

ON RESUMPTION

CHAIRPERSON: Good afternoon, evening Mr Van Druten. Let me apologise for having kept you all so long. There are some of the logistical nightmares around time and I am told that we are not going to keep you long. But I've heard that story before, and I would hope that this time around we really will not keep you long. Before you testify, I would like to ask if you have any objection to taking the oath.

JOHAN ANDRIAS VAN DRUTEN: (sworn states)

CHAIRPERSON: Witness has been sworn in. Ms Terreblanche?

MS TERREBLANCHE: Mr Van Druten, thank you for coming forward. We understand this is a matter that has disturbed you for a long time and that it's quite an emotional experience. I'm sorry that you had to wait so long. I understand you've done a written submission.

MR VAN DRUTEN: I have.

MS TERREBLANCHE: Do you want to present it first?

MR VAN DRUTEN: I think that might be a good idea. It will give you an overview of why I'm here.

MS TERREBLANCHE: Right. We might ask questions of clarification in-between, but perhaps after.

MR VAN DRUTEN: Sure.

MS TERREBLANCHE: Thanks.

MR VAN DRUTEN: Should I go ahead?

CHAIRPERSON: Can I just establish whether the engineers are aware that this is relevant to something else other than what we have been dealing with? Mr Van Druten.

MR VAN DRUTEN: All right. I'll read my submission. It's a nine page submission; it should take about 20 minutes.

"At the time of the air crash in October 1986 I was employed as a news editor on the staff of SABC Television in Johannesburg. My job responsibilities included news gathering, administration and also investigative reporting assignments. I was off duty on October 19th and was not involved in news coverage of the air crash and its immediate aftermath. I became involved when the government issued instructions that no media representatives would be allowed to attend proceedings during technical investigations at the crash site.

At an early morning television news planning session I suggested that we pull out all stops in a concerted effort to somehow overcome this rather suspect government directive. It had in effect placed a complete embargo on news coverage during the on-site technical investigations.

~~We chose to ignore the ban and worked towards overcoming it.~~

At the time police officer Leon Mellett was head of the government's newly formed information service in Pretoria.

He was co-ordinating liaison between the government and the media in respect of the air crash and I contacted him by telephone for permission to attend the technical investigation and to compile a television documentary of activity at the crash site. In response to this he suggested we meet at his office in Pretoria to discuss my request.

I knew from the outset that the going would be tough during this meeting because of the tremendous sensitivity surrounding the issue in the light of increasing accusations that the South African government had a hand in the disaster, hence its reluctance presumably to permit any media representatives access to the crash site.

I managed to convince Mellett during our meeting that my plan was to compile a perfectly objective news program and that there was no hidden agenda on my part.

After he gave the go-ahead to attend the on-site investigation and once all arrangements were completed, I left Johannesburg by car along with an SABC news cameraman, Mr Pieter Cilliers.

We arrived in Mbuzini when the investigation was already underway. I introduced myself to the two senior police officers controlling events at the site, but they at that stage had no knowledge of my permission to attend proceedings.

Their instructions were to refuse all journalists access to the site.

This problem was duly sorted out and I was introduced to Mr Piet de Klerk, the chief South African accident investigator, appointed by Civil Aviation to head up the on-site probe.

He told me that at no stage would I be allowed to approach the crash site while the three teams were busy investigating the wreckage. By the three teams he meant his own, the Russians and the Mozambicans. He added that only once the two foreign teams had left at the end of each day, could I approach and discuss developments, if any.

In accordance with this the cameraman and I sat patiently in our car parked under a tree on a hillside, 50 or so metres from the crash site. De Klerk also warned us against filming any sequences of the investigators while they were sifting through the wreckage.

We watched and waited as they went about their work and later that day - which was the first of our two days spent on the site - the foreign teams eventually left together in their

helicopter for the return flight to Maputo. I was surprised

that they had left so early - about quarter to three - and once their aircraft disappeared over the horizon we strolled closer to where Mr De Klerk and a group of men were

gathered at an open van parked alongside a conference tent which was pitched just beyond the perimeter of the crash site.

