

***Report***  
***on the statements of witnesses in former inquiries***  
***into the Death of UN Secretary-General***  
***Dag Hammarskjöld***

***written upon the request of***  
***The Hammarskjöld Commission***

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## Contents

Preface .....	7
<b>1. Introduction</b>	
1.1. Background .....	9
1.2. Aim of the research .....	9
1.3. Witness statements.....	10
1.4. Analysis of witness statements.....	11
<b>2. Pre-Crash</b>	
2.1. Introduction.....	12
2.2. Method of analysing.....	12
2.3. Facts and circumstances .....	13
2.4. Investigation by Board of Investigation .....	13
2.4.1. General remarks .....	13
2.4.2. Use of witness statements.....	14
2.5. Investigation by Commission of Inquiry.....	14
2.5.1. General remarks .....	14
2.5.2. Use of witness statements.....	16
2.6. Investigation by UN Commission .....	17
2.6.1. General remarks .....	17
2.6.2. Use of witness statements.....	18
<b>3. Crash</b>	
3.1. Introduction.....	20
3.2. Method of analysing.....	20
3.3. Facts and circumstances .....	21
3.4. Investigation by Board of Investigation .....	21
3.4.1. General remarks .....	21
3.4.2. Use of witness statements.....	22
3.5. Investigation by Commission of Inquiry.....	23
3.5.1. General remarks .....	23
3.5.2. Use of witness statements.....	24
3.6. Investigation by UN Commission .....	26
3.6.1. General remarks .....	26
3.6.2. Use of witness statements.....	26

<b>4. Search</b>	
4.1. Introduction.....	29
4.2. Method of analysing.....	29
4.3. Facts and circumstances.....	30
4.4. Investigation by Board of Investigation .....	34
4.4.1. General remarks .....	34
4.4.2. Use of witness statements.....	34
4.5. Investigation by Commission of Inquiry.....	36
4.5.1. General remarks .....	36
4.5.2. Use of witness statements.....	36
4.6. Investigation by UN Commission.....	40
4.6.1. General remarks .....	40
4.6.2. Use of witness statements.....	41
<b>5. Sergeant Julien</b>	
5.1. Introduction.....	45
5.2. Method of analysing.....	45
5.3. Facts and circumstances.....	45
5.4. Investigation by Board of Investigation .....	46
5.4.1. General remarks .....	46
5.4.2. Use of witness statements.....	46
5.5. Investigation by Commission of Inquiry.....	46
5.5.1. General remarks .....	46
5.5.2. Use of witness statements.....	47
5.6. Investigation by UN Commission.....	48
5.6.1. General remarks .....	48
5.6.2. Use of witness statements.....	49
<b>6. Reliability of witnesses</b>	
6.1. Introduction.....	50
6.2. Testing reliability.....	50
6.3. Use of witness statements.....	52
<b>7. Conclusions</b> .....	54

Abbreviations used in Annexes:.....	55
Annex 1: List of witnesses and subject of their statements. ....	56
Annex 2: Pre-crash; list of witnesses and summaries of their statements. ....	57
Annex 3: Crash; list of witnesses and summaries of their statements. ....	58
Annex 4: Search; list of witnesses and summaries of their statements. ....	59
Annex 5: After-crash; list of witnesses and summaries of their statements. ....	60
Annex 6: Sergeant Julien; list of witnesses and summaries of their statements. ....	61



*Preface*

Please find enclosed the observations of six students. Stimulated by the input of Willy Thomassen and Susan Williams, they read statements of some 200 witnesses, heard by three commissions that carried out an investigation into the crash of Dag Hammarskjöld's airplane in 1961/62. They summarised the statements on points that they consider meaningful and reflected on the findings of the three commissions. Thus they hope to facilitate the research into the facts and circumstances of the crash.

Please be advised that their work may be of great help, not only because they assembled and qualified the various statements of witnesses (annex 1-6), but also because their fresh impressions of the way the three commissions heard and treated the witnesses will inspire the reader and may cast a new light on the investigations that have been carried out in the past.

Alex Geert Castermans  
Leiden, 2 June 2013





## **1. Introduction**

### **1.1. Background**

Flying on a UN mission to try to bring peace to the Congo, Dag Hammarskjöld's Swedish-owned and crewed plane crashed near Ndola airport in the British protectorate of Northern Rhodesia (now Zambia), on the night of 17-18 September 1961. All but one of the passengers and crew were killed. Eight months earlier, Patrice Lumumba had been assassinated in Katanga, on the other side of the Rhodesian border, which had illegally declared its secession from the newly-independent Congo. Questions were immediately asked about the crash of Hammarskjöld's plane. Why did the sole survivor say that the plane 'blew up' before it crashed? Why did local residents report seeing a smaller second plane attack a larger one that night? Why was the wreckage not found officially for 15 hours, though only 8 miles from the airport?

In the view of the Enabling Committee of The Hammarskjöld Commission, these questions have never been satisfactorily resolved, despite several investigations that have been carried out:

The first inquiry into the death of Dag Hammarskjöld was conducted by a Board of Investigation which was set up immediately after the crash by the Rhodesian Department of Civil Aviation. It concluded in its report in January 1962 that 'the evidence available does not enable them to determine a specific or definite cause.' It regarded pilot error as one of several probable causes. It considered the 'willful act of some person or persons unknown which might have forced the aircraft to descend or collide with the trees' to be unlikely but was unable to rule it out completely, 'taking into consideration the extent of the destruction of the aircraft and the lack of survivor's evidence.' 75 to 80 percent of the fuselage had been burnt.

The second was the Rhodesian Commission of Inquiry, which held public hearings, and reported in February 1962. The Rhodesian Commission of Inquiry drew on the work of the Board of Investigation and identified pilot error as the cause of the crash, on the basis of elimination of the other suggested causes.

The third inquiry was set up by the UN, and reported in March 1962. This reached an open verdict and did not rule out sabotage or attack. The UN Commission noted that: "the Rhodesian inquiry, by eliminating to its satisfaction other possible causes, had reached the conclusion that the probable cause of the crash was pilot error. The [UN] Commission, while it cannot exclude this possibility, has found no indication that this was the probable cause of the crash". The UN report led to General Assembly resolution 1759 (XVII) of 26 October 1962, which requests the Secretary General to inform the General Assembly of "any new evidence which may come to his attention".

In 1993 a small-scale inquiry was conducted by Ambassador Bengt Rösiö for the Swedish Ministry for Foreign Affairs. Rösiö concluded that the pilot made an error of judgement regarding altitude.

The Hammarskjöld Commission has been established to review the substantive evidence, including the evidence which has recently emerged, in order to determine whether there is a case for re-opening the UN Inquiry of 1961-62. If the evidence is found to warrant re-opening the UN Inquiry, it will be presented to the United Nations, pursuant to General Assembly resolution 1759 (XVII).

### **1.2. Aim of the research**

Upon the request of The Hammarskjöld Commission we carried out an analysis of witness statements, drawn up by the Rhodesian Board of Investigation, the Rhodesian Commission of Inquiry and the UN Commission.

The research is aimed at facilitating the work of The Hammarskjöld Commission, which is to review the substantive evidence in order to determine whether there is a case for re-opening the UN Inquiry of 1961-62. We will do so by arranging and summarizing most of the witness statements, dating from 1961-62 and by indicating peculiarities in the statements, the way of interrogation and the use of all witness material. The analysis will not involve an evaluation of the facts.

### ***1.3. Witness statements***

First, all statements that have been made available by The Hammarskjöld Commission, were assembled in files, in order to create an overview on:

- witnesses heard by the Board of Investigation, the Commission of Inquiry and/or the UN Commission;
- the subject of their statements.

See:

*Annex 1*: list of witnesses and subject of their statements.

The files have been stored on a memory stick. The UN Commission drew up a list of witnesses as well (Annex IV tot the UN Report). Compared to this list, we miss the statements of Ahmed, Brinkman, Cordier, Kurt Hammarskjöld, Kanyakulu, Kroon, Linnér, Persson, Poujoulat, Powell-Jones, Riches, Spinelli, Thomas, Tjernell, Virring, Wachtmeister, A.R. Wright, Yeadon.

