



SCORPIONS

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PRELIMINARY REPORT: HELDERBERG PLANE DISASTER:

1. BACKGROUND:

1.1 On the 28 th November 1987 at approximately 00:07:00 a South African Airways Boeing 747-244B Combi crashed into the Indian ocean 134 nautical miles north- east of the Plaisance Airport of Mauritius. There were 140 passengers and 19 crew aboard. Nobody survived.

1.2 Judge Margo was appointed to head a Board of Inquiry into the crash. The finding of the board was that " The accident allowed an uncontrolled fire in the forward right pallet on the main deck cargo compartment. The aircraft crashed into the sea at high speed following a loss of control consequent on the fire.

1.3 The substance involved in the combustion included plastic and cardboard packing material, but the actual source of ignition cannot be determined. There was no connection between the accident and the omission of Station ZUR to communicate with the Helderberg at the pre-arranged time. Nor is there any significance in the fact that the ZUR tape covering the time was mislaid or wiped out by later use. The board was unable to find or conclude that fireworks or any other illegal cargo were carried in the aircraft."

1.4 During the investigations into the activities of Dr Wouter Basson, certain information was received about the crash. This was followed up without any success. It should be mentioned that

during Dr Basson's trial, his defence council referred to the fire on board the Helderberg as a classic " chemical fire".

1.5 This is in contradiction with the finding of the board, which stated that the combustion included plastic and cardboard packing material. No mention was made of chemical material.

2. INVESTIGATIONS CARRIED OUT IN AMERICA AND CANADA:

2.1 Adv Welch and Mr Whale departed from South Africa for America and Canada on 2000/9/22 and returned on 2000/10/13. The trip was approved by the National Director of Public Prosecutors and the Minister of Transport. The acting CEO of the Civil Aviation Authority (CAA) gave a written undertaking to cover all the costs incurred during the trip.

2.2 The main purpose of the trip was to make a CD copy of the original Cockpit Voice Recorder (CVR) of the Helderberg and an enhanced CD copy of the original CVR and also to consult with various potential witness's within America and Canada. The costs incurred during the trip were well inside the approved budget for the trip.

2.3 Both members were well received by members of the Engineering Research Facility of the Federal Bureau of Investigation (FBI) at Quantico, Virginia. Mr David J Snyder (the 3 rd) was assigned to assist us in making the copy of the CVR and also in making an enhanced copy. We spent four days at the Facility assisting Mr Snyder in various ways and also in making the various CD disks. Thereafter four copies of all the CD disks were made and handed over to us. No costs were incurred during the making of these CD disks. In total 20 CD disks were made. The necessary requirements in terms of our Criminal Procedure Act was maintained in terms of the so-called chain evidence.

2.4 The opinion was that the original CVR tape was still in very good condition, considering where it had originally been found and also the time that had elapsed since the disaster. Mr Snyder was also reasonable pleased with the copies he had been able to make. The facility was not in a position to make a transcript of the CD tapes. This will have to be done at a later stage.

2.5 We then travelled to Tampa in Florida, where we consulted with Mr Cornelius (Neels) Christofel Van Wyk (Van Wyk) . A complete sworn statement was obtained from him, as well as some documents and a summary of his investigations, consultations with various people as well as his own opinions on various issues.

2.6 It would appear as if his interest in this matter started shortly after Norman Chandler wrote certain articles in the Sunday Star. These articles eventually resulted in Armscor reporting the newspaper to the press council. Van Wyk's brother also went into business with Mr Theuns Jacobs, Mr K.C. Woo and another person. This business is known as Crown Travel. They originally invested R 40,000-00 each and after two years the company had a profit of R 82 million. His brother eventually left the business and now owes his own Crown Travel in Jeffery's Bay. The relevance if this is that Jacobs was the station master for SAA in Taipei and Woo was the load master. Both were responsible for the loading of the cargo aboard the Helderberg. Van Wyk also alleged that Crown travel received a 15 % commission from SAA, whilst other travel agents only receive 9 %.

