find that it was rockets. Are you aware of that rumour?

MR VAN DER VEER: No, not that it was a rocket.

DR KLATZOW: What were you aware of?

MR VAN DER VEER: That there was, as it says here basically, there was a crate and something fell out of it that they might interpret as a missile. I don't know what's a missile, but it could have been a rocket then.

DR KLATZOW: Well... (intervention).

MR VAN DER VEER: But tell me, when did that happen?

DR KLATZOW: That happened a few years before the Helderberg.

MR VAN DER VEER: A few years?

DR KLATZOW: Yes.

MR VAN DER VEER: Before '83?

DR KLATZOW: Yes.

MR VAN DER VEER: Okay. I just want to put it clear that before '83 I wasn't there... (intervention).

DR KLATZOW: Correct.

MR VAN DER VEER: ...so I wouldn't know. I know the rumour.

DR KLATZOW: Yes.

MR VAN DER VEER: I never investigated the rumour, there was no need.

DR KLATZOW: It happened '84, '85.

MR VAN DER VEER: I'm not aware of it.

DR KLATZOW: Okay.

MR VAN DER VEER: Okay.

DR KLATZOW: Now, Looch has confirmed that and so has Deon Storm. Can you think of a reasonable explanation as to why SAA have gone to extraordinary lengths to suggest that these were mirage wing tanks?

MR VAN DER VEER: No.

DR KLATZOW: Surely, and I want to put it to you, Mr Van der Veer, that if they were rockets, if they were something which Captain Looch and Deon Storm, both ex Defence Force pilots, would have easily recognised, and would not have been confused between that and a drop tank, if they were in fact things that were classified to be carried aboard your airline, the airline could have

easily said, "These are IATA approved, they are uncharged, we'll carry them and mind your own business", can you think of a reason why they didn't say that and why they tried, as recently as three years ago, to try and convince me that they were drop tanks for a mirage?

MR VAN DER VEER: Who tried to convince you? Sorry, I just... (intervention).

DR KLATZOW: Theuns Kruger tried to convince me.

MR VAN DER VEER: Theuns Kruger... (intervention).

DR KLATZOW: Yes.

MR VAN DER VEER: ...Dr Theuns Kruger?

DR KLATZOW: Yes, the same man.

MR VAN DER VEER: And Captain Storm?

DR KLATZOW: Well, Deon Storm never spoke to me, I have a report of his, but Flippie Looch did, and he was very unwilling to talk until I suggested to him that SAA had already suggested to me, and incidentally the other person who told me that was John Hare.

MR VAN DER VEER: John Hare wasn't with the airline then.

DR KLATZOW: But he was when I asked him the question... (intervention).

MR VAN DER VEER: Okay.

DR KLATZOW: ...and that's the answer he gave me.

MR VAN DER VEER: Okay.

CHAIRPERSON: There's an interesting linkage there again, talking about weapons and I mean armaments and SAA, because John Hare was in Armscor, wasn't he?

MR VAN DER VEER: Yes, he was.

CHAIRPERSON: Yes.

MR VAN DER VEER: And I recruited him from there, Mr Chairman, if you're worried about it, and that he was one of the experts on money, and I think I included him... (intervention).

DR KLATZOW: (Indistinct) expert on... (intervention).

MR VAN DER VEER: Well... (intervention).

DR KLATZOW: Is that all?

MR VAN DER VEER: We took him in as financial manager specifically for that job.

DR KLATZOW: Yes, but the picture I'm painting for you, Mr Van der Veer, is a very simple one. You've got a series of inexplicable things happening. In each and every occasion the airline has reverted to some kind of devious way to escape the truth, "It's not rockets, it's mirage wing tanks", okay?

MR VAN DER VEER: Uhum.

DR KLATZOW: "We never fly that sort of cargo". Incidentally, as recently as a few years ago, well after the Helderberg, one of your officials was involved in a similar issue. Do you have or did you ever have a man in your airline by the name of Mike van Rensburg?

MR VAN DER VEER: In what position?

DR KLATZOW: Was he not the cargo manager at Singapore?

MR VAN DER VEER: There was a Mike van Niekerk in Singapore.

DR KLATZOW: All right, I might have got the name wrong.

MR VAN DER VEER: Because we started flying very late to Singapore, you may recollect... (intervention).

DR KLATZOW: Okay.

MR VAN DER VEER: ...and the gentleman was Mike van Niekerk.