Second, the statements have been assembled in files, classified according to their subject. Six main categories have been distinguished:

- Pre-crash
  - the condition of the SE-BDY airplane,
  - the crew of SE-BDY,
  - the situation on Leopoldville-airport, prior to the take-off
  - the preparations of the meeting at Ndola
  - contacts between various airports
- Crash
  - movements of airplanes at the time of the crash, near Ndola
  - lights and sounds at the time of the crash
- Search
  - deliberate attempts to find the SE-BDY
  - coincidental discoveries
- After-crash
  - events at Ndola airport after the crash
  - visits to the site of the crash
- Sergeant Julien
  - contacts with Sergeant Julien after the crash
  - Sergeant Julien's condition

It should be noted that some events or circumstances are covered by multiple categories. The main example is provided in the categories *crash* and *pre-crash*. Both categories cover the theories on the cause of the crash, as issued by the different commissions of investigation. For example, in the report of the UN Commission it is stated that 'there is no convincing evidence that any witness heard or saw an explosion before the crash' (UN Report, p. 42). By the absence of witnesses observing an explosion, the possibility of an explosive device in the air causing the crash is ruled out. Due to the absence of observations, we dealt with this conclusion under the category of *crash*. However, the possibility of an attack by a second plane taking off from another airport was examined under the category of both *pre-crash* and *crash*: both

observations of a second plane and evidence about the possibility of another plane having taken off can be used to substantiate an argument about the impossibility of this cause.

Subsequently, most of all statements have been summarised on the basis of well defined questions.

See:

*Annex 2 - 6*: list of witnesses and a summary of their statement.

According to the subject of their statements. Each annex consists of three parts. The first part is concerned with statements before the Board of Investigation. The second part is concerned with statements before the Commission of Inquiry. The third part is concerned with the UN Commission.

### ***1.4. Analysis of witness statements***

The witness statements have been analysed with a view to the questions put forward in General Assembly Resolution 1628 (XVI) of 26 October 1961. The UN Commission had to carry out an investigation into “all the conditions and circumstances surrounding this tragedy, and more particularly as to:

- Why this flight had to be undertaken at night without escort;
- Why its arrival at Ndola was unduly delayed, as reported;
- Whether the aircraft, after having established contact with the tower at Ndola lost that contact, and the fact of its having crashed did not become known until several hours afterwards, and if so, why;
- Why this flight had to be undertaken at night without escort;
- Why its arrival at Ndola was unduly delayed, as reported.

While these paragraphs set forth four specific questions to be inquired into by the UN Commission, the opening sentence is considered to give it a general mandate to investigate all the conditions and circumstances surrounding the tragedy. Therefore, the UN Commission held that the specific questions were not intended in any way to restrict its general mandate (UN report, par. 16). Yet, its report is clearly aimed at giving an answer to these questions. In addition, the report deals with possible causes of the crash of SE-BDY (chapter III).

After reading all statements, we noted some observations with regard to facts and circumstances that seem to be useful to answer the questions put forward in Resolution 1628 (XVI), including the possible causes of the crash. We also noted some observations on the role these questions played during the hearings of the Board of Investigation, the Commission of Inquiry and the UN Commission. Finally, we analysed the use of witness statements in the reports of the Board of Investigation, Commission of Inquiry and the UN Commission, by summarising the evidence that was accepted or rejected by the Board of Investigation, the Commission of Inquiry and the UN Commission, as well as the reasons why.

## **2. Pre-Crash**

### **2.1. Introduction**

A large part of the available witnesses declared on the events leading up to the crash of SE-BDY. These statements are variable by nature, since both the location of witnesses, the subject of their testimonies and the time-span within which they fit can differ greatly. While this makes the pre-crash category a complicated one, it nevertheless offers insights into many important aspects of SE-BDY's fatal flight. Aspects of the possibility of sabotage, material failure, pilot error and the possibility of a second plane all come up when investigating these witnesses, as well as an idea on how the actual flight was carried out.

Our history of SE-BDY starts with its return flight between Leopoldville and Elizabethville on the 16<sup>th</sup> and 17<sup>th</sup> of September, during which it sustained damage due to gunfire from the ground. Back at Leopoldville, the plane was examined, repaired and refuelled while Hammarskjöld discussed the plans for his meeting with Tshombe. These plans involved Lord Lansdowne leaving Leopoldville earlier at 15:00 GMT, in the DC4 00-RIC, in order to prepare Ndola airport after arriving at 20:35 and to promptly leave again at 22:35 for Salisbury, before Hammarskjöld himself would arrive. In the meantime SE-BDY's flight crew had been called in at about 15:30 and the pilot planned the details for his flight. After take-off at 15:51 GMT, not much can be said of SE-BDY's flight until contact is established with Salisbury at 20:02 GMT and later handed to Ndola's flight control for landing instructions at 21:32, up until contact was finally lost at 22:10.

### **2.2. Method of analysing**

As such a large category, with vastly differing subjects of testimonies, the attached schedule for the pre-crash could do with some explanation. Listing the witnesses' occupations serves to provide some minor insight on the person of the witness. We then signify where and when the witness was during the events mentioned, which, especially in the case of time-span, might differ for certain aspects of a testimony. We also try to list why a witness was there, i.e. what their activities were.

Deviations from procedure was added to include any statements on whatever the witnesses themselves found unusual at the time. Knowledge of Hammarskjöld's destination and intentions is a category which shows whether or not his flight was a well kept secret. Then there are also several witnesses declaring on the state of the flight crew and any statements made prior to the flight, as well as previous experiences with their skill.

Hereafter, we incorporated the condition of the plane, involving supervision during its stay at Leopoldville, the procedure around the examination and repairs of the plane, and the equipment and more general condition of the craft. We then handle the large subject of radio communications, be they with SE-BDY itself, between airports or with any other airplane. We also signify any information on the departure, flight and approach of SE-BDY as well as on which radio frequencies were used. We then end with a list of statements on the condition of other airports in the neighbourhood as well as which planes were present at those airports.

All information has been limited to what literally came through in the text, in so far as relevant to the aforementioned subjects. This also means that time indications are as said, and can therefore be both in GMT or local time. Commission of Inquiry and UN Commission statements that did not conflict with, nor add anything to, the information provided to the Board of Investigation are listed as being conform.

### ***2.3. Facts and circumstances***

There are several facts surrounding the pre-crash period that stand out as being unusual and noteworthy. First of all, there's the fact that SE-BDY had for quite some time been left both unguarded and unattended at Leopoldville. Doors were locked and ladders removed, yet anyone would still have the ability to access the under-carriage and several vital parts. One witness at Leopoldville, Tryggvason, states that there had in fact been one or two UN guards present at the airport, yet apparently no one told them to mind the airplane (Tryggvason, Commission of Inquiry, p. 35). This circumstance is made increasingly strange by the fact that on the other end, at Ndola, people did make a conscious effort to employ security around the planned meeting.

Another issue, which never seems to pop up in any of the investigations, is the fact that lord Lansdowne and his pilot decided to take off while SE-BDY had just flown over and they could not regain radio communications. They in fact took off from the same runway SE-BDY was supposed to be landing on, in the dark, and without proper clearance from the Ndola control tower.

This leads into the fact that radio communications with SE-BDY were quite suddenly completely lost at 22:10, after having flown over Ndola. Attempts at regaining such communications were then made at several frequencies and by several people, yet all yielded no results. Interestingly, according to Ljungkvist, who was in charge of air operations in Leopoldville, SE-BDY had been specially equipped with a Morse code transmitter for this flight, so that in event of an emergency UN headquarters would be able to contact the aircraft during radio silence (Ljungkvist, UN Commission, hearing 5, p. 16). The option of using this transmitter has not come up anywhere since, though one would think that after radio communications were lost, the idea to try Morse would quickly come to mind.

