

ON RESUMPTION

CHAIRPERSON: This is a resumption of a section 29 process, an investigative enquiry held in terms of section 29 of the promotion of National Unity and Reconciliation Act, 34 of 1995. I have already welcomed your legal representative, Mr Steyl, but I welcome him now formally as your legal representative and I will ask you to place yourself on the record.

MR STEYL: I am Richard David Steyl from Pretoria.

CHAIRPERSON: Mr Peyaga, if you could place yourself on the record.

MR PEYAGA: My name is Elias Machodi Peyaga and I'm representing Mr Steyl. Mr Steyl would prefer to give his testimony in Afrikaans.

CHAIRPERSON: Mr Steyl I have to swear you in, so if you will stand, thank you.

JOHAN LODEWIKUS STEYL: (Duly sworn in, states):

CHAIRPERSON: There is a facility, you have it in your hands, I'm sure Afrikaans is on channel 1 and I'm sure even as I speak you will be hearing the Afrikaans translation getting into your ears, do you hear it.

MR STEYL: Not yet.

CHAIRPERSON: Do you hear anything?

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

CHAIRPERSON: Okay so it appears that the Afrikaans is on channel 2, well, I don't know, both English and Afrikaans are on channel 2, the engineers must please put us on track. I want to make sure that the Afrikaans version is getting through.

MR STEYL: Yes, I can.

CHAIRPERSON: Thank you. The witness has been sworn in.

MS TERREBLANCHE: Thank you, Mr Chair. Welcome Mr Steyl, Mr Peyaga. Mr Steyl thank you for coming here, we've called you here with a very broad outline to answer questions about procurement during 1980's. Can you just tell us a little bit about your career in Armscor.

MR STEYL: Honourable Chairperson, I joined Armscor in 1978 and the first three or four years I did administrative duties in the foreign trade department of Armscor, and in 1981 I became involved in the shipping section of Armscor and this responsibility I kept throughout my career there, up to the present day. So, to sum up, my duties were foreign trade and the specific responsibility of shipping services, and the shipping services included the importation of goods and also exportation of goods, that is procurement, foreign procurement.

MS TERREBLANCHE: During 1987 when the unfortunate Helderberg disaster took place you were involved in shipping?

MR STEYL: Yes.

MS TERREBLANCHE: Do you have any knowledge of any Armscor device or devices which were carried by means of passenger liners or passenger planes or by means of civil aviation methods?

MR STEYL: I'd like to answer you as follows, the imports, as far as imports were concerned, our department in Armscor only did the customs clearance, in other words we did place cargo on board of planes or ships, but as soon as the cargo arrived in Cape Town Harbour or Durban Harbour, we would then do the necessary customs clearance. These clearances were done as follows, importers with the Armscor departments or Armscor contractors or Armscor subsidiaries, if they had cargo on board a plane or a ship, they would give us the instruction that the cargo would be arriving on a specific flight or a specific ship and that we had to make arrangements for the necessary customs clearance and we would have to take charge of the domestic supply.

Now the answer your question, when the Helderberg disaster took place, our department had had no request to clear any cargo on board the Helderberg. We monitored the situation, because I had received instruction from my superiors to ascertain whether there had been such cargo on board and we monitored it for weeks afterwards to find out whether there had been any loading bill document which could perhaps confirm that there was cargo on board the Helderberg, no such document emerged or

there was not such request, that's why I told you I did not have any knowledge of any cargo on board Helderberg and it is also our policy and our view that we would comply with all the IATA rules and that if there had been cargo on board the plane, it would have been permissible cargo and not non-permissible cargo.

MS TERREBLANCHE: Thank you for that answer, I would like to find out more specifically, were you aware of any circumstances where Armscor made use of civil aviation either as a result of sanctions busting or on a basis of urgency, are you aware of any cargo which entered the country by means of a civil aviation plane which fell into the dangerous category?

MR STEYL: No, definitely not, I'm not aware of any cargo which was unlawfully placed on a civil passenger plane. A lot of cargo came in and 99% of these consignments which came in consisted of normal commercial cargo, whether spare parts, electronic equipment or whatever, which had no connection with explosives or ammunition. If it was allowed and allowed to be loaded in terms of IATA rules we would have given that permission, we would never have given permission for loading stuff outside of the IATA rules.

MS TERREBLANCHE: But you worked for a specific department, and you say that other Armscor departments usually asked that things be loaded?