I joined this group and stood listening to their discussion, hoping to pick up the threads of the story as it unfolded. By this time I had, through earlier discussion with police present at the site, become familiar with the ground rules prevailing during the probe. One of these required that no member of an investigating team was allowed to sift through wreckage on site unless accompanied by members of the other two teams, with the constant presence of a police officer assigned to each group for monitoring purposes. One of the policeman's tasks was to ensure that nothing was removed from or placed on the site in a clandestine manner.

While standing with the group of men alongside the tent, I noticed that a South African investigator was still roaming about alone on the crash site, occasionally bending to inspect bits and pieces. I thought this odd, but did not pursue the matter. A short while later he came walking

~~briskly toward our group, clutching a rectangular plastic~~
box. He was excited, and everyone gathered around to see what had been discovered.

In the ensuing discussion he said that it could be a frequency scrambler, and that it seemed similar to devices he had encountered during his years up north in Rhodesia. This man was Mr Roy Downes, the second of the two investigators comprising the South African team probing the crash. At this point De Klerk realised that I was party to the discussion and he ushered his colleague away and into the conference tent.

Thinking about this later, I realised that as I had not at that stage been introduced to Mr Downes formally, he may have presumed that I numbered among the policemen or air force staffers attending the investigation."

Although that may seem rather an unusual presumption on my part, but that did occur to me later.

"This is perhaps why he spoke so freely in my presence.

Shortly thereafter De Klerk took me aside and ask that I refrain from mentioning anything about the device in my news reports as their investigations 'were at a sensitive stage' and that experts first needed time to study the device and establish exactly what it was. He went on to say that if

I reported the find, I would not get any further co-operation from his team and would not be permitted to remain on the site.

This development had me quite disturbed, as my intention was to gather a comprehensive picture of events at the site during proceedings and I had to make a snap decision based on the sudden turn of events.

Many thoughts crossed my mind, including the possibility that if the device was in fact a frequency scrambler and had been used to bring down the presidential aircraft, then an element of danger could exist through non-co-operation as witnessed or perceived by unknown agents of the perpetrators. I was not overly concerned about this, but it did cross my mind.

Also, I thought De Klerk's motives were genuine and he seemed a particularly responsible person. And I offered no objection to shelving the matter. I resolved to go along with his ultimatum, knowing that I could always pursue the matter at a later date, which I subsequently did.

It was clear that the South African investigators were disturbed by their find under irregular circumstances as De Klerk asked me film the sampling of soil at the spot where the device was found, imbedded on the crash site. I

~~complied and gave De Klerk the video cassette with this~~
footage and presume it was kept to substantiate any later claims that the device was indeed found in the wreckage.

I duly left the area after gathering sufficient material for a documentary on the proceedings and returned to Johannesburg. As time passed, I monitored developments in the unfolding saga, but heard and read nothing more of the device. I attended proceedings on the day that the Margo Commission released its findings in the Rand Supreme Court. Afterwards in the courtroom I approached counsel leading evidence for the Commission and asked him in the presence of De Klerk why nothing had been said regarding the device during the Commission's deliberations to the best of my knowledge.

He seemed taken aback by my question, but De Klerk interjected and said I should not worry, as the device was examined by experts and found to be harmless. I left it at that and months later, still uneasy about the fact that no mention had been made of the device, I wrote to Justice Margo in an effort to set my mind at rest and to prepare notes for an eventual publication of a book on the subject. Margo's written reply contained no mention of the device which suggested to me that he may have had absolutely no

~~prior knowledge of it. He promised to investigate the~~
matter. He wrote again later..."

- a few weeks later, about a month -

"...and said that South African Aviation Authorities had offered an explanation in respect of the device.