DR KLATZOW: Mike van Niekerk. I accept that I may have been wrong in that. He was with one of your employees at Singapore, and the employee, who was a contract worker for you, overheard the following conversation, quote, "How are the Armscor shipments going?", "Fine, thank you". "Are they still being shipped out under the title of hairdryers?" Could you comment on that?

MR VAN DER VEER: I can give no comment on that at all.

DR KLATZOW: Well, you see, what I'm suggesting to you is that senior members of staff of your airline knew that Armscor was breaking the regulations, they knew that cargo was being misdeclared, and they continued to do this even after the Helderberg had happened?

MR VAN DER VEER: I'm not aware of that, okay? As I said earlier on, I mean I'm not denying that we have not shipped Armscor equipment or whatever it is, but then it would have been without the knowledge. Secondly, if you... (intervention).

DR KLATZOW: Without whose knowledge?

MR VAN DER VEER: On my instructions of the management, okay? But if people had been aware of that, then I would be very, I mean I would have been very disappointed they did not tell us about it.

DR KLATZOW: Well it goes further than that... (inter-vention).

MR VAN DER VEER: Okay.

DR KLATZOW: ...Mr Van der Veer, because these are senior people, this is not a boy pilot or a boy running the airline, these are senior members of your staff, and what I want to say to you is this, that are you aware that Boeing employed a fire expert to examine the cause of the fire in the Helderberg?

MR VAN DER VEER: Yes.

DR KLATZOW: Do you remember from which firm he came?

MR VAN DER VEER: No.

DR KLATZOW: His name was Mr Southeard and he came from a very, very reputable firm called Dr J H Burgoyne and Partners in London.

MR VAN DER VEER: Uhum.

DR KLATZOW: They are probably the finest fire experts in the world. Do you remember what his conclusions were?

MR VAN DER VEER: No, but I remember speaking to him.

DR KLATZOW: Well let me tell you what his conclusions were. His conclusions were that the fire was unlikely to be a fire which was fuelled by ordinary packaging material, that it had to be a promoted or accelerated fire with something that contained its own oxygen.

MR VAN DER VEER: I do not remember that, but carry on.

DR KLATZOW: Believe me, that is what he found. Can you give me a reasonable explanation why Margo ignored that finding?

MR VAN DER VEER: No. If that was his finding that was given to Judge Margo, no I cannot give you any explanation. But I mean there were many - if he was an expert on that, sorry I'm just trying to, while I'm talking I'm just trying to recollect, you understand? You are aware of the experiment that was done where we rebuilt... (intervention).

DR KLATZOW: Yes, I am aware of it.

MR VAN DER VEER: ...the back of the aircraft... (intervention).

DR KLATZOW: Yes.

MR VAN DER VEER: ...and tried certain experiments as to what could and could not have happened.

DR KLATZOW: Let me stop you there.

MR VAN DER VEER: Okay.

DR KLATZOW: I'm aware of that experiment.

MR VAN DER VEER: Thank you.

DR KLATZOW: I know that Theuns Kruger and Dr John Bland conducted that experiment, and I must tell you at the onset that if ever that were to be presented in a court of law, it is so deficient in experimental design that anybody would have little difficulty in shredding it.

MR VAN DER VEER: Okay.

DR KLATZOW: It was simplistic in the extreme.

MR VAN DER VEER: Okay.

DR KLATZOW: Here you had a man who had done intimate calculations, and furthermore he was the only man called under oath... (intervention).

MR VAN DER VEER: Yes.

DR KLATZOW: ...at the Margo Inquiry, and Margo inexplicably ignored his findings. Can you give me an explanation?

MR VAN DER VEER: No.

DR KLATZOW: Right. What I'm saying to you is that everything here points, that I've told you today and I've been open with you, Mr Van der Veer, everything points to a situation where Margo either deliberately misdirected the inquiry, or was stunningly incompetent in actually getting at the truth, it points to a cover-up, in terms of missing documentation, where people

would be justified, in the light of no better explanation forthcoming, in saying "Where did the tapes go?" It points to a situation where vital evidence, and you've conceded that the tape recording of the cockpit voice recorder is vital evidence, has been ignored, and in fact the judge directed that that not be heard in open court, everything points to an interpretation of a cover-up, which if it is to be ever waylaid and refuted, requires now urgently a new inquiry under proper director-ship, to be launch forthwith. Would you give that your blessing, having heard what you've heard today?

MR VAN DER VEER: I would say anything that can throw light on the cause of the accident, and I said that earlier on in this inquiry, I would support.

DR KLATZOW: But, Mr Van der Veer... (intervention).