2.7 Van Wyk made contact with Rennie Van Zyl (Van Zyl), who at the time was employed at the Directorate of Civil Aviation, and wanted to make a copy of the CVR. At that stage he was thinking of making a TV program about the Helderberg. It was at the time of the 10th anniversary of the disaster. Van Zyl brought him the original CVR tape and Brendon Furrel at the SABC made a CD disk of the tape. The original tape was returned to Van Zyl immediately. It is this CD disk of

the CVR that Van Wyk later on posted to Mr Jack Mitchell Mitchell), in order for him to make a transcript.

2.8 After receiving financial backing (\$ 10.000-00) from Mr Richard Price from England, Van Wyk went looking for somebody to make a transcript of the disk. Mitchell contacted Van Wyk and indicated that he was 90% sure that he Mitchell) could make a transcript. A deal was struck and the CD disk of the CVR as well as Dr Jansen's original transcript were posted by Van Wyk to Mitchell. Mitchell then made his transcript of the disk that he had received from Van Wyk. It is this transcript that has recently been published in various newspapers in South Africa. The newspaper "Beeld" paid 10.000-00 pounds for the transcript.

2.9 There were numerous questions that came out of the consultations with Van Wyk. These would need to be looked at. He also supplied us with certain contact numbers of a Mr Bob Williams, whom Van Wyk informed us had vital information. Despite numerous attempts, contact could not be made with Mr Williams during our stay in Tampa. Numerous messages were left for him to contact us on our return to South Africa. Mr Williams also sent a letter to the TRC . He has not yet contacted us. Van Wyk also informed us that Lloyds of London is taking an interested view of recent developments. Lloyds paid out about R 650 million to SAA for the lost of the aircraft. It would appear as if Van Wyk has already made contact with Lloyds on this issue.

2.10 We are both a bit suspicious about Van Wyk's motives in this whole issue. It would appear as if he would like to make money out of the whole episode. It is a fact that he has already put many hours and work into this, but we feel that he might not be as objective as he should be.

2.11 Following the visit to Van Wyk, we met Mitchell in Albuquerque, New Mexico. Mitchell confirmed his contacts with Van Wyk and the fact that he made the transcript of the disk. He confirmed the contents of the transcript as being the truth, he stood by it, obviously there may be some mistakes, but he is prepared to swear in court as to it being a true version of the disk that he had received.

2.12 We also visited his " studio " at his house in Albuquerque and listened to the various disks. After listening and monitoring it on computer, as well as to the disk made at the FBI and comparing it with the disk Mitchell had used to make his transcript, we were of the opinion that Mitchell's disk was a true copy of the original. In other words, we are able to say Mitchell worked of a true copy of the original CVR, when he made his transcript. Mitchell appeared to be an honest and objective person, who had no alternative and ulterior motives. He has previously done work for the DEA, Dept of Justice, USA Attorney's office and insurance parties.

2.13 After listening to certain parts of the disk made at the FBI, it would appear that there are parts of the conversation, that do not appear on the original transcript of the CVR which was made by Dr Jansen. These parts of the conversation appear on the transcript of Mitchell. For example:

- 12.1 " here's the problem "
- 12.2 " Boy George is abroad Holy cow"
- 12.3 " What did you say"
- 12.4 " A bomb is"
- 12.5 " Real big problem yeah, big problem very difficult"
- 12.6 " Kaptein iets om to drink No thanks, no thanks"
- 12.7 " We fly in their bomb"

2.14 Mitchell is of the opinion that there are no women voices on the CVR, although Dr Jansen says there are. Although we can hear, for example " Boy George is aboard" it does not necessary mean (as the media alleges) that there is a nuclear bomb on board. In fact, all the aviation

people we have spoken to, have never heard the term Boy George nor that it refers to a nuclear bomb. There is also no certainty as to who had uttered the words or in what context.