A few years later, still bothered about the affair, I wrote to three of the original commissioners to ascertain whether they had ever been aware of the device and the circumstances under which it had been found. I received no replies. The letters, all identical, were sent off on or about the 11th of November 1994 to the following commissioners: Sir Edward Everley at the Royal Courts of Justice in London; Mr Jeffrey Wilkinson at Buckingham House in Hants; and Mr Piet van Hoven at his office in Gauteng. I sent letters to the two former and a facsimile to the latter.

I also wrote to the Department of Foreign Affairs in Mozambique requesting the addresses of their technical investigators as I wanted to check whether they had any knowledge of the device. I received no reply to this letter either.

At this point I would like to deal with the device as I remember it, considering that it plays a pivotal role in my submission to the Commission today. I've brought an

~~example to illustrate its general configuration and size.~~

This is a typical what is known as an electronic enclosure which is often used for custom-built electronic devices. It's not something that you buy off the shelf in an electronic store. It's

almost exclusively used for custom-built electronic devices and this is roughly the size of what it was. It must be borne in mind that it's now 12 years ago and I'm almost certain it was not white; it was black in colour. That is just to give the Commission an idea of what we're talking about.

"You will see that in my original letter to Justice Margo 20 months after the event, I point out that the activation switch was on, suggesting that it was indeed operational at the time of the air crash."

I might just add that I remember very distinctly that it had a toggle switch on it, and it was in the "on" position. I'm almost sure it also had what is known as a light emitting diode, better known as a LED; an LED. But I must say that I'm not too sure of that. It's a little bit too distant in my memory, but the switch I am certain about and I'm also certain about the positioning of the switch.

"The Commission should bear in mind that when dealing with modern electronics, more often than not design and construction incorporates the use of integrated circuitry and size is often quite disproportionate to inherent power and capability."

In other words a compact electronic device can sometimes pack a powerful punch indeed."

"The question to ponder is that if this device was aboard the presidential aircraft on final approach to Maputo airport, what effect would it have on the craft's electronic navigational instruments?

One factor which was highlighted in the factual report as submitted by the investigators to the original Commission of Inquiry, was the weak and unreliable ground based radio and navigational aids used by pilots on approach to Maputo airport. Pages 16 and 17 of their report deals with this in detail, under the heading 'aids to navigation'.

Whatever the device actually was - and it certainly was not another run of the mill battery operated shaver or similar consumer apparatus - it may have constituted an in-flight hazard to the aircraft's avionics, especially since incoming navigational signals were known to be weak.

As any frequent air traveller knows, there are stringent regulations in place requesting passengers not to use electronic equipment while on board. In this instance we are dealing with a distinct departure from the norm, considering it is a custom-made electronic device with a special function.

One should ask then what effect it had on the avionics of the flight if it was aboard, as it was certainly in the active mode when found by the investigators. This alone in my

opinion made it quite essential to have exhaustive test results in respect of the device placed before the original Commission of Inquiry. Not only was it necessary to establish whether or not the device had an effect on incoming radio navigational signals under normal circumstances, but also under the special circumstances prevailing in the area on approach to the airport in Maputo."

In other words did the Commission have adequate opportunity to weigh up this important aspect, and others relating to the device? That is the essence of my submission here today.

With the Commission's permission I wish to give my own reasoning in respect of developments as they unfold and which has - these developments have been of particular importance to me as I've looked at the matter over the years.

"My concern surrounding the affair is that once the device was found and removed from the site under irregular circumstances, the investigative procedure itself was rendered quite suspect. In the light of this important questions need answering.

~~Firstly, were the police not seriously at fault in failing to~~
prevent the South African investigator from sifting through the wreckage while the foreign teams were absent?

Secondly: what happened to the device after it was found under irregular circumstances?

What security guarantees could there possibly be, given the one-sided custodianship of the device from the time of its discovery to when it was presented to the foreigners for examination, if in fact this was ever done? It should be remembered that Justice Margo's second written reply to my query suggests that only information was passed to the Russian and Mozambican delegation regarding the device.

Was the device tampered with in any way while under this unilateral custodianship to render it harmless if indeed it was found to have contributed to, or caused the accident?