MR STEYL: Yes.

MS TERREBLANCHE: So who did the actual shipping?

MR STEYL: No, let me correct that, they didn't ask the permission, we did the clearance, in other words, if contractors or subsidiaries of Armscor loaded cargo on planes or ships, I didn't know about it until the cargo actually arrived.

MS PATTA: Are you happy that the affilliators of Armscor was in all ways above board in terms of what you required and the way that things should have been shipped?

MR STEYL: I'd like to answer you as follows, it was a subject which was hotly discussed at the time and I'm talking about the era before the Helderberg disaster. The two subjects which were quite sensitively addressed in this group was, not to place any impermissible cargo on board passenger liners or IATA liners or planes and at that stage the State departments only paid import duties on the consignments coming in, and the other point that was emphasised at the time was that employees were not allowed to include any personal cargo in State consignments for obvious tax purposes. So these two issues were always raised at each and every seminar and conference and I believe that we did everything in our power to ensure that that did not happen. If anybody had done that, any member of staff, he would be acting of his own accord and we might not have known about it, but I can't believe that such a thing happened.

MS TERREBLANCHE: So it never came to light that any member of staff did such a thing?

MR STEYL: As far as I'm aware, it never came to light that any such a thing happened.

MS PATTA: Mr Steyl, we have information from a pilot, a captain Jimmy Hippert who was flying from Spain and a Foreign Affairs official approached him and asked him to bring a package for his wife as a birthday present, it was wrapped up as a birthday present. He said it was valuable glass, "waardevolle glass" was the words that were used. He didn't believe this because it wasn't heavy enough and he opened it and inside he found Nitro-glycerine which he was being asked to take in. And when he complained to the Airline, he was visited by South African Security Officials and said that he should not interfere in this at all. I mean, there we have one small example of, Nitro-glycerine is a dangerous substance, which was being illegally smuggled. Do you expect us to believe that at the time of the arms embargo that when South Africa was battling to develop its own programmed, missile programmes and other such things in South Africa, that nothing was ever illegally transported into the country. How did you manage to the stuff then?

MR STEYL: It is very difficult to comment on that because if that was an individual involved in that instance, and my responsibility was official consignments, so if that happened it's strange that there wasn't the necessary follow-up action taken to expose that person to Armscor to prove that that person was busy

with an illegal transaction. I can't comment on that because I'm not aware of any such an incident. To further answer your question, we obviously had many consignments which could not be transported on passenger planes and then we made use of ships and we went as far as hiring ships where we did the chartering of the ship, we hired the entire ship to be able to get the freight here. So there ways and means to transport sensitive cargo imported into the country, so it wasn't necessary to import these things on board a passenger plane. I'm not aware of any such incident.

MS PATTA: Mr Steyl, you testified a minute ago that after the Helderberg went down your superiors actually asked you to monitor the situation, why would they do that if you never transported those kinds of substances on planes? Surely that implies that there must have been some kind of suspicion in Armscor that you were in fact doing that kind of thing and that it was quite possible that Armscor could have had stuff on the Helderberg?

MR STEYL: I can't think that there was a specific suspicion. I saw it as a normal procedure that after the accident Armscor was visited by security personnel, they asked us certain questions, they asked us whether we'd been aware of any cargo whatsoever, dangerous or non-dangerous, any cargo, whether Armscor had any cargo on board, and that's why we were so very keen to make

sure that if there was something we would find out what it was and who had loaded it, or to find out whether perhaps there was no cargo. And I can say with certainty we didn't find anything.

MS PATTA: But there was even - you entertained the possibility that you might have had cargo on the plane? You didn't just say to us, there's not ways, we'd never do anything like that, you entertained the possibility.

MR STEYL: I can answer you in this way, in Armscor in the shipping department, we acted in good faith and I think one could say that perhaps one did have the fear that somebody in his individual capacity, his personal capacity had perhaps done something. We believe that he didn't, but it could have been a person who in his personal capacity did such a thing, and we had to ascertain that at all costs, but we couldn't ascertain that.

MS TERREBLANCHE: Armscor in those days had many private agents, what I mean by that, is people who on a once-off basis or a couple of times did foreign procurement, is that not so?