2.15 Mitchell was not impressed with the enhanced version of the tape which was made by the FBI.. According to him all that was done, was that the background noises were reduced but the voices themselves were not improved. Mitchell volunteered to do this and also to try and make a better transcript of the CVR. According to Mitchell, this he will be able to do because the FBI disk of the original CVR tape is of a better quality than the one form which he worked.

2.16 We also visited Rennie Van Zyl in Montreal Canada. He currently works for the International Civil Aviation Organization in the Accident Investigation and Prevention Section.

Some of the issues that came out of the meeting with him were:

2.16.1 Boeing and the Directorate of Civil Aviation (DCA) agreed that the plane broke up at 1500 feet. At the board hearing, Boeing backed away from this because it would reflect badly on the structure of the plane.

2.16.2 He did not think about making a criminal case regarding the missing ZUR tape. In hindsight he thought this should have been done. He thought that the people in the ZUR were negligent. Ettiene Du Toit told him on the Monday after the crash that there was nothing on the ZIJR, and as he trusted Du Toit, he did not listen to the tapes. This was never mentioned in the Margo Commission. It was only after a journalist contacted Margo two weeks after the crash, that DCA went looking for the tapes.

2.16.3 The ZUR tapes were taken to Micky Mitchell's office at his (Mitchell's) request.

2.16.4 The morning after the crash, the first Safair plane left for Mauritius. Aboard were members of the air force and a member of members from Armscor. They apparently went at the request of SAA.

2.16.5 There was one American passenger aboard the plane and Boeing settled very quickly out of court with the family.

2.16.6 After 30 years in the aviation business, he has never heard of the name " Boy George"

2.16.7 Neither companies nor passenger's next of kin had filed insurance claims.

2.16.8 The investigation into the companies from Japan, which had cargo aboard, was done very badly. The people who had gone to Japan returned after only two days. Very little was found out about this cargo.

2.16.9 He had the greatest respect for Dr Jansen but there were numerous problems with him. Members of DCA disagreed with Jansen's transcript but he (Jansen) said that he was the expert. Jansen had a contract with DCA to make the transcript. Whenever he was asked about the transcript, he was always busy with it. At the end of the contract, Jansen wanted to extend the contract. When this was refused, he suddenly produced this transcript.

2.16.10 He decided against looking further for the digital recorder.

2.16.11 The temperature in the cargo compartment had to be about 1000 degree C. He could never establish what had caused this.

2.16.12 Capt Dawie Uys was in the cockpit the whole time. The voice on the CVR is very soft as though somebody was standing at the cockpit door.

2.16.13 He never realised that there was a difference in the weight of the cargo on the plane and that reflected on the waybills.

2.16.14 Capt Snelgro and another person were in the tower at Mauritius and also called the plane. There is, however, none of this on the tape from Mauritius Tower.

2.16.15 There are numerous airlines that transport dangerous cargo.

2.16.16 Judge Margo contacted Minister Louw the morning after the crash to indicated that he was available to head the Inquiry.

3. STATEMENTS OBTAINED:

During the investigations the following people were interviewed and information/ statements were obtained.

A summary of some of the statements are reflected hereunder:

3.1 Johanna Maria Magdalena Uys.

She is the wife of Captain Dawie Uys. She has never been approached or made a statement before. She knows of one incident where her husband was upset because he had to fly with ammunition aboard the plane. The station master of SAA in London instructed him to fly. He was so scared about this that he posted the cargo list to his home address before the flight.

* Mrs Uys refused to sign this statement until she receives guarantees that she would not lose her pension etc. from SAA.

3.2 Jan Hendrick De Wet Lategan.

He was previously a pilot at SAA and knew Dawie Uys well. According to him it is quite possible to transport dangerous cargo without the pilot even knowing about it. The cargo list is submitted to the Captain of the plane for his signature. The Capt. does not check the cargo himself and accepts the load master's word about the cargo. He also supplied names of people who might be able to help in the investigation.