The fact is that the foreigners were effectively removed from the picture for a period and consequently the whole process of impartial checks and balances was completely destroyed. No amount of damage control could undo the irregular finding, even if foreign inspectors were later persuaded to accept the South African bona fides on the issue, as was suggested by Justice Margo in his second reply to my letter.

~~The general circumstances surrounding the finding of the~~
device must render in my opinion any conclusions reached the original Commission of Inquiry as singularly suspect, if not totally unacceptable. The cold, hard fact is that the

device was not found in accordance with ground rules prescribed by all three government agents involved in the probe.

Why was the finding of a foreign electronic device in the wreckage not given the priority it deserved in the original hearings? Was it in fact ever adequately brought to the Commission's attention, or was it glossed over and perhaps left in obscurity among the avalanche of facts and figures in the reams of documentation placed before the Commissioners and hence overlooked?

Was the device a frequency scrambler or a homing device or perhaps an anti-bugging device as suggested by South African experts? Whatever it was, the irregularity of the find brings in an unavoidable element of serious doubt. I don't think that that doubt should be confined to my mind alone.

Whatever the case, I believe that this Commission needs to weight the circumstances as witnessed by myself at the crash site and decide whether or not these impact on the findings on the original Commission of Inquiry into the

disaster."

MS TERREBLANCHE: Thank you very much Mr Van Druten. I think Deborah Patta would ask you some questions.

CHAIRPERSON: Deborah Patta.

MS PATTA: After you phoned me with this information Rusty, you asked me to make some checks and maybe I should just put those on the record. I was going to do this when I made a submission, but I think it's appropriate just to put them on here now.

I phoned Col Des,Lynch who was the accident investigator.

He concedes on the record that it was in contravention of the rules; that they were not supposed to have removed it, but he said that they did hand it over to Mozambican and Russians 24 hours later which was in strict defiance of the rules. 24 Hours later it was handed to the Mozambicans and the Russians, and they asked exactly those questions: why had it been removed from the wreckage and was it not illegal.

But the actual device ~~that was handed~~ over, was found to be an anti-bugging device, the kind that would be carried in a bodyguard's briefcase. But obviously there was a 24 hour period in which anything could happen to that. And he couldn't explain or answer if something happened to it in the meantime.

And I also checked with Graca Machel, and she said that Mozambique was not equipped with that kind of technology, to

~~have anti-bugging devices in bodyguards' suitcases. But Col Des~~

Lynch won't be testifying, so I think it's just important to put that on the record. And you can talk to Graca about whether they

would have had an anti-bugging device. But it certainly adds weight to Rusty's submission.

Can I just ask you just one other thing? Did you ever have a conversation with Roy Downes about the whole thing?

MR VAN DRUTEN: Not subsequent to that very brief period that I was at the crash site. I've never seen him since at all. Immediately afterwards - you know, it must be pointed out that being a journalist covering the technical investigation, my brief was not to cover the investigation for that period for television news broadcasts on a daily basis. I was there to do a documentary over a few days.

So when I was given this ultimatum by Piet de Klerk all these different thoughts went through my mind and I realised that really, I'm not going to rush back to Johannesburg and report on this find; that's not my brief. I'm there to do a documentary and I can well shelve the issue for a while.

And once having shelved it, then it was up to me to monitor it, as I have done. And what was particularly disturbing to me was that nothing appeared in the media. And it's important also to remember that I was not following the Margo Commission of Inquiry as it was held in the Rand Supreme Court on a daily basis.

We had journalists doing that. But I kept an ear to the listening post to establish whether in fact anything ever was mentioned in the press or in the reports coming back from our journalists.

And then when I heard nothing, and that is why I approached counsel on that last day and I said you know, what's going on? I've been kind of hoping that something would have been said about this. And nothing was. Which to me was odd. To say the least. Maybe that was because it was realised that the find was under irregular circumstances and the implications of that were quite serious indeed. And that's why maybe it was kind of shuffled among all the notes. This is pure speculation on my part. That could have happened.