Another interesting point is that communications with Tshombe were very difficult. The fact that the meeting at Ndola still had to be planned during the day itself, with Hammarskjöld not even being sure if Tshombe would show up, was a great factor in the delay that led to SE-BDY being forced to fly during the night.

### ***2.4. Investigation by Board of Investigation***

#### ***2.4.1. General remarks***

The first striking aspect of the Board's investigation is the fact that there are no verbatim records of entire interviews, making it hard to determine how these interviews actually went, and which parts of statements came straight from the witnesses themselves. In many cases, it appears only a written statement was handed in, but even this distinction can be hard to make. These facts make it difficult to determine how the Board's investigation was actually carried out. There are only a few cases in which the signed statement is followed by questions, although their origin is unclear. Examples of this can be found in the statements of P. Brichant (Board of Investigation, nr. 57) and R. Deppe (Board of Investigation, nr. 123, p. 4), who were both asked one short question. The reason why the Board of Investigation required more information out of these witnesses is unclear, since many other witnesses could have declared on the same issues. Brichant, for example, was asked whether there had been any supervision present for SE-BDY, which is a question that could've been raised during the hearing of any other witness present at Leopoldville airport that day. Again, why itchose to ask Brichant and none of the other witnesses, is entirely unclear.

### ***2.4.2. Use of witness statements***

The Board of Investigation states that there is evidence that the flight to carry Hammarskjöld to Ndola, had already been proposed on Sunday morning to start at 16:00 GMT, and the plane in fact left 9 minutes early. They do not state what this evidence is, nor the fact that Hammarskjöld had actually planned to leave far earlier, but was delayed by the fact that Lord Lansdowne departed late. According to the Board of Investigation only the aircraft-crew knew about the proposed flight path and elevations.

The Board of Investigation goes on to state, that the plane had been thoroughly inspected and repaired by afternoon on the same day at Leopoldville. Captain Hallonquist had not flown in the past 24-hours and was in good spirits. Hallonquist was almost certainly seated in the captain's seat, with Litton almost certainly acting as co-pilot. There was no evidence of special security arrangements for the aircraft, therefore the possibility of sabotage cannot be precluded. The Board of Investigation recognises the possibility of a Fouga attacking the plane, but states that it would not be able to reach Ndola from Kolwezi.

The aircraft was correctly certificated and maintained, correctly loaded and there was no evidence found of equipment failure. All the altimeters were set to QNH for Ndola. Weather was fine. No medical causes for the crash could be found. Salisbury and Ndola tower had received sufficient information regarding SE-BDY's position, destination and ETA.

The Board of Investigation concludes, by stating that they could not determine a specific or definite cause based on the evidence presented to them. The causes they thought likely, came down to either misunderstanding or misreading of altitudes, or some sudden incapacitation of the three pilots on board.

#### *Evaluation*

Linnér has specifically stated that SE-BDY left later than planned (Board of Investigation, nr. 64). It is unclear why the Board of Investigation didn't incorporate this statement, but rather concluded that the plane had always been supposed to leave at 16:00 GMT, and in fact left early.

It is also unclear why the Board of Investigation states that only the aircraft-crew knew about the proposed flight path and elevations, while Ljungkvist (UN Commission, hearing 5, p. 16) later declared that he had discussed the flight directly with captain Hallonquist. Even though the Board of Investigation correctly states there was no evidence of special security arrangements, they made no thorough effort to determine whether, and at what times, other kinds of supervision were present. Such a time-frame could have been constructed from the statements of repairmen and other airport personnel available to the Board of Investigation.

Concerning the possibility of a Fouga attack, the Board of Investigation choose to conclude that the Fouga's operating range was simply too short. It is unclear why it did not incorporate their own evidence on Kolwezi airport where the Fouga had been stationed. Two of their witnesses, namely Kambendja (Board of Investigation, nr. 83) and Matemi (Board of Investigation, nr. 85), specifically state that the Fouga had been grounded throughout the night, with Kolwezi airport's runway being blocked off. There is also no mention of the possibility of any aircraft other than that one infamous Fouga possibly being stationed nearby.

All in all, these examples serve only to show that the Board of Investigation choose to omit certain pieces of evidence, while incorporating others. This is not necessarily unreasonable in and of itself, but without clarification on the Board's motivation, or even on which evidence they used to sustain their conclusions, it is impossible to judge the line of reasoning. In this sense, the report is quite lacking.

## ***2.5. Investigation by Commission of Inquiry***

### ***2.5.1. General remarks***

Unlike the Board of Investigation, the Commission of Inquiry produced verbatim records of hearings. This allows for a much better insight into the way witness statements were gathered, as well as into discussions between Commission members. With the statements made to the Board of Investigation in

front of them, it's clear that the Commission was able to gather far more details on specific events through direct questioning.

The fact that they had this ability however, makes it especially poignant when it is not fully used. During the testimony of Mr Murphy for example, the only questions asked involved repeating the information already supplied to the Board of Investigation (Commission of Inquiry, p. 365-369). This makes you wonder why the Commission bothered to re-hear this witness in the first place, which can be said for many more witnesses, as signified by the overabundance of conformity apparent in our list of pre-crash witnesses attached to this report. What makes the example of Murphy's testimony so telling, is that towards the end, finally a new line of questioning is followed by Margo, leading to quite a relevant insight:

“Mr Murphy, did you have any instructions in regard to security when the signal was given to you on the afternoon, on the Sunday afternoon, relative to the expected arrival of these two aircraft?” -- “Yes, I was advised that as few people as possible should know about the movements of these aircraft and whoever might be on board”, followed by: “Who gave you that instruction?” --- “The Director of Civil Aviation”(Commission of Inquiry, p. 369).

Now, we can establish from various other testimonies that, at least on the Ndola side, there was widespread knowledge of the fact that both Hammarskjöld and Lord Lansdowne would be travelling to Ndola that night. Thorogood, for example, later even testified to having heard about it on the news (UN Commission, hearing 11, p. 122-123). The fact that Mr Murphy testified that this knowledge was supposed to be kept secret, should have been reason to ask him as well as the Director of Civil Aviation, how it was possible that this information became common knowledge anyway. Yet the Commission immediately dropped the matter.

In our report on the Crash category, we highlight the possibility of the Commission of Inquiry already having waved away any possibility of an external attack on Hammarskjöld's aircraft, before their actual investigation. While this is of course a strong accusation, which should be handled with care, it also seems to be supported by hearings within the pre-crash category. Kambendja, the manager of Kolwezi airport, in his statement before the Board of Investigation very clearly states:

“The runway is always closed from 6 p.m. to 6 a.m. local time with fuel drums and trucks. On the night of Sunday 17<sup>th</sup> September it was so closed” (Board of Investigation, nr. 83).

However, when asked about this fact before the Commission he says:

“I am not very clear whether I left it open, but I think I did not. The president had given orders that the aerodrome should not be closed because if Mr Hammarskjöld's aircraft got into difficulties, he could use it as an alternative aerodrome” (Commission of Inquiry, p. 701).

In any other case, with regards to witnesses having seen a second airplane for example, the Commission would have spotted this large inconsistency between the different statements, and hammered the witness about that specific fact, to then conclude that the witness was completely unreliable. However, since the rest of his statement before the Commission supported the idea that no aircraft took off from Kolwezi airport that night, it seems like it was quite content to let it rest. This, as well as the treatment of other witnesses who fall within the crash category, seems indicative of a very dismissive attitude towards the possibility of a fighter aircraft having been able to attack SE-BDY that night.

Compared to the Board of Investigation, the process of the Commission's investigation has been far more transparent. The examples above show however, that this transparency doesn't always establish a positive view on both the choice of witnesses called in, and the questions posed. Of course, not all is negative, and in many cases the ability to ask additional questions, allowed the Commission to gain new and important information from witnesses. This is the case with Ljungkvist for example, who, after declaring to the Board of Investigation that Hallonquist was supposed to fly along the Angola side towards Ndola, added to the Commission that Hallonquist was in fact going to decide on which side to take during the flight itself. By and large however, one cannot help but be disappointed, and sometimes shocked, by the process of the Commission's investigation.