3.3 Archibald Leon Holder.

He alleged that a certain Rowan Terwin worked for a front company of Armscor and that he knows about the Helderberg.

He also alleged that Judge Margo covered up the true facts of the case.

3.4 Denis Stephen Cronje:

He is a retired airline pilot with 26 years service with SAA. He also knew Capt. Dawie Uys. He was never asked to transport dangerous cargo. When he did transport any dangerous cargo, it was within the IATA list. He stated that it is very possible to transport dangerous cargo (not included in the IATA list) without the Capt. knowing. During the Margo Commission, he asked the

Commission to investigate possible involvement of certain companies. The commission said that without hard facts they could do nothing. In a further statement, he stated that he has never heard of the term " Boy George" being used to refer to a nuclear devise.

3.5 Schalk William Davel:

He is a retired pilot with 37 years experience. He also knew Dawie Uys well. He was on course at the time of the crash and flew to Mauritius a day or two after the crash. Whilst in Mauritius, he spoke to Capt. Jimmy Hippert, also from SAA. Hippert informed him that there was a massive fire aboard the Helderberg and that there were a lot of people from Armscor on the island. They were apparently searching the beaches for something. There was a lot of speculation and/or theories about the crash but they were not properly investigated.

He also heard that Uys was unhappy to fly from Taipei because of the cargo but that he was instructed from " higher up" to fly. It was also said that the Helderberg had problems with its alarm systems and that there were numerous false fire alarms on the plane. In a further statement, he stated that he has never heard of the term " Boy George" being used to refer to a nuclear devise. In case of a fire onboard a plane the term " Snowdrop" is used.

3.6 Cornelius Hermanus Zacharias Booyens:

He was previously employed at SAA. He was the stand by officer for emergency matters at the time of the crash. He informed both Gert van der Veer and the minister of the crash. He also received two tapes, marked 1 and 2, from Mr le Roux. It was the tapes from the ZUR. These were the tapes with relevance to the Helderberg. He kept the tapes with him. The tapes were later handed over to DCA. About two weeks later, Mr de Klerk from DCA, came to him and they listened to the tapes. It was then that they realized that tape 2 was the wrong tape and nothing about Helderberg was on that tape. The proper tape 2 could not be found because 32 days had elapsed and the tapes were only kept for 30 days. The tape 2 in his possession, was however, correctly marked with the day, date and time thereon.

3.7 Alan Brian Watkins:

He was employed at SAA for 39 years. He is also a member of the Friends of the Victims of the Helderberg (FOVOH).

Nine days prior to the crash of the Helderberg, he attended a SAA Management meeting at the Wild Coast Sun. He warned the meeting that the carrying of dangerous goods on planes should be addressed. He was aware that military equipment was being transported by SAA, declared on all documents and the manifest as" agricultural implements" In late 1997 he had a meeting with Andre Van Wyk who used to work for SAA. Van Wyk told him that he would never forget a meeting that took place at SAA in Braamfontein shortly after the crash. One person at the meeting remarked that it must have been the "bloody chemicals on the Plane". They were not allowed to leave the meeting until they had signed a document.

3.8 A further statement from Mrs Uys.

She, however, strongly denies the contents thereof. It would appear to be a "stratcom" document.

3.9 Yvonne Petra Amy Bellagarda:

She was the wife of Joe Bellagarda, who was the flight engineer on the Helderberg. She went with Jimmy Mitton (a close friend and also a flight engineer) to the board of inquiry. She was

present when Mitton was summoned to Judge Margo's chambers. On his return he was visibly upset. He told her that Margo insisted that he dropped his line of inquiry. Furthermore, that Margo had said that the country could not afford to have him pursue his line of inquiry. It would cost too much and that his job and career and safety were on the line.