Indeed, counsel's immediate body language and reaction when I posed that question, was he was taken aback. He didn't know what to say. He had obviously not heard anything about it during the proceedings. And that was quite illuminating for me, to say the least.

But then Piet de Klerk was quite jocular about it. I felt a little bit embarrassed in a way because maybe I'm asking a silly question by saying what happened to this device.

But I must say that I sense - now that I'm touching on that, you know the impression I got with a fellow like Piet de Klerk, I was immensely impressed with him. I considered him to be a very responsible person, in my albeit very brief dealings with him over that two day period.

I think what happened was that Roy Downes was sniffing around on the crash site and he found this device and obviously

everyone was now prejudiced, including the chief investigator, Piet de Klerk. And he had to resort to a bit of damage control, which I think was mistake no 1.

You know, I think human nature is to resort to damage control rather than to say well, that blows our investigation completely. And it does as you've correctly said. Because if there was a half an hour time lapse before the Russians and the Mozambicans were given this device to inspect, the fact of the matter is that half an hour existed, let alone 24 hours.

No-one will ever know what happened in that 24 hours. And that is really why I felt you know, why it was so necessary to write to Margo after the Commission, even though I was a little bit embarrassed putting the issue to Piet de Klerk on the last day of the Commission's findings, and to have been given the impression that you know, you're really just wasting our time; we found it to be an anti-bugging device, it's not an issue.

But I kept all the documents and I went on with my life in every other sphere and eventually did a bit of work on it and contacted the Commissioners and I was surprised that they didn't write back; I was surprised that I didn't get any reply from the

~~Department of Foreign Affairs in Mozambique.~~

As it happens I might just also mention that I have since written that book, but it's important to know - and the Commission must be perfectly aware of this fact - that my book

has no bearing on this case other than I used the device to spin a yarn which is completely fictitious. But in essence what I did was to give the readers an idea of what could have happened. Because no-one knows what that device was.

And that's important to note that, should my book ever fall into the hands of the Commission, they must bear in mind that it is a work of fiction. I've simply used about 10% fact; I've used the events in the aircraft at the time, the last 20 minutes of the flight before the crash and maybe my motive there was to kind of spark a bit of public interest in the hope that the circumstances surrounding this device would eventually come out.

And I must say that I've been a little bit perhaps hesitant and concerned also, especially up until the change of government because you know, you never know what's going on in the wings.

If there was in effect a device, and it was a device that can be found to have brought that aircraft down and it is eventually shown who that was; one doesn't really know if you are becoming involved in a net of intrigue that could perhaps also be harmful to yourself. And I'm not a very courageous person, so you know, that is perhaps something to bear in mind.

~~MS PATTA:~~ And one other question or clarification: is it your belief that this device would have been on the plane? As opposed to a VOR beacon on the ground.

MR VAN DRUTEN: Well, you know that's a very difficult question.

MS PATTA: You don't know.

MR VAN DRUTEN: No, I don't know.

MS PATTA: Okay.

MR VAN DRUTEN: No, in simple terms I don't. It was found in the ground, embedded in the ground. And that's why he had me take video of soil samples being collected at the exact spot that it was found.

CHAIRPERSON: Mr Magadhla.

MR MAGADHLA: Besides the device itself, did you make any other follow-up investigations to try and establish somewhere away from the device, any other further factors which would add up to your suspicions about what could have happened? And in fact to suspicions of other people as to what could have happened?

MR VAN DRUTEN: No, I didn't. Perhaps mainly because I left the field of journalism at that time, permanently. I left the SABC in 1987, a year later. And then I joined the Namibian Broadcasting Corporation in Namibia. And that is when I wrote

~~the letters to Justice Margo, from Namibia. And when I left the~~
Namibian Broadcasting Corporation I left the field of journalism completely and I really didn't deem it my job to become involved

in the whole task. But eventually I wrote the book in perhaps generating a bit of interest in the area.

MR MAGADHLA: Have you ever had occasion to meet Piet de Klerk and Roy Downes after that?