MR VAN DER VEER: Okay?

DR KLATZOW: ...you've heard an interpretation today which I've given you, which you have... (intervention).

MR VAN DER VEER: I've got no objectoin.

DR KLATZOW: ...you have no answers to many of the questions.

MR VAN DER VEER: No, no.

DR KLATZOW: Not only do you have no answers, you claim today at this inquiry that you've never heard these interpretations before.

MR VAN DER VEER: I've heard the rumours.

DR KLATZOW: But I've given you certain interpretations to that.

MR VAN DER VEER: Okay, you've given me certain interpretations.

DR KLATZOW: And they're not rumours, what I've given you today is not rumours, I have given you factually based material and you have no answers... (intervention).

MR VAN DER VEER: No.

DR KLATZOW: ...to them?

MR VAN DER VEER: No.

DR KLATZOW: Can you think of any reason why this inquiry should not be started again and the entire Margo report be reworked?

MR VAN DER VEER: I think that's for you to decide, okay?

I don't... (intervention).

DR KLATZOW: I'd like an answer to the question please.

MR VAN DER VEER: If you want an answer, then it's no.

DR KLATZOW: You don't think that the Margo Inquiry should be restarted?

MR VAN DER VEER: No, I didn't say that, I've just said if you want to restart the Margo investigation and it is a panel of experts, no objection.

DR KLATZOW: But you see, do you see the reasons why those of us who have investigated this for so long, have the deepest, darkest misgivings about the whole affair?

MR VAN DER VEER: That I can understand.

DR KLATZOW: Well that alone, Mr Van der Veer, should enable you to motivate strongly that the inquiry should be re-opened, that fact alone... (intervention).

MR VAN DER VEER: I'm sorry, I've seen a couple of pieces here, you have a whole line-up of people coming in for the rest of the week, okay, and I would, at the end of that, I would like to see exactly what their, let's say not their reactions are, that's irrelevant, but their statements as to the facts, but if it is necessary, please do re-open it.

DR KLATZOW: What would be your response, would you welcome... (intervention).

MR VAN DER VEER: I would welcome it.

DR KLATZOW: ...an inquiry and a reinvestigation?

MR VAN DER VEER: I would welcome it, if there's any doubt, then I would welcome that you open it up and, as you're doing now... (intervention).

DR KLATZOW: Do you see the need for it, Mr Van der Veer?

MR VAN DER VEER: Yes.

CHAIRPERSON: Dr Klatzow, I don't think you can take the matter any further with Mr Van der Veer, I think he has - have you further questions?

DR KLATZOW: Mr Commissioner, thank you very much, I've run out questions. If there are some which re-occur, maybe Mr Van der Veer would give me the opportunity of putting to them in his private capacity at a later stage, or as I pursue my investigation.

Would you have any objection to that, Mr Van der Veer?

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

MR VAN DER VEER: I can't do that.

CHAIRPERSON: ...(indistinct).

MR VAN DER VEER: I mean if there's anything to be submitted... (intervention).

CHAIRPERSON: He forgets that he's now an employee of the commission.

MR VAN DER VEER: That's my problem, sir, that's my problem. If the commission comes back to me on any other questions, I'd only be willing to answer, I have no problem with that, but I cannot answer individuals, I'm sorry.

DR KLATZOW: I withdraw the question.

MS TERREBLANCHE: If you remember or have anything more on the matters that were discussed with you that you perhaps would think of making a written presentation on it to the commission?

MR VAN DER VEER: I will.

MS TERREBLANCHE: Thank you very much, Mr Van der Veer for... (intervention).

MR VAN DER VEER: Pleasure.

MS TERREBLANCHE: ...making yourself available.

CHAIRPERSON: Any questions from the panel? Mr Magadla?

MR MAGADLA: Mr Van der Veer, are you aware of a delay of the departure of that plane from Taipei?

MR VAN DER VEER: No. No, I think, sorry, again, I have to think very very carefully, I must be very honest with you, I have closed my mind to the Helderberg, okay, it was one of the most traumatic experiences in my life. I haven't read anything on the Helderberg subsequent, I even was given a book by somebody who wrote it, I haven't read that, okay? It's past, and one tends to say, "Look, get it out of your mind". A question which still stays with me is the cause of that fire, but I think there was a slight delay, if I recollect, I think there was a slight delay in the departure, but the record will show that very clearly.

MR MAGADLA: Could there have been an explanation for that slight delay?