MR STEYL: That is correct. I checked, when we looked at the enquiry or when we tried to determine whether there was anything, we in that time, 1987, when the disaster took place, we handled about ±20 customs clearances per day. In other words 20 imports per day were dealt with. That gives us about 400 imports per month. Now, the biggest portion of that, and I refer to a percentage of 98/99%, came from contractors appointed by

Armcor, subsidiaries of Armcor and a small percentage of that was stuff which Armcor imported directly. In other words your statement is correct, there were many agents and many contractors.

MS TERREBLANCHE: I'm also referring to individuals like Mr Oslo who died in the Helderberg disaster.

MR STEYL: Because I did not deal with foreign procurement directly or deal directly with agents, I'm assuming that there were agents, but I can't tell you who they were and how many there were and what exactly they did.

CHAIRPERSON: Any questions, Mr Magadhla?

MR MAGADHLA: Mr Steyl, would you reject out of hand any suggestion that during those years the South African Authorities or the South African Government was involved in sanction busting together with their allies world-wide?

MR STEYL: Honourable Chairperson, I would like to believe that in my capacity in Armcor that there would not have been cases where we as Armcor or as the Government had committed any malicious acts such as for instance placing cargo on board a passenger liner, what individuals might or might not have done I can't comment on, but officially I have to say, I believe no, the answer is no.

MR MAGADHLA: You're saying according to yourself there were no sanction busting by the South African Government?

MR STEYL: I'm sorry, I misunderstood you.

MR MAGADHLA: The question was, would you reject out of hand any idea or any suggestion that South Africa did embark on sanction busting during those years together or in conjunction with their allies somewhere else?

MR STEYL: Honourable Chairperson, I must answer that positively, I do believe that there were agreements with other countries and I think those other countries did help our Government.

MR MAGADHLA: Now, besides shipments and besides freights using airways to convey whatever stuff between South Africa and her allies in that sanction busting - in those sanction busting operations or undertakings, how else would it have been done according to your thinking or your understanding?

MR STEYL: I would as I answered just now, there were countries who helped us with certain venting of sanctions and if there weren't countries then there were individuals in countries who provided in-user certificates whereby certain procurement functions were complied with or fulfilled. Am I perhaps answering your question, perhaps you should just repeat the question.

MR MAGADHLA: To an extent you are, but what I'm driving at is that we are talking about the Helderberg and as you have conceded that after the Helderberg incident there was some kind

of an investigation even by yourselves. Now, the popular suggestion and suspicion is that on that plane there was a dangerous cargo that was loaded from Taipei. Now, that would have been cargo which would have had to do either with Armscor or Armscor subsidiaries. The question is in the context of that incident, now you are saying there could have been individuals and there could have been agents and there could have been whoever, but I'm saying whoever it could have been, how could they have carried out, helped South Africa without having to use ships or aeroplanes?

MR STEYL: Chairperson, the countries that helped South Africa and of which I was aware, in those countries there were very strict security measures. Firstly to not reveal and make public the fact that a particular country helped us, it was handled in a very sensitive way. In those cases their security people, the country that was helping us, their security personnel and our own security people co-operated very closely to deal with the freight or cargo issue between those two countries to deal with it in a very safe manner. And that's why in most cases, almost all the cases, those consignments were consolidated in the country and then a chartered ship would be sent to go and fetch the consignment. If it could be flown then a chartered plane would be sent to go and fetch the consignment. I can't think for one moment that where the governments of other countries were

involved, that either their government or our government would have allowed it being placed unlawfully on a passenger plane.

MS PATTA: Were you aware of the amendment to the dangerous goods legislation in terms of aircraft in 1986, that according to that if armourments were to be conveyed, Armscor would be, and particularly Armscor's procurement services overseas, would be the person to decide whether or not it is too dangerous, in addition that the legislation made provision for certain exemptions in terms of national interest?

MR STEYL: I am aware of the amendment to the legislation. I never interpreted the legislation as giving Armscor an unfettered right to convey dangerous goods or substances on passenger planes. I did not see that legislation as not being subordinate to IATA rules. The way I saw it is that when charter planes were used, the legislation was such that the airspace covered by those planes, or the countries to whom the airspace belonged had to be asked permission if armourments were conveyed across their airspace. That is in connection with chartered flights.

MS TERREBLANCHE: Are you saying that permission was not asked?

MR STEYL: Permission was not asked for other countries, in other words, if we used charter flights we did not request permission from neighbouring countries that there was military ammunitions on board the plane.

MS TERREBLANCHE: But that is in contravention of international rules.

MR STEYL: That is how I interpreted the amendment.