MR VAN DRUTEN: I didn't meet Piet de Klerk. I spoke to Piet de Klerk on the telephone quite a few years later on an unrelated subject that dealt with the safety aspects relating to microlight aircraft. I was writing a feature article on it as a freelance writer. But that was just - the subject never came up with Piet de Klerk. I never subsequently - in answer to your question, I never cross-examined Piet de Klerk or Roy Downes ever again on the issue. The last time I dealt with Piet de Klerk regarding this issue was that day in the Rand Supreme Court, on the final day when the Margo Commission released its findings.

MR MAGADHLA: Did you write to Margo after his reports of his findings at the Commission about the device?

MR VAN DRUTEN: Yes, I did. Can I perhaps read his answer to you?

MR MAGADHLA: Okay.

MR VAN DRUTEN: Should I read my letter to Margo first? It's ~~not too long.~~

MR MAGADHLA: I think that will do.

MR VAN DRUTEN: It's a page long. I wrote the letter on the 29th of August 1988 which was about 20 months after the crash.

"Dear Justice Margo, I am preparing material for eventual publication in respect of the various interesting assignments covered during the years spent as a reporter with SABC television news. One of these was the technical investigation into the probable causes of the Machel air crash. And for this reason I wish to clarify certain aspects relating to the finding of a frequency scrambling apparatus at the scene of the crash.

During the on-site investigation by technical teams I was present when the South African DCA investigator unearthed the remains of the electronic box after the other two teams had left the area for that day. The activation switches were positioned so as to suggest that the apparatus was indeed operational at the ~~time of the crash~~. And subsequent discussions with the leader of the SA team indicated that the finding was deemed to be significant, as I was asked to film the taking of soil samples at the spot where the apparatus was found.

In my own investigations at a later date it was suggested that perhaps the scrambler could well have had an adverse

~~effect on incoming navigational signals which in turn may~~
have contributed to the accident. The reasoning for this conclusion is that if the device is capable of scrambling incoming signals designed to detonate any radio-activated

explosives, then surely the possibility exists that navigational signals could also be adversely affected, as after all one often encounters clear regulations on airliners prohibiting the use of electronic equipment during flight.

During the subsequent sitting of the Commission I expected to hear some reference to the device, but as I was not present every day, perhaps this was raised in my absence.

On the last day of proceedings I approached counsel leading evidence for the Commission and asked why nothing had been said regarding the scrambler. He replied in the presence of the DCA chief investigator that it was not of consequence, or words to that effect.

I would appreciate clarification regarding the Commission's findings in this respect, as it will play an important part in the final compilation of the chapter which I plan to prepare for publication."

On the 6th of September 1988 I received a reply from Justice Margo:

"Dear Rusty..."

- I might just add that I'm known as Rusty -

~~"I am looking into our records and will write to you in about two months' time. Unfortunately I shall be travelling on and off for the next eight weeks or so and cannot attend to your request sooner."~~

On the 26th of September 1988, I received a second reply from Justice Margo as he promised:

"I have now had an opportunity of looking into the subject matter of your letter of 29 August 1988. The device to which you refer was initially mistakenly thought to be a jamming device, but was later identified by experts as a bug detector, capable of receiving signals over a wide frequency range, but incapable of any transmission that could have jammed an incoming radio navigational signal.

This information was passed to the Russian and Mozambican delegation during the preparation of the factual report. They concurred and offered no further comment.

If you have any further queries, I suggest that you refer to Mr RW van Zyl of the Directorate of Civil Aviation, who was effectively in charge of the investigation and whose great ability and integrity are widely recognised.

Regards, Cecil Margo."

I might just add at this stage that this letter may have had a particular psychological effect on me in relation to your earlier question, ~~did I make any further investigations. I kind of saw this~~ as wrapping up the whole affair. If Justice Margo after all who was the chairman of the Commission was satisfied, who am I not to be? That was perhaps my reasoning at the time.