### ***2.5.2. Use of witness statements***

The Commission believes there are two general causes for a crash in which an aircraft hits the ground, while apparently being on its way to land. The first of these possible causes, is that something forced the pilots to come too close to the ground and hit it. The second one is that the pilots were misled or made a mistake. This is the start of the discussion about the cause of the accident and indicates the Commission's main focus. Such a focus seems to exclude causes like a bomb, sabotage, fire, and attack from another aircraft. Yet it does examine other options.

First, the Commission starts with a sketch of the situation. It is considered important to determine the landing method of the pilot. A pilot has two landing options in this case. He can either choose to rely on sight, or land on an instrument approach. The Commission almost immediately decides that the pilots must have flown on sight, simply because there are no reasons to believe that wasn't possible. If they would have taken the Ndola instrument approach, SE-BDY wouldn't have been taken so far out of its route, close to Bermant's and Wright's houses. On top of that, the plane wouldn't have been so low.

The Commission ruled out a few causes. The explosion:

“No one could have timed an explosion for arrival at Ndola when that destination was known to very few people.”

There was also nothing that suggested that the security precautions, which led to a lack of information, were in any way the cause of the crash. There is nothing to suggest that anything but proper information was given to the aircraft. The evidence shows that SE-BDY was in very good condition and fully serviceable at the time of flight. “What happened at Elisabethville did not, we consider, contribute in any way to the crash.” The Commission does not believe that fatigue contributed to the crash. They do not believe that the pilots were incapable.

The Commission believes an attack was unlikely since:

“At the outset we would say no reason was suggested, and we cannot think of one, why anyone who might have been able to attack this aircraft from the air should ever have wanted to attack it as it carried Mr Hammarskjöld on the mission he was then undertaking” (Annex III, p. 20, par. 10).

There was no evidence supporting that there were other planes in the air that night, and no bullet holes in the wreckage.

The Commission also made different classes for eyewitnesses.

“Class D comprises witnesses who saw or heard something long after the crash. Their evidence does not bear on causation” (Annex III, p. 17, par. 3).

This class only seems to be time related.

The Commission concludes that, having considered other causes than pilot error, the other causes could not really be possible. Thus, according to the Commission, due to the decision of the pilots, the aircraft had descended too low, so that it struck the trees and was brought to the ground.



### *Evaluation*

From the get-go, only two causes for the crash are thought to be likely, which makes it hard to keep thinking about other options. This limits the investigation. The Commission did realize it had to investigate different causes, which shows in their conclusion. Still, it ended up supporting the cause that was expected, and on which it was asked not to focus.

The Commission easily accepts that the pilots flew on sight, even though they had no insight into what the pilots decided while on the aircraft. It uses only two statements to support its view. Although obviously something went wrong while landing, the used witness statements offer no evidence indicating that pilot error, by use of sight, is more likely than a misreading or malfunctioning of instruments. The Commission retrieved instruments from the wreckage, which indicated that approach on instruments had been possible.

The destination was known to quite a few people. There were journalists at Ndola, as well as control tower personnel who knew. Someone with the right connections could have known Hammarskjöld was coming. This person could have prepared an attack. About this possibility the Commission makes a remarkable comment: “We cannot think of anyone who might have been able to attack this aircraft from the air should ever have wanted to attack it as it carried Mr Hammarskjöld on mission he was then undertaking.” It was a war zone and Hammarskjöld was not loved by everyone. Hammarskjöld was aware of this situation, which is exactly why he tried to keep the route and destination a secret. He obviously believed an attack was possible.

Then the Commission jumps to conclusions on why the security precautions, information and condition of SE-BDY were all fine, without much supporting evidence. The fact that the airplane flew in total radio silence, makes a lot unclear. The airplane had been shot just the day before which may still have had an influence on its condition, even despite the examination and repairs.

Class D witnesses were rejected, based entirely on their indication of time, even though time is the most unreliable factor in recollecting an event. Taken into account that this was the second investigation, and the crash was now quite a while ago, time is not a reliable source on which to reject witness statements.

The conclusion is quite remarkable. Although the Commission initially rejected the vision from the Board of Investigation, in the end it joins the Board, with more conviction yet less evidence.

## ***2.6. Investigation by UN Commission***

### ***2.6.1. General remarks***

As the final investigation, having both investigations by the Rhodesians available, one would expect the UN Commission to be very critical of its predecessors and their hearings. In most cases, it appears to be the opposite. The UN Commission has been very content in accepting the material already available, and out of the forty-three witnesses we assigned to pre-crash, only sixteen were heard by the UN. It becomes apparent when looking at our sheets, that of that small selection of hearings, an even smaller selection managed to provide new information.

One of the topics that could have been looked into more closely is the situation at other airports near Ndola. The only possibly hostile airport that was investigated was Kolwezi, because of that one infamous Fouga being stationed there, which makes it seem that the commission precluded the possibility of any other fighter jets being available. The statements made by the two men at Kolwezi airport, Kambendja and Matemi, also seem to have been taken at face value, even though after an absence of critical questioning in the previous investigations, one would expect the UN Commission to take up that opportunity. Apparently, the UN Commission failed to notice that of these two witnesses, Kambendja declared not to be sure if he actually blocked off the runway that evening (Commission of Inquiry, p. 701), while Matemi’s statement contains mainly second hand knowledge (Board of Investigation, nr. 85). Even if one accepts that this Fouga was kept grounded throughout the night, this doesn’t necessarily mean no other aircraft could have been in the air that night.

Another missed opportunity can be found within the sabotage and supervision category. Just as was the case for the Commission of Inquiry, we feel that it would’ve been possible to almost certainly rule out sabotage by a third party on the ground at Leopoldville, if the effort had been made to establish exactly

who had eyes on SE-BDY throughout the 17<sup>th</sup> of September. For the UN Commission, it's an even more blatantly missed opportunity, since it had the specific opportunity to compare the Rhodesian reports and the previous witness statements. Even though the UN Commission has established that the airplane was left unattended for a time, it's also clear that there were a lot of people still working in the area, or even on aircraft right next to SE-BDY. None of the actual mechanics were re-heard by the UN, nor were any of the witnesses who could testify on the situation at Leopoldville, such as Ljungkvist or Brichant, asked to provide more clarity on whoever might have been around SE-BDY to spot any suspicious activity. The fact that the UN Commission does admit in its report that vital parts of the airplane would have been freely accessible during the time no-one was attending it, makes it even more inexcusable that it did not pick up on this opportunity to conclusively investigate an important aspect of the pre-crash period.

Another topic that could have been looked into more critically, is Lord Lansdowne's departure from Ndola, straight after Hammarskjöld had flown over. Questions were raised to Lansdowne about this matter, but he waved the situation away as being a passenger on an aircraft and therefore in no position to determine his take-off and taxi procedure (UN Commission, hearing 24, p. 24). This statement obviously invites the UN Commission to then hear Lansdowne's pilot on this issue, and in this case the commission came through in that respect. However again, the opportunity to take a critical position towards the witness was completely missed. Deppe states:

“I know that I was told to keep clear of the runway because an aircraft was expected to land on runway 10, and afterwards I was cleared to go to the end of the runway to do my run up” (UN Commission, hearing 12, p. 18).

He then proceeded to do his run up and take-off. This statement was found by the UN Commission to directly conflict his earlier statement made to the Board of Investigation, in which he stated that he had in fact not been cleared, because the other airplane was still expected. Therefore, the UN Commission asks:

“There is a difference between having been given clearance and an aircraft expected, is that not so?” (ibid).

which doesn't lead to a proper answer from Deppe, but rather a shrug. This was apparently an acceptable response for the UN Commission.

To conclude on the way the UN Commission carried out its investigation, these examples have shown an apparent lack of a critical attitude. This lacking caused the Commission to miss out on opportunities to achieve clarity on several important issues.