MS PATTA: When Somchem needed to procure stuff for its work, how would they go about it?

MR STEYL: Once again, I did not myself actually do the procurement, there was a procurement section and Somchem had its own procurement section and Armscor had its own procurement section. And the ways in which they would have done it, well, I can't give you a firsthand account of that, what I can say is that when the cargo was to be shipped, I would have been involved. If it was a commercial freight the sender would have sent the cargo, it would be a free on-board transaction. If it was dangerous freight which had anything to do with sanctions busting, then we were tasked with chartering a ship or to find room on board a ship to bring this freight to South Africa.

MS PATTA: So that would work for all the various companies of Armscor, that's how it would work. In 1987 Somchem was producing Ammonium Perchlorate, which was used in the manufacture of solid rocket fuels and at some point, am I correct in saying that there were extensions done to Somchem because you needed to increase the capacity of Somchem to produce APC?

MR STEYL: Yes, what is the question?

MS PATTA: Am I correct in saying that there were extensions done to Somchem because you needed to increase its capacity to produce Ammonium Perchlorate?

MR STEYL: It may be, I don't know.

MS PATTA: You're not aware of Somchem having extensions done and the plant shutting down temporarily while these extensions were done?

MR STEYL: I was aware of the fact that they manufactured it, I wasn't aware of the fact that they had a shortage and that Armscor was instructed to obtain addition supplies, so no, I was not aware.

MS PATTA: I wasn't asking you if Armscor was instructed to obtain additional supplies, I was asking you if you thought Somchem had shut down. But it's interesting that you make that leap, that Armscor was instructed, that you're saying that they weren't instructed to obtain additional supplies, it's an interesting leap that you've made there. So you're not aware of procuring any Ammonium Perchlorate for Somchem in 1987?

MR STEYL: Armscor may be so aware, I personally am not aware.

MS PATTA: But you were at shipping, you were in procurements?

MR STEYL: Yes.

MS PATTA: You knew of the stuff coming in?

MR STEYL: I can't recall that in 1987 or in that period that I was involved in importing this product or to issue clearances for such a product into South Africa.

MS PATTA: Well, what sort of products were coming in in 1987?

MR STEYL: As I said just now, we dealt with about 20 shipments or consignments per day and very few of those consisted of dangerous cargo. If a ship came into Durban and Cape Town Harbours with dangerous cargo or freight, I didn't always know what exactly this commodity was. I would know that it was a class 1 or class 2 commodity, in the shipping terms for what it was, such as explosives, class 1 or whatever, but the exact names of these explosives that I was not aware of.

MS PATTA: But you knew that they were explosives?

MR STEYL: Yes, obviously.

MS PATTA: You knew that they were and you - so you knew that we were exporting, bringing in chemical additives used in the manufacture of rocket fuel?

MR STEYL: If you're saying that I was aware that we were exporting fuel for rockets, I have to say, no. I was aware of the fact that certain substances were imported, but what the exact application was, I wasn't quite sure.

MS TERREBLANCHE: When you are saying raw materials, are you saying raw materials for use in rocket fuel?

MR STEYL: No, I'm talking about chemicals. I'm not a scientist, so I can't really make sense of a particular chemical, when that was imported I wouldn't know what the application of that would be.

MS PATTA: But you're saying that you were aware that certain chemicals were coming in, used in the manufacture of rocket fuels that were explosives?

MR STEYL: I am aware of certain chemical substances which entered the country by ship. What the application was I don't know.

MS TERREBLANCHE: I would just like to go the legislation from 1986, you said that it made provision for the fact that you need not notify neighbouring countries when you were overflying their airspace with dangerous cargo?

MR STEYL: Let me answer it in this way, when we chartered a plane we would tell the owner of the plane or the crew of the plane what these commodities were. They then submitted their flight plans, worked out their own route and ...(indistinct) their flight plans, and we left it to them to make the necessary flight arrangements. We in Armscor did not notify the neighbouring countries the plane needed overflight rights, but we didn't notify the neighbouring countries that a plane was about to cross their airspace and that it had specific armourments on board. That we did not do.

MS TERREBLANCHE: What would have happened if there was such a flight containing dangerous cargo on board and also cargo which needed to be kept a secret from the numerous countries that were hostile toward us at the time and should not have known about our armourments, what would have happened if such a plane encountered some difficulties or problems? What would Armscor's approach have been?