And then, a few years later I wrote to the three Commissioners and I have that letter here if I should read that to you. Would you like me to do that?

MR MAGADHLA: Yes, go ahead.

MR VAN DRUTEN: Okay. Bearing in mind that I wrote to Sir Everley and to Wilkinson and also to Van Hoven:

"As you were members of the Commission which sat in Johannesburg in 1987 I would like to draw your attention to certain aspects of the technical investigation which may or may not have formed part of your deliberations at the time.

Before elaborating and with due respect I would suggest that should the following aspects not have formed part of your deliberations ~~in reaching a conclusion~~, then it is possible that you were not adequately briefed by the responsible parties.

Immediately after the accident South African authorities made it quite clear that no media representatives would be allowed to monitor proceedings at the crash site during technical investigations. As a television reporter I chose to ~~ignore this directive and arranged to go along in the hope~~ of securing on-going news coverage of events.

On arrival at the site on the second day of investigations I was instructed by the authorities there that my team's

presence could only be tolerated on condition that we remain beyond site limits during the hours of investigation.

I was also advised that once investigations had been completed each day, only then could we approach the DCA team for comment, if any.

In compliance with this directive I remained in my vehicle well beyond the limits and waited for the agreed opportunity to obtain feedback. At the end of our first day there and shortly after the investigators from Russia and Mozambique had departed in their helicopter, I ventured forward and met with the chief SA investigator, Mr Piet de Klerk who was standing alongside a van talking to his colleagues. The van was parked on the perimeter of the crash site, only 20 or so metres from the main wreckage.

At this stage one of the South African investigators was still sifting through wreckage on the site. I suspected that this was in contravention of the apparent agreement that no on-site investigations would take place without the presence of all three teams, i.e. South Africa, Mozambique and Russia. As it happened the investigator found a free-standing electronic device imbedded in surface ground a short distance from the main wreckage.

Expressing some considerable excitement at his find, he approached our group, carrying the apparatus. It was a

typical plastic electronic box with the switch positioned in the active mode. In the ensuing discussion the investigator said he thought the device was a frequency scrambler.

On realising that I had been witness to this discussion I was asked to refrain from any mention of the find in my television reports as the investigation was deemed to be at a sensitive stage. I had no objection to shelving the matter, as my continued reportage of events depended on total co-operation on site.

I was subsequently asked to film the gathering of soil samples at the spot where the device was found. This was to be used if any dispute arose as the find.

I remained at the crash site for a few days and reported all subsequent events, ~~excepting any mention of the matter relating to the device.~~

When the Commission later sat in Johannesburg, I expected to hear some mention of the device, but nothing at all was said during the proceedings. After proceedings on the last day and in Mr De Klerk's presence I ventured to ask counsel leading evidence why nothing had been said

~~regarding the find and was told by Mr De Klerk that the~~
device had been studied by experts and found to be an anti-bugging device.

The whole affair has been lingering in my mind over the years and have thus decided to request your impressions on the matter. What is so very crucial regarding the device is did the other teams of investigators ever see the device found at the crash site, and what possible guarantee is there that it was the same apparatus?

Whereas the absolute integrity of the investigators is beyond doubt in my mind, it does not guarantee access by others after its finding. Given the tremendous sensitivity of the whole affair at the time, it is hard to see that the Russians and the Mozambican team would calmly have accepted an explanation considering the ground rules had seemingly been broken.

My investigation suggests that these teams were apparently told of the device and also that it was an anti-bugging device. They apparently concurred, but I have yet to hear this from the horse's mouth. With respect: were you ever informed about this device?"

I didn't receive a reply to this letter from any of them. That's all the documentation that I have.

~~MR. MAGADHLA: The last question from me: did it occur that~~
any of the parties claim ownership of this device? Because the passengers being army personnel, if it formed part of kit of any

one of them, perhaps the ownership thereof would have been claimed. Was there anything of this sort?