MR VAN DER VEER: Sir, aircraft have delays, okay, for umpteen reasons, there would be umpteen reasons, and if somebody hid the reason, that would also be quite acceptable, because aircraft, I mean 20% of them get delayed normally. I

may also just say something, where's the doctor, is he not here, on his cockpit voice recorder, I'm at present on the board of an airline in India, they had an incident on Saturday morning on the runway. What is very interesting is that the cockpit voice recorder tape stopped at a certain point, and started again later on. Okay, that's one of the first things we found out. I'm just referring to what Dr David asked me about, you know, when the cockpit, the tape stopped. Again, what I'm just saying, these things happen, to explain them away is very, very difficult, and I'm very interested to see what the Bombay story is. I'm just giving this to the panel, to say that these things don't work perfectly, unfortunately.

CHAIRPERSON: Well thank you very much, Mr Van der Veer. I have, on behalf of the commission and on behalf of this panel in particular, to thank you for having made yourself available, at what, in ordinary circumstances, was short notice really, and in circumstances where you have not even had an opportunity to prepare yourself, and that you were even prepared to come without any legal representations.

These are heavy matters for us and we feel ourselves totally inadequate to the task, but we have a job to do which we hoped we would do, and if your attendance here has assisted us in getting a better picture of what was going on in those days, we are very, very indebted to you.

When you read, if you had an opportunity to do so, letters from scores of people who write to the Archbishop in his capacity as chairperson of the commission, and some letters in representative capacity from institutions such as the Friend of the Victims of Helderberg, an organisation calling themselves FOVA, people who were enraged even about the fact that we are having this in camera, because there is a burning suspicion that once again the matter is being covered up because there's something to be hidden away, you can appreciate why we may have gone a little bit further in our probing in the manner in which questions were put by Dr Klatzow. It was not intended to be any reflection on your integrity, it was intended to possibly cause you to reflect also, and for us it is in fact moving to hear you say you have not wanted to look on this incident, to a point where you have not even read any books that have been written on it. It can only explain to us that you are a human being and you are aware of the allegations that have been made, and for us who have been entrusted with the duty to establish the truth, and we are not very successful in most cases, it is something that we have to do, even if it means dragging you into these hearings. Believe you me, it's not something we do with relish or with glee. We are endeavouring to find, in the interests of this country and in the interests of future government, if there was a group of people or some people who were involved in a tragedy that cost this

country and very many other countries the sort of trauma that you also have been going through, then those facts need to be established, if it is possible, not for their own sake, but to make sure that in the future your children and my children can live in societies where deviousness should not be of a nature that lives can be sacrificed at the altar of political expedience, and if our inquiries are going in that direction and we prove that, then your coming here would not have been in vain, because you will have added in a way you cannot understand, a thread that, taken together with others, might bring us closer to finding out what exactly happened.

It's a long way of saying thank you for having come, and believe us when we believe that there are certain aspects that we think you can assist us with, we will officially communicate with you.

For the moment you are excused, and I am sure we have no longer, or no more use for you.

Thank you very much.

MR VAN DER VEER: Thank you, Mr Chairman, that last word I don't like, "no more use for you", but - I'm an old man already, but no, all I want to say is that if there's anything that the Truth Commission needs, or other questions subsequent to this, I will be very grateful to answer them, I don't have a problem with that, and if I recollect things, then I will also, you know, like

Christelle asked me, I will slowly start this computer moving again and say, "Look, you know, what can you or what can't you remember?"

The other thing is, there are other people you may also want to ask to come to the commission. I've mentioned for instance, what's it, Mr Lewis, as one name, who was my deputy, and I mean he was deeply involved in that. The other gentleman that was deeply involved in this is Mr Boschhoff, who in fact was later on seconded to the DCA to help them with the investigation on the island. Another gentleman, Mr Nic Vlok, who's now with Comair, okay? What I'm trying to say is, if you look for more evidence, then there are more people who could throw light. Captain Jimmy Hippert, I think is a gentleman that could help very much. I don't know whether you're going to bring Captain Deon Storm in, I have the highest regard for him as an individual.

All I'm saying is, you know, then that should happen, and if there's anything else I can be of assistance with, please shout.

CHAIRPERSON: Thank you, Mr Van der Veer.

WITNESS EXCUSED

CHAIRPERSON: Is there any more evidence you are calling, Ms Terreblanche?

MS TERREBLANCHE: Not today, Mr Commissioner.

CHAIRPERSON: We're adjourned until half past nine tomorrow.

COMMITTEE ADJOURNS