MR STEYL: I don't think we could have acted prescriptively towards the crew, the captain was at all times aware of what he was conveying and he was in charge of the plane. We had basically no radio communication with him once he was air-borne, we did have communication with his owners. But if he was in trouble and he had to make a crash-landing or emergency landing, that would have been the decision of the captain of the plane.

MS TERREBLANCHE: Would Armscor in all cases have owned the person as the person flying with their cargo?

MR STEYL: Obviously Armscor was running a risk, it had a risk because it was placing cargo in possession of a conveyer or a carrier and the only claim which Armscor had against the carrier was this cargo manifest accompanying the cargo, and on this document there was an addressee, a person to whom it was being sent. And if this plan was to land, the Authorities of that country would obviously have known who the sender was and who the addressee was and what the commodity was.

MS TERREBLANCHE: Unless of course the plane landed up in the sea?

MR STEYL: I have my doubts about the question or the answer to that, because there are certain cargo documents that would not necessarily be on the plane, there would be, for instance, air freight letters or cargo manifests which the owners of the plane would have in their possession. In other words, they would be able to state or explain should the plane go missing what exactly the cargo was and where was it going to.

MS TERREBLANCHE: Captain Deon Storm who was a pilot in the South African Airways, a former Air Force pilot and also later a security officer at Jan Smuts, he said that they did a kind of a spot check which indicated that almost 80%, I just have to verify that, say 60% of all cargo which was not declared or declared incorrectly, contained military or military type or Armscor type of cargo.

MR STEYL: I can't comment on that because when we received cargo or when we sent cargo off, I was operating on the information given to me or to my people. We never did any inspections or it was very seldom that inspections were done to see whether the actual content of the consignment corresponded with the freight documents, so I can't comment on that.

MS TERREBLANCHE: So you say you're not aware of any such thing, that it actually occurred?

MR STEYL: I am aware, or I believe that most of the cargo was vaguely defined, I'm not talking about dangerous stuff or explosives, I'm not talking about that being defined or described as harmless, but for instance if there were aeroplane spare parts being shipped, it might just be vaguely described as parts, and the particulars would not be given.

MS TERREBLANCHE: It is quite co-incident that you mention that example, because Captain Storm and somebody else also said that, Mr Rene van Zyl of the Civil Aviation Directorate, they both said that virtually all Armscor goods incorrectly described was described as plane spare parts.

MR STEYL: That may be, but I must also point out that by far the majority of these consignments were actually aeroplane spare parts.

MS PATTA: I'd like to just read you something from a former Armscor employee,

"That South Africa's Ammonium Perchlorate production facility was set up in the 1970's at Somchem. The initial capacity of this plant was about 100 tons per annum. Around the time of the Helderberg crash South Africa was involved in military operations in Angola, Namibia and on the home front. The operational demand for solid rocket fuels was high, also around the time of the crash

Armcor was busy developing the means to produce its own inter-continental missile ballistic programme using US technology obtained in a devious manner by Israel. The development programme was getting well advanced about then, with full-scale rockets being tested and at a new secret test facility near Rooi Els.

I mention the ICBM to emphasise that not only was the military demand for APC high at the time, but the demand for APC to feed these big hungry space rockets was also soaring. Somchem with its 100 ton per year capacity was not keeping up with the demand. Of course this had been foreseen and a decision was made to double it. This involved shutting down the plant for the duration of the extensions. Because of the on-going demand it was impossible to stock-pile APC prior to the shutdown. Obviously for a period of several months a large quantity of APC had to be sourced outside the country in defiance of prevailing military sanctions. This was difficult and expensive and I believe that initially the necessary APC supply was sourced from America and that it was brought in on SAA passenger planes as an integral part of the necessary deception."

Are you aware of this, Mr Steyl?

MR STEYL: Chairperson, I'm not at all aware of that. It may be that there were problems with the plant, and if the plant was closed, I can't comment on that, I don't know about that, but that there were that vast amounts of the chemical entering the country, well, I'm not aware of that. I can't think for one moment that such vast amounts could enter the country commercially from the States and I also can't conceive of such large amounts of the stuff could be brought in in the cargo holds of planes. You mentioned Israel, the sea transport or traffic between South Africa and Israel was done on such a regular basis that it could actually have been conveyed very easily between South Africa and Israel.

MS TERREBLANCHE: I would just like to ask Mr Peyaga something, should I ask you first?