MR VAN DRUTEN: Very interesting question. In fact it's never occurred to me, I must confess. But in answer to your question: no. It never occurred to me to investigate that aspect. Perhaps because I was so engrossed in the fact that it was just found on the aircraft and I didn't really question you know whether it was found on the aircraft; whether it was placed on the ground. I was just very - the main element from my point of view is that it seemed to me that it was kind of covered up. It was...
[intervention]

MR MAGADHLA: I mean if Justice Margo was to say to you, later in his letter to you that it was a bugging device?

MR VAN DRUTEN: An anti-bugging device, whose was it? Whose anti-debugging device was it?

MR VAN DRUTEN: Yes. I never pursued the matter, and I never questioned it further. I was really just concerned about the circumstances of the find itself.

MR MAGADHLA: Thank you.

MS TERREBLANCHE: I just have a question of a different kind.

~~You were at the SABC at the time?~~

MR VAN DRUTEN: I was.

MS TERREBLANCHE: I was told recently by a then very junior journalist; somebody who was working under somebody with the name called Chris Olckers.

MR VAN DRUTEN: Yes.

MS TERREBLANCHE: Did you know the person?

MR VAN DRUTEN: I do.

MS TERREBLANCHE: Did you work with him?

MR VAN DRUTEN: I did.

MS TERREBLANCHE: And that this person was on duty when the accident was first announced, which was shortly after midnight.

MR VAN DRUTEN: Yes.

MS TERREBLANCHE: And that what Chris Olckers told the news room was that not only Machel, but that Oliver Tambo also died in an air crash. Have you ever heard that? I'm just trying to establish...

MR VAN DRUTEN: No. I have never heard anything - I may have heard it, but I certainly don't remember it. I might just enlighten you a bit further as to Chris Olckers' function. Chris Olckers was primarily the crime reporter at the SABC. And that ~~is why his function was to cover the event. And the distinction~~

really between my function as an investigative reporter is to follow through subsequently.

MS TERREBLANCHE: But why send a crime reporter and not a political reporter to... [intervention]

MR VAN DRUTEN: Well, I have a lot of my own personal impressions about Chris Olckers, but I don't think they are pertinent to this hearing. And in fairness to him in that respect, and in direct answer to your question, I cannot really fairly say anything about that at all. But suffice to say that I certainly have my own opinions as to his real function.

MS PATTA: Can I have two questions? I know you were with television. Do you remember an SABC radio broadcast after the Machel crash the morning, in which Renamo claimed responsibility for shooting down the plane? I think it was broadcast once and then hastily withdrawn.

MR VAN DRUTEN: No, I'm afraid I don't. I have no knowledge of that at all.

MS PATTA: Okay. And do you remember a documentary that was made by the SABC, it was a military intelligence propaganda video that was put out; broadcast on TV about the Samora Machel crash?

MR VAN DRUTEN: I have vague recollections of that.

~~MS PATTA: Neels van Wyk was the producer of it.~~

MR VAN DRUTEN: No, but again my memory would not be adequate for your purposes at all.

MR MAGADHLA: Can I just ask, where was Cliff Saunders at this time?

MR VAN DRUTEN: You know, Cliff Saunders was a law unto himself at the SABC. I think that is a question you'd best put to him. I really don't know. He used to come and go under his own steam. He may have been in America justifying or doing a documentary for all we know, on the tough times that the Black Americans were having in America to illustrate to South Africans that our... [intervention]

MR MAGADHLA: He didn't have any part of this matter in terms of his own interest of broadcasting or what have you?

MR VAN DRUTEN: Not to my knowledge.

...(tape ends) Sorry that I'm waxing a bit unnecessarily there, but I don't....

CHAIRPERSON: Are they all the questions that have been put?

Well Mr Van Druten, thank you very much. We appreciate that you not only came but your patience to remain until we have been able to take this evidence. It's been a long day and I'm sure it also applies to you.

We'll evaluate your evidence and we'll certainly refer it to

~~the members of the Human Rights Violations Committee who it~~

will be - will make findings for the purposes of the final report.

Once again, thank you.