### ***2.6.2. Use of witness statements***

The UN General Assembly decided that the UN Commission should, amongst all the conditions and circumstances surrounding the tragedy, specifically investigate four different questions, of which three fall at least partly within the pre-crash category: Why the flight had to be undertaken at night without escort; why its arrival at Ndola was unduly delayed; whether the aircraft, after the damage it was reported to have suffered earlier from firing by aircraft hostile to the UN, was in a proper condition to use.

On the first question, the UN Commission concludes that, due to the morning repairs, still arranging the meeting with Tshombe throughout the day, and because he wanted to allow Lord Lansdowne time to leave before he would arrive, Hammarskjöld consciously chose to leave at a time which would not allow him to reach Ndola before nightfall. With regards to there being no escort, the UN Commission states that ONUC had no fighter planes in the Congo at the time, and they simply had not chosen to submit a request for an escort towards the Federation of Rhodesia and Nyasaland.

On the second question, the UN Commission concludes that, aside from the aforementioned delayed departure and the fact that the aircraft purposefully took a less direct route, there was in fact no delay.

On the final question, the UN Commission concludes that what happened at Elisabethville did not contribute in any way to the crash.

Regarding supervision, the UN Commission notes that there had been no special security measures with respect to the Secretary-General's plane. This led to the plane remaining unattended between 11:00 GMT and approximately 15:00 GMT, with the hydraulic compartment and heating system doors unsecured. With regards to the possibility of sabotage, the UN Commission however found that no evidence was found at the crash-site of either a bomb detonating on board, or tampering with the aircraft's vital parts.

The last possibility on which pre-crash witnesses offer insights is the possibility of pilot error. While the UN Commission cannot rule out pilot error as a possible cause, it does note the evidence of skill and experience of the entire flight crew and captain Hallonquist in particular, as well as the fact that Hallonquist had known about the altitude of Ndola airport being very close to that of Elisabethville.

### *Evaluation*

Just as was the case with the Board of Investigation, it is hard to judge the way in which the UN Commission valued witness statements, due to the fact that it rarely refers to specific statements. In many cases, the UN Commission also appears to have been content to accept the evidence already supplied by the previous investigations. Ljungkvist, a witness who has been heard during all three investigations, is a rare case of someone actually adding relevant details during his UN Commission hearing. Strangely though, these details, such as the fact that Hallonquist would not just be piloting but doing his own navigating as well and the fact that Ljungkvist was fully aware of Hallonquist's planned flight route (UN Commission, hearing 5, p. 16), do not show up in the final UN report. Again, there is no motivation for such omissions available, making it difficult to judge the UN Commission's thought process. Ljungkvist also added that SE-BDY had in fact been equipped with a Morse code transmitter for use during emergencies, which the UN Commission doesn't particularly note, even though it's new information.

The UN Commission emphasises that a designated UNOC official should have been informed on the flight plan to ensure SE-BDY's safety. In this it fails to note that, as evident from Ljungkvist's testimonies, Hallonquist did inform others of his plans. Those plans were only unclear in one respect, whether after Luluabourg he would head west and follow the Angola border, or east along the Nairobi side. Hallonquist was a skilled navigator who felt that he would himself judge which route would be best, based on the conditions of the flight. To us, this sounds safer than having to stick to one route, even if that meant that in the event anything were to go wrong, the plane would have been easier to find. This is another case of Hallonquist showing both his experience in the area, and his very conscientious approach to flight. Yet the UN Commission chooses to interpret the evidence in a negative respect.

Another clear example of the UN Commission selectively interpreting evidence, lies in the belated departure of Lord Lansdowne, leading to Hammarskjöld's night flight. Rather than investigate the fact that it was strange for Lord Lansdowne to go off somewhere for lunch, even though he had been alerted of his flight possibly leaving anytime during the day, the UN chooses to follow the statements of Lansdowne and Poujoulat, as showing that Lansdowne had no way of coming to the airport earlier. The UN even states that Hammarskjöld actively decided to take off from Leopoldville not earlier than 15:00 GMT, even though those witnesses closest to him, such as Linnér and even Lansdowne himself, stated very clearly how adamant Hammarskjöld was, not only to reach Ndola (Lansdowne, Board of Investigation, nr. 65), but also to be there as soon as possible (Linnér, Board of Investigation, nr. 64).

### 3. Crash

#### 3.1. Introduction

At approximately 00.10 Bravo (or local time) SE-BDY approaches Ndola airport, apparently with the intention to land. However, to the surprise of many people at Ndola, it flew overhead and went on a north-westerly course. Ten to twenty minutes later SE-BDY crashes between Ndola and Mufulira, and would be found not until late in the afternoon the next day.

Many witnesses saw SE-BDY or events relating to its crash during the night of 17 to 18 September 1961. In this chapter these witnesses will be analysed. It will naturally have some overlap with the chapter about search, but the focus will primarily be on the period between the moment that SE-BDY was spotted overhead Ndola airport and the moment it crashed. What did witnesses see? What was the cause of the crash? Were there more airplanes airborne near Ndola? We will discuss how the three commissions dealt with such questions relating to the crash in their final reports and during their hearings.

#### 3.2. Method of analysing

The questions by which the witnesses' statements were analysed will be discussed in this section. All the witnesses who saw or heard SE-BDY during the night of 17 to 18 September can be found on this spreadsheet.

In the column *task/activity* a person's profession or daily occupation during that time is noted, for example; charcoal burner or architect. *Motivation* refers to the particular activity that a person was occupied with at the moment he heard or saw something peculiar that night, for example sleeping in his house or being on guard duty.

In the column *time* the particular moments on which witnesses heard or saw something can be found. Sometimes these are multiple moments, such as hearing the airplane flying over and a while later hearing the crash or seeing a flash in the sky.

*Source of time* describes the way by which witnesses established the exact moment that they heard or saw something. Some witnesses looked at their watch for example, others estimated the time by looking at the moon or simply on their intuition.

The *location of the witnesses* states where witnesses were during their observations.

We analysed the *number* of airplanes witnesses testified having heard or seen. Secondly we noted the *direction* and *altitude and speed* of the airplane(s) according to the witnesses. If more than one airplane was spotted, the different speeds, heights and directions of the plane are distinguished. Finally the characteristics of the airplanes that witnesses observed are noted. In most testimonies an indication of witnesses can be found about the number and the colour of *lights* on the airplane(s), the *shape* of the airplane(s) and the sound of their *engine* (s).

We furthermore noted whether a witness saw a *flash* or light, either in the *sky* or on the *ground*. Also, the *characteristics* of the flash or light are described in the subsequent column. Finally we noted the explanation given by the witnesses with regard to the flash. For example, some witnesses thought it was a bush fire or the blasting of a local mine.

Some witnesses heard one or several explosions. It is firstly indicated in the spreadsheet whether they heard *gunfire* or other *explosions*. Secondly the *characteristics* of the explosions or gunfire, most notably the approximated distance, is noted. The explanations given by the witnesses of the *cause* of the explosions are analysed as well.

Finally we analysed if the witnesses knew that Hammarskjöld was about to land at Ndola and noted some other interesting aspects of their statements. Also, when analysing the Commission of Inquiry and the UN Commission, we noted whether questions about the previous investigations were asked. Finally, in the spreadsheet of the Commission of Inquiry it can be found how particular witness statements are evaluated by the Commission in annex III appendix 1 (p. 27-30). In this appendix the Commission makes some remarks about witnesses, for example whether they are reliable.

### ***3.3. Facts and circumstances***

Many witnesses have seen SE-BDY passing overhead the airport or just afterwards. It flew overhead the airport around 00:10 local time. Not much later the SE-BDY crashed between Mufulira and Ndola close to the Mufulira road. The time span of this part of the analysis is thus limited. However there are three facts that we thought were worth mentioning about this short period of time.

Firstly, it is astonishing how many different observations were made that night. Many people saw very different and sometimes even contradicting things. Some witnesses saw one plane, others two or even three planes. Also the explosion has been described in many ways as well as the flashes of light.