CHAIRPERSON: I can't understand how you can do that, he's not testifying. You can't, if there's anything that you want to clear with him in his capacity or whatever, I think you should find the time to do that and we can make an arrangement in terms of which we will receive whatever he has to say, but we can't in the middle of putting questions to the witness put other questions to somebody else who is legal representative of that particular person.

MS TERREBLANCHE: Is this something that I can read into the record?

CHAIRPERSON: Can we adjourn quickly so that I can appreciate the nature of your request. We'll adjourn for five minutes.

HEARING ADJOURNS

ON RESUMPTION

JOHAN LODIEWIKUS STEYL: (s.u.o.)

CHAIRPERSON: Ms Terreblanche?

MS TERREBLANCHE: I don't have any more questions, Ms Patta?

MS PATTA: No.

CHAIRPERSON: Is there something you wanted to place on the record?

MS TERREBLANCHE: I would just like to say that I think we really should be addressing some of these questions to a representative of Somchem at the time, either the former MD or the former Procurement Officer, we have the names of, but can't locate, and I think that perhaps Mr Steyl is not the right person.

CHAIRPERSON: Mr Steyl, do you know of anyone from Somchem whom you think would be appropriate to come and address us?

MR STEYL: Mr Chairperson, the procurement person who did the procurement at Somchem for many years, there's a person by the name of Humphreys and I would think that he, Francois

Humphreys, would be the suitable person to be able to answer your questions.

CHAIRPERSON: Where can we get hold of him?

MR STEYL: Until recently he was still involved in Somchem and then he was transferred to Denel, head office in Pretoria, but I have an idea that he retired a month or two ago and I do not know exactly where he is at this moment.

CHAIRPERSON: Ms Terreblanche, does that assist you?

MS TERREBLANCHE: At this stage it assists me. I would just like to ask that if either of the two gentlemen have any idea where to locate Mr Decker or Mr Humphreys if they could pass on that information to us.

CHAIRPERSON: Can I just put a few questions. Now, I don't know if I got it correctly from you, at the time of the Helderberg incident, where you with Armscor?

MR STEYL: That's correct, yes.

CHAIRPERSON: And what position did you hold then?

MR STEYL: Manager of Shipping Services.

CHAIRPERSON: And would the decision to send the Maritime Institute to participate in the investigation taken by you or would it be taken by somebody higher than you?

MR STEYL: No, it was not a decision made by me. I had to accept that it was made by the Management of Armscor. I only

read about their involvement in the newspapers, I was not involved in the decision making.

CHAIRPERSON: Were you not aware that after the crash, such as it was called, South African Airways and the Military immediately dispatched an aircraft to Mauritius, are you aware of that, and that on board some of this aircraft were a number of Armscor personnel who stayed at the Meridian Hotel in Mauritius?

MR STEYL: At the time that this was arranged I was not aware of the fact. I read about it for the first time in the newspapers.

CHAIRPERSON: Dr Steyn who was before you confirmed this that there was a group who was sent, and he said it was the Maritime Institute who had been requested by SAA to go and assist in the search. Now, what did you read in the newspapers, what was the purpose of them going there?

MR STEYL: What I read in the newspapers is that they went to look at certain things which had washed up on the beach, they were looking for certain objects, cargo, I don't know what it was, but they were looking for one or other item which could have washed up from the sea, that's what I read in the newspapers. What I understood from Armscor when this was said in the newspapers was that they were sent there, IMT was sent there to help with the investigation, but I cannot comment any further, I do not know.

CHAIRPERSON: You yourself never saw the investigation report when your group of people came back, did you?

MR STEYL: No, I did not see it.

CHAIRPERSON: So you know nothing about either their going or their returning or the report that they compiled?

MR STEYL: That's correct, I do not know.

CHAIRPERSON: Mr Magadhla?

MR MAGADHLA: Do you know if Armscor participated in the investigation by Justice Margo, by perhaps making a submission as to what their side of the story was?

MR STEYL: No, I am not aware of any submission made by Armscor to the Margo Commission.

MR MAGADHLA: But were you yourself approached by the investigators of the crash itself for your own role as what you were at the time?

MR STEYL: No, I was not approached by the investigative team, I was only approached by my own Management, that of Armscor and at a stage we were visited by the SOS security, who came to question us and look at our records at that stage as to whether there was any possibility that we had any cargo on that aeroplane, that was my only involvement in the investigation of the Helderberg incident.