3.10 Terence Devine:

He has not previously made a statement in regard to the Helderberg. He had known Uys for about 10 years prior to his death. Uys had told him about a flight that he had taken from London and that he had become aware that there was dangerous cargo on the plane. He refused to fly but was instructed by "Johannesburg" to fly. He photo-copied the cargo manifest and posted it to his home address. Prior to Uys' departure for Taipei, he was phoned by Uys and met him at the airport. Uys handed him two envelopes and asked him to send some money to a fellow in America. It was a personal request and did not seem urgent to Devine.

3.11 William Herman Van Wyk:

He is the brother of Neels Van Wyk. During the Helderberg crash, he was employed at SAA. He left in 1991 and in 1992 he went into business with Theunis Jacobs, K C Wu, Louw Fok and David Cochran. The business was called Crown Travel. They lent R 400-000 from K C Wu's mother in law to start the business. Jacobs was previously SAA's agent in Taipei and K C Wu worked in the cargo dept. in Taipei. This was during the time of the Helderberg crash. Although they did get a special commission package from SAA, they were not the only ones. Jacob told him that the original cargo manifests were still in his possession.

3.12 Phillipus Looch:

He is still a pilot with SAA and has been with them since 1966. In 1985 he flew to Tel Aviv in a SAA plane. Whilst on the ground, his attention was drawn to the fact that a crate had fallen and broken open. What appeared to be a missile was in the crate. This upset him because it was dangerous to fly with a missile on the plane. No investigations were done although he had reported the matter. At a later stage, he was told by Micky Mitchell that Van der Veer, Willemse, another person and himself had been to Armscor about the Tel Aviv matter and that Armscor had given the understanding that nothing like that would happen again. He also has never heard the term " Boy George" being used to refer to a nuclear device.

3.13 Jakob Jan Dekker:

He was employed at Somchem in Somerset West. At the time of the crash, he was an assistant manager in charge of missiles and warheads. Ammonium Perchlorate (AMP) is used as one of the driving forces in missiles. He was not involved in the purchasing of AMP although they used this substance quite a lot. Due to the characteristics of AMP, it would be very dangerous to transport it on an aircraft. AMP can become very unstable and, if it ignites, it can cause extremely high temps.

- 4.1.2.7 Jimmy Mitton
- 4.1.2.8 Ettiene le Roux
- 4.1.2.9 David Klatzow
- 4.1.2.10 Brendon Farrell
- 4.1.2.11 Roy Downes
- 4.1.2.12 Billy Roets
- 4.1.2.13 Bertus Cillie
- 4.1.2.14 Pieter Uys

4.1.2.15 Piet Smit

4.1.2.16 Johan de Bruyn

4.1.3. This list is not a complete list. Whilst we have taken statements and spoken to people, more and more names are coming to the fore. Some of people, who will have to been seen, are scared as a result of recent media coverage. Some of the people are still pilots flying for other airlines. Although they still resided in South Africa, they spent most of their time overseas. Some of these people, when approached, normally want to consult with their legal representatives. Another problem encountered with these people is that they now stay in various cities and towns within South Africa. Most of them were never approached before (by the Margo Commission or DCA) and are now wondering why they are now being approached. It takes some time in order to convince these people that it is in the best interest of everybody that they co-operate.

4.1.4 The families of the passengers and crew members are watching the outcome of this investigation very closely. The media and other interested person are also following the matter closely. There is talk of civil action going to take place . Political parties are also following the proceedings as well.. The Civil Aviation Authority (CAA) and South African Airways (SAA) have been approached and had volunteered to help make a transcript of the CVR. However, due to the quality of the CVR and also to other problems, they are unable to help. According to information already received, the civil claims to be instituted by family members are based on the transcript of the CVR made by Mitchell. According to sources, members of the families and other interested parties have recently appointed private companies overseas to look into the CVR transcript.

4.1.5 The possibility of acquiring the services of a private company within South Africa to try and make an independent transcript of the CVR should, with respect to looked into.

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MR. M. B. WHALE