Secondly, although admitting that they found the events unusual, many witnesses didn't act immediately after seeing a flash, hearing an explosion or even hearing the airplane crash. Some people explained it as a late mining operation or as a flash of a car light. It is peculiar, to say the least, that nobody made the immediate link between the explosions or flashes, and the possibility that the airplane they just saw or heard had crashed. Maybe it was because it was night, or maybe inhabitants of Ndola are used to unusual events, but it struck us as peculiar.

Thirdly, nearly all witnesses testified that the engine of SE-BDY was functioning smoothly and didn't make an unusual sound when it was over the airport. Even later, when it was flying very low and seemed to be working hard, it didn't appear to be broken or to be making weird sounds. It didn't seem to be a problem with the engine that caused the airplane to crash. On the contrary, it seemed to be working fine until, or just before, SE-BDY crashed. Also the weather and the visibility were very good that night. The fact that the airplane crashed, given these circumstances and the apparent good condition of the engine seems odd.

### ***3.4. Investigation by Board of Investigation***

#### ***3.4.1. General remarks***

The Board of Investigation merely summarised the statements of the witnesses and didn't include the verbatim of the hearings in its final report. This firstly makes it very hard to analyse how the Board heard the witnesses and how witnesses responded to questions. It did however make much effort to establish the specific flight path of SE-BDY, such as the altitude and the direction in degrees. The Board helped for example Clarke and Simango to establish this. This precision, which other investigations lack, is praiseworthy. It does however make it harder to determine what actually was observed by the witnesses and whether they were influenced during the hearings. It seems to be more vulnerable to interpretation errors of the Board of Investigation .

Secondly, it doesn't become entirely clear after reading the witness statements of the Board of Investigation to what extent the time indicated by witnesses is reliable. Only a few witnesses state that they looked at their watch or established the correct time in another way. Also, with some African witnesses, the location where they made their observations remains a bit unclear, for example: Banda, Daka and Moyo.

What can thirdly be derived from the witness statements is that some people aren't heard. Agents Pratt and Spoffirth questioned inhabitants of the Mufulira Road and others in the vicinity of the crash about what they heard. It appears from their testimonies that some of these inhabitants could have had information relating to the crash. Most notably Lee, Alexander, Wollcott and Turner. They are not heard however by the Board of Investigation . Also not all airport personnel has been heard, Townsend and Lloyd for example.

Agent Pratt questioned some Africans in the vicinity of the crash-site, who were reluctant to testify about the crash. It seems that this was the only effort made to hear these witnesses. They too, might have been able to give additional information. In later investigations it becomes clear that more African witnesses saw or heard SE-BDY. Some of them even testify that they saw more than one airplane and that other Africans saw or heard the crash. Not much effort has been made in this investigation to question and hear the African witnesses in the vicinity of the crash.

### 3.4.2. Use of witness statements

The Board of Investigation deliberates on the evidence in chapter 12 of their report: Discussion of the evidence. They only decide on the most likely cause by ruling out the other options. They start with the observations made on the last minutes before the crash.

“When over the airport the aircraft was heard and observed by a number of witnesses none of them noticed anything unusual in its flight.”

“SE-BDY appears to have been normal approach speed.”

“The navigation lights were switched on “steady”.”

“The aircraft was reported as low over the beacon and very low during the procedure turn.”

The Board of Investigation concludes that the situation was normal and correct.

Then a few external causes are covered. First of all the possibility that SE-BDY was shot down from the ground or by an offensive aircraft.

“No evidence has been found to support the suggestion that SE-BDY was shot down by ground fire or by offensive aircraft. In fact the weight of evidence is all against such actions having taken place.”

The Board of Investigation motivates this with: “Neither of the pilots made any transmission which indicated trouble or alarm from the time when it was overhead Ndola to the time of the crash.” And: “If the aircraft had been under attack or if the pilots had been worried about such a possibility, the logical thing would have been for them to retract the wheels and flaps, increase power to take avoiding action, switch out the lights and warn the aerodrome.”

Secondly the Board of Investigation concludes that there is no evidence of any in-flight fire or explosion in SE-BDY. This is motivated by the state of the treetops, fire damage and the state of the wreckage. Thirdly: “The wilful act of some person or persons unknown which might have forced the aircraft to descend and collide with the trees.” The Board of Investigation believes this is an unlikely possibility.

In the end the Board of Investigation states: “The weight of evidence clearly predominates in favour of a situation that was normal and correct, except that SE-BDY was about 1700 feet lower than it should have been at this point.” They believe the accident is most likely caused by misunderstanding the aerodrome altitude, sudden incapacitation of the three pilots, misreading altimeters or an incorrect altitude indication. In the opinion of the Board of Investigation the probable cause of the accident lies within this group.

The Board of Investigation seems to support a lot of the conclusions on the expert reports and physical evidence and doesn't seem to rely that much on the witness statements. It does not refer to any specific statements in its report. Therefore it is hard to find out in what way the Board has considered the statements.

#### *Evaluation*

The Board suggests its findings have been based on mainly coherent and consistent witness statements. Yet, four of the witnesses (Eade, Lowe, Peover and Philips) state the airplane was flying faster than normal and seven of the witnesses state they have seen two airplanes (Chappell, Joubert, Kankasa, Njembwe, Mazibisa, Simango and van Wyk). From these seven, three speak of an extraordinary situation regarding the second aircraft (Kankasa, Simango and Mazibisa). Kankasa:

“I looked up and saw a flash of light twice. This seemed to come from the small aircraft and go to the big aircraft.”

This, and the other statements, could indicate an attack. These statements could suggest that the situation could have been anything but normal and correct. Most witnesses report flashing lights and there doesn't seem to be much consensus about the lights, regarding the amount, colour or steadiness. Since there are no expert opinions on this topic, it is unclear on what evidence it was concluded that the navigation lights were switched on steady.

Thus, some statements could have lead to a more nuanced or even different conclusion.

In the discussion about the other causes, witnesses have been left out. The statements of Kankasa and Simango say that the second aircraft behaved unusually and there might have been an offensive aircraft. Also, the noise of gunfire has been heard by five people (Banda, Cairns, Daka, Gondwe and Moyo). It wouldn't be unthinkable an outside attack happened. The Board of Investigation seems to conclude on the behaviour of SE-BDY even though they had no knowledge of what actually happened on board of the airplane.

### ***3.5. Investigation by Commission of Inquiry***

#### ***3.5.1. General remarks***

One of the most striking observations is the method of questioning certain witnesses, most notably the witnesses who testify about seeing more than one aircraft. Chappell, who testified to have seen two airplanes, is questioned extensively about his previous statement to the Board of Investigation , every detail of his statement is put under scrutiny and is put into doubt. There are some minor differences in his indication of time, the lights he saw and the sequences of the explosions he heard. About all these details he was asked a large amount of questions by all judges. This extremely critical hearing of Chapell (A less extreme example would be Mrs. Joubert) is in stark contrast with witnesses who also testify differently to the Commission than to the Board of Investigation , for example Lowe (p. 214) who doesn't remember the time too well and Andrews (p. 202), who testifies that he is not sure that the plane came from the east. Both are not so critically confronted with the apparent difference in their earlier statements as Chappell is.

Secondly there are a few African witnesses who testified that they saw two airplanes: Buleni, Kankasa, Simango and Mazibisa. Their hearing is also much more critical, and every claim they make is put under extreme scrutiny. Both Andrews (p. 201) and Mazibisa (p. 425-426) established the time by looking at their watch. From Andrews it is accepted immediately that his time indication is correct, but Mazibisa was asked several questions on whether he was totally sure. Also Kankasa and Buleni are questioned critically, again in contrast to other witnesses which have similar uncertainties in their statements.

The Commission seems to think that the African witnesses made their statements for political reasons and are extremely suspicious of their true intentions. Mazibisa (p. 415-417) and Buleni (p. 624) are questioned about their connections with a certain Mattson, a member of the local Labour Union. The Commission seems to imply that they are committing perjury for political reasons.