MR MAGADHLA: Was it that they felt that it would have happened that you had cargo on that plane and it was left for you

to say, no or yes, you did? Did this mean that, according to them, this would have been practised at times where there would have been any incident like the one, but seeing that now there was this incident, they felt they should come and find out from you whether this time around you had any cargo in that plane, in that particular plane?

MR STEYL: The way in which I interpreted it, was that it was merely a routine visit, because at that stage in the newspapers there were reports or rumours that Armscor could be involved, they did not ignore this, but they then came to ask the questions and do the investigating.

MR MAGADHLA: Their investigation as you know, did not extend beyond the country. They wouldn't perhaps have investigated Armscor activities in Taipei for instance, or in Israel, with regards to conveying that kind of stuff in aeroplanes?

MR STEYL: It is very difficult for me to comment on this question because I cannot say yes or no, whether the airline SAA or the Margo Commission did such investigations, I'm not aware of any such investigations. I cannot answer, I do not know.

MR MAGADHLA: Would you have been part of a panel or a group of officials of Armscor who would have received a briefing from representatives of Armscor in that situation, for instance, a representative of Armscor would have under normal circumstances perhaps after the whole investigation, the whole

Margo report or Commission, would then have come to that panel of people or that group of people, officials to say, look this is how it has all gone, our contribution has been appreciated and this is - now it's over?

MR STEYL: At that stage, I'm now referring to the late 80's, '87 when the accident took place, I was not in the Senior Management team of Armscor and if such sessions were held, then I was not involved because I have no knowledge of any such sessions.

MR MAGADHLA: Thank you.

MS TERREBLANCHE: Mr Chair, I think we have concluded.

CHAIRPERSON: Well, it remains for me, Mr Steyl, to thank you and your legal representative, Mr Peyaga, for having come and in circumstances where notice was possibly short where you could not even try and get documentation if you would have been able to from your offices or the offices which you held at the time. I would like you to appreciate that this is an enquiry we are having to do in the light of persistent requests from families of people lost friends and relatives in that tragedy. It's an enquiry that we would have loved to do on the scale of the Margo Enquiry, but we just do not have the resources and the capacity and the time to do it in, but we are trying and endeavouring to come to terms with the reality of this tragedy, but our own direction is to follow the paths that we hope will reveal at some stage the truth about

what happened, and I'm sure it will be in the interest of everybody if we're able to get to that truth. And to the extent that you have contributed to telling the story in your own way, in the way in which you heard whether it was rumours, and in the way in which you have information that you can share with us to that extent, we thank you. You are excused and in the event, as Ms Terreblanche asked, you are able to trace or assist us in tracing people in Somchem who you consider might shed light on this mystery, we would be very much indebted to you if you could let us know, whether by yourself or through your legal representative, Mr Peyaga. You're excused.

MR STEYL: Thank you very much.

WITNESS EXCUSED

MS TERREBLANCHE: Thank you very much, Mr Chairman
...(intervention)

CHAIRPERSON: Do you have any further evidence, Ms Terreblanche?

MS TERREBLANCHE: Yes, I have two more witnesses for the day, this actually concludes our witnesses for the Helderberg. I am now calling Mr J N J van Rensburg, he was the attorney who assisted Judge Margo on both the enquiries.

CHAIRPERSON: Okay, you're excused Mr Peyaga.

CHAIRPERSON: Mr van Rensburg you are reminded that you are still under oath.

This is the enquiry into the Helderberg air disaster and Mr van Rensburg, who has been sworn in already, will testify. Miss Terreblanche?

MS TERREBLANCHE: Thank you. Now, Mr van Rensburg, I assume that the same procedure was followed vis a vis DCA with the Helderberg enquiry.

MR VAN RENSBURG: In terms of annex. 13.2, the Chicago Convention, yes.

MS TERREBLANCHE: So basically they provided you with evidence?

MR VAN RENSBURG:  That's correct.

MS TERREBLANCHE: I also understand that when, just before the enquiry was opened or started, some submissions were asked for from all interested parties.

MR VAN RENSBURG: Yes.

MS TERREBLANCHE: And was there a deadline to that?

MR VAN RENSBURG: If I can just give you an idea here ... (intervention)

MS TERREBLANCHE: How much time did they get?

MR VAN RENSBURG: No, no, it was - we published well in advance, before the actual hearings, I mean, the Board conducted