The African witnesses are also explicitly criticised during the hearings about the fact that they didn't report what they saw to the police. The examiners find it very troublesome that the African witnesses didn't report their observations to the police, because it would have sped up the search tremendously. When Mazibisa states that he was afraid to go to the police because he feared to be accused of a crime or be imprisoned, Margo says:

“But you knew that was ridiculous didn't you? [...] It was nonsense didn't you know that?” and later: “Didn't it occur then as a Christian it was your duty to give them the whole truth?” and even a while later: “So not only did you remain silent you told a deliberate lie, didn't you?” (p. 423-424).

Buleni gave a similar reason for not reporting the evidence to the police. The Chairman reacts to this as follows:

“That is not true. You don't want to make statements like that”

and subsequently:

“Tell him we don't want that type of remark here. He can confine himself to fact, not invent” (p. 623).

It is fair to conclude that the Commission was very critical about the witnesses who saw more than one plane. Also, the methods of questioning these witnesses are different than with other witnesses. Especially the African witnesses are questioned aggressively and with much suspicion about their motives. Furthermore, they didn't take some witnesses that serious, such as Simango, who in his later statement to the UN Commission gives a clear and coherent statement about his observations. The Commission however fails to take him seriously during the hearing.

It is, secondly, also remarkable that many witnesses were not heard who could have given vital information. The agents mentioned in the previous section, Pratt and Spoffirth, as well as the inhabitants of Mufulira Road who were questioned by these policemen, for example Wollcott and Turner, are not asked to testify before the Commission. Buleni states that many people of his township saw the crash of SE-BDY that night. Notwithstanding these statements, which indicate that there were more witnesses, the Commission apparently didn't employ much effort into hearing these witnesses, and again most notably African witnesses.

### *3.5.2. Use of witness statements*

The use of witness statements to establish the cause of the crash is limited. What the Commission primarily concludes based on the witness statements is that SE-BDY flew overhead Ndola airport, apparently with a properly functioning engine and the normal height for making a circuit and landing. The witness statements also confirm the conclusion that the crash must have been around 00.13 local time (p. 8). Evidence of witnesses that saw a flash or heard an explosion cannot be used to establish a cause of the crash however. It merely supports the conclusion that the crash had happened around that time (p. 17).

Furthermore the witness statements are used to conclude that the airplane was flying low when it was close to Mufulira road (p. 17). These are witnesses Bermant and Wright (p. 17). Their witness statements form the basis of the final conclusion that reads:

“But the conclusion to which we are forced is that the aircraft was allowed by the pilots to descend too low so that it struck the trees and was brought down” (p. 23 en p. 22 under pilot error).

The Commission does however discuss some witness statements extensively, when it discusses the possibility of another aircraft attacking SE-BDY. There are many arguments, apart from the witness statements, that make an attack by another aircraft very unlikely according to the Commission. Firstly the Commission states, and we cite again:

“At the outset we would say no reason was suggested, and we cannot think of one, why anyone who might have been able to attack this aircraft from the air should ever have wanted to attack it as it carried Mr Hammarskjöld on the mission he was then undertaking”(Annex III, p. 20, par. 10).

Secondly, they think that no fighter aircraft could have taken off from Ndola or another airport (p. 20). Thirdly, they argue that no bullet holes were found in the airplane (p. 21) and fourthly that it would have been extremely difficult to execute such an attack (p. 22).

Seven witnesses heard or saw a second airplane. One, Chappell (p 21 and app. 1 of annex III, p 29), was not worthy of consideration according to the Commission. He is considered:

“[...] completely unreliable. He contradicted himself again and again”.

Three witnesses (Joubert, Kankasa and Laurie) spoke definitively of a time when, or a location where, they heard or saw the second aircraft, but which cannot be connected with the crash of the SE-BDY (p. 21 and see app. 1 of annex III, p. 29-30). Mrs Joubert testified hearing two airplanes an hour after the SE-BDY had crashed. This is the reason why the Commission concludes that she couldn't have heard the SE-BDY



and that, if she heard an airplane, it must be another one. It is also concluded that she was too far away from the crash-site to hear an explosion. The Commission finds it strange that no one else had heard these two aircraft. The Commission considers it therefore more probable that her observations were the result of imaginative reconstruction. Mr Kankasa probably saw 00-RIC flying over, because he states that he saw the plane at 20.35 GMT, according to the Commission. The second plane he observed was probably the tail of 00-RIC. Finally the Commission finds it strange that Laurie heard an aircraft flying around 23.40 that no else heard.

Three charcoal burners saw a second plane (add. 1, annex 3, p. 30). The statement of Mr Simango is considered very vague because the sequence of events remains unclear. Also he would probably have mistaken the tail of the SE-BDY as a second airplane. Mr Mazibisa is considered to not be an impressive witness, because his statement has changed. At first he only testified that he found the wreckage the next day. After a conversation with Mr Mattson, he suddenly testifies that he saw two airplanes during this night. The Commission finds his explanation for not reporting the fact that he saw two airplanes earlier unsatisfactory. He is therefore not a reliable witness. Mr Buleni is also not reliable, according to the commission. The Commission finds that it is impossible that he saw two airplanes at night by the buzz of their engines. His new statement about the direction that the second airplane went on, also differs too much from his earlier statement to take the observation seriously. The Commission (p. 21-22) finds the fact that Buleni and Mazibisa didn't hear the second aircraft flying away after the crash implausible as well. Secondly, the Commission finds the statement of Buleni and Mazibisa that the lights of the attacking airplane were on, unlikely, because an attacking plane would have its lights off. Furthermore, none of these witnesses heard shots being fired. Finally, the position of the two airplanes according to the witnesses was such, that an attack would not have been possible.

Based on these arguments they consider the attack by another airplane impossible. The witness statements which suggest otherwise are unreliable or mistaken.

Finally, there seems to be no evidence to support that the airplane has been hit by a missile from the ground, because none of the witnesses heard an explosion before the airplane hit the trees.

#### *Evaluation*

Why did an apparently well-functioning airplane, with a skilled crew, under normal visibility and weather conditions, crash? Ruling out the possibility of an attack from the outset seems not to be justified in this case.

Yet, the Commission hardly elaborated on this possibility. From the outset, the Commission of Inquiry seems to find the possibility of an attack on the airplane of Hammar skjöld implausible. It is stated that it no reason is found to suggest, that somebody would want to kill Hammar skjöld.

The evidence that the airplane appeared to be landing at Ndola Airport, that it was not on an unusual height and didn't travel at an unusual speed indeed seems to be supported by the witness statements. Secondly the conclusion that the testimonies of witnesses who saw a flash or heard an explosion are not helpful to establish the cause of the crash, seems a bit too quick and not entirely correct. Some of these witness statements could for example have helped the Commission to establish whether shots or missiles were fired. Some witnesses state to have seen a flash in the sky. However, the Commission seems to dismiss this evidence rather quickly. On the basis of evidence provided by Mrs. Wright and Mr Bermant it is concluded that the pilots allowed the aircraft to descend too low. Although the testimonies give clear evidence that the airplane was flying very low, they don't give any indication that a pilot error was at stake. The mere fact that the airplane was flying low doesn't prove that the pilots made a mistake.

The conclusions about the reliability of certain testimonies of witnesses are quite absolute and a bit harsh. Especially the conclusion that Chappell's statement is *completely* unreliable and that he contradicted himself *again and again* is very bold. His statements about the time, the direction of the two airplanes, as well as the sound of, and lights on, the first airplane might not be entirely in line with his earlier statements to the Board of Investigation, but doesn't seem to justify to dismiss him as *totally unreliable*. Especially in the light of the aggressive way that Chappell was heard, this conclusion seems to be very harsh. Also, the conclusion about Mrs. Joubert's statement, which is that her observations were probably the result of imaginative reconstruction, don't do justice to the content of her testimony. Firstly, because she isn't, contrary to what the Commission concludes, the only one who heard the explosion. The statements of Pratt and Spoffirth to the Board of Investigation indicate that more inhabitants of the Mufulira Road heard a crash and saw a flash that night. Secondly, her statement can also be the result of a

mistake about the times or a confusion between different time-zones. The conclusion that she couldn't have heard the SE-BDY or a second aircraft is made a bit too quickly. The conclusions that Kankasa had probably seen the tail of the 00-RIC and that Laurie probably imagined hearing an airplane also seem rather short-sighted and not based on any concrete evidence.

Some remarks should be made about the testimonies of the charcoal burners. Simango is accused of making a very vague statement about his observation. On closer inspection though, this seems to be the result of the way he is heard by the Commission, rather than of his personal account of the night. His testimony to the UN Commission for example is very clear and coherent. At the UN Commission hearing, Simango explicitly complains about the questioning technique of the Commission of Inquiry. A similar remark is made by Buleni. He indicates that his testimony to the Commission of Inquiry has been wrongly interpreted. The Commission however concludes that these witnesses are either vague or incoherent. This doesn't do justice to the content of their statements.

Mazibisa is considered unreliable because in an earlier statement he didn't testify to seeing SE-BDY nor a second airplane. His explanation is that he was afraid of being accused of a crime if he had gone to the police. Buleni testified to being afraid of talking to the police after the crash for a similar reason. Only after being persuaded by Mr Mattson to give a testimony of their observations, they went to the police and told precisely what they saw. The Commission finds this reason unsatisfactory and considers their explanation "nonsense" and not a "real" reason.

The Commission doesn't see any reason to be afraid of the police and implicitly accuses Mr Mazibisa of perjury and making false statements. They are very suspicious of his testimony and his conversation with Mr Mattson, who is a Swedish adviser to the local labour union. The conclusion that fearing to talk to the police is an unsatisfactory and "nonsense" reason, doesn't seem entirely justified. It is not implausible that many African witnesses were afraid of the police at that time, especially because the political situation was tense in the Federation of Rhodesia and Nyasaland. Agent Pratt testifies that Africans were reluctant to talk to him. It is peculiar that such considerations of African witnesses were considered 'nonsense' or not as 'real' explanations, seeing as how they might have been valid.

### ***3.6. Investigation by UN Commission***

#### ***3.6.1. General remarks***

The hearings of the UN Commission are not very elaborate and in different ways incomplete. Firstly, only 27 witnesses are heard by the UN Commission. Some critical witnesses of the earlier investigations are left out. Again, Pratt and Spoffirth are not heard, nor the inhabitants of the Mufulira road whom they questioned. Most notable however, is the fact that Chappell, Joubert and Laurie are not heard again by the UN Commission. These three witnesses heard a second airplane and were questioned in the earlier investigations. More African witnesses are heard by the UN Commission than in the earlier investigations. They are however treated with suspicion and questioned extensively, for example Mpinganjira.

Secondly, witnesses are not confronted with their earlier testimonies to the Board of Investigation and the Commission of Inquiry. Apparently, the UN Commission is relying on the investigation of the Commission of Inquiry and the Board of Investigation. Some new witnesses are heard. Yet, if a witness has been heard previously, not much new is learned. A good example of this attitude can be found in the hearing of Mrs Anderson (Hearing 15, p. 21):

Chairman: We are familiar with what you have told the Federal Commission. Do you wish to add anything to what you have already told them?  
Mrs Anderson: No”

#### ***3.6.2. Use of witness statements***

The UN Commission investigates four possible causes: Sabotage (or internal interference), attack (or external interference), material failure and human failure.

Internal failure such as a bomb or any explosive would have shown. The UN Commission states that there was no sign of a bomb or any explosion occurring while the aircraft was in flight. A few witnesses do state such things, but the UN Commission believes they probably saw exploding fuel tanks, and the subsequent discharge of ammunition and pyrotechnics carried on board of the aircraft. It might have been bursting gas containers, oxygen cylinders, or some other part of the wreckage blown into the sky during the fire. The flashes in the sky and discrepancies in time were explained by “a relative field of vision”.

The UN Commission has found no evidence that an attack of any kind occurred. The Rhodesian authorities have stated that they have no knowledge of any other aircraft other than SE-BDY being in the air in the Ndola region. No gun-fire has been heard before the crash. The wreckage showed no bullet holes, after close examination. There was no evidence which showed an abnormal reaction from the pilot. If there was an attack, the normal reaction would have been to retract the undercarriage and flaps and to apply full engine power. None of these measures were taken. No substantial evidence was submitted in supporting an attack and the shooting down by a plane armed with rockets.

The Commission explains the witness statements about multiple aircraft as either a misinterpretation, maybe caused by the fact that the SE-BDY is a larger aircraft with an unusually high tail fin which might be seen as a smaller airplane, or explains it with:

“It is possible, considering the time lapse between the crash and their testimony, that some of the witnesses may have believed that they saw or heard phenomena which, in fact, they did not, or have compressed into a single day of observations of events occurring over a longer period.”

The Commission concludes that none of the four causes can be excluded, but that they found no conclusive evidence that one of the four in particular was the cause of the crash.

#### *Summary of Annex VIII*

In the Summary of Annex VIII the UN Commission takes a closer look into statements involving multiple airplanes. There are a few striking elements.

Firstly, Chappell en Joubert have been heard by the Commission of Inquiry and the Board of Investigation, but not by the UN Commission. The UN Commission was satisfied by the conclusions of the Commission of Inquiry and considered the testimonies in no way convincing, even though these witnesses saw two planes from the very beginning, and did not hold an impossible point of view. Chappell did not speak about an actual attack but was mainly focused on the second airplane. Joubert declared to be quite neutral about a second aircraft. There is no obvious reason why these testimonies are in no way convincing. Therefore it is strange that the Commission copied this opinion from the Rhodesian Commission. While they started this investigation striving for an independent opinion, that doesn't seem to be entirely the case here.

It is remarkable that while the charcoal burners were afraid to testify, they were especially afraid to testify in front of the Federal Government. Two of them came forward after having spoken to Mr Mattson: Mazibisa and Buleni. A lot of them have never come forward however.

Overall, the Commission provides the same reasons as they have given in the UN report, for explaining the witness statements concerning multiple aircraft. In the Annex they sometimes seem to jump to conclusions. Especially the conclusion that African witnesses, with strong nationalist feelings, probably testified in order to embarrass and discredit the Federal government is very general and a bit too fast. It doesn't seem to do justice to the statements of witnesses such as Mazibisa and Simango.

#### *Evaluation*

Some conclusions of the Commission are not supported by witness-statements. Such as; ” examines the scene of the crash in order to discover if anyone had wandered into the bush but found no trace of this.” and “No strangers were reported to have been in the bush, nor, as noted above, was any sound of gunfire heard before the crash.”. There were in fact all kinds of people in the bush. A few people such as Banda, Moyo and Daka, were on the crash-site before the police arrived. The Commission did not ask any questions about strangers in the forest.

The Commission concludes that there were no “signs of explosion in the air”, while multiple people stated on there being a flash of light in the sky, such as Buchanan, Cock, Peover, Wollcot, Turner, Vaughan, van Wyk, Daka, Buleni, Chappell, Kezembe, Mpinganjira and Nkonjera.

Quite a few charcoal burners and local residents weren't heard at all, not even by the Board of Investigation or the Rhodesian Commission. Mr Buleni speaks of more people sitting outside, in the Ndola West Charcoal Compound. Quite a few people there were frightened because of the crash. Buleni also states that his wife saw the event. Only Simango, Banda, Daka, Mazibisa, Buleni, Mpinganjira and Chisanga are heard. There must have been more people, especially if you take into account that Banda, Daka, Simango and Chisanga weren't even in the charcoal compound. Also, outside the compound, in the woods, there would have been more people at work. For all these reasons, there must have been a lot of possible witnesses who were never heard.

A few police officers state that they asked around. A lot of the witnesses they produced have never been heard by an official investigator. Witnesses such as Mr Cogan, Ms Burton, Ms Lee and Ms Alexander, who were questioned by Pratt, a police inspector. Or Davidson and Mrs Gray, questioned by Spoffirth, also a police inspector.

In the end, the Commission can neither rule out any cause, nor find the actual cause. This shows that some extra witness statements could have been necessary and useful. The Commission also wasn't as independent as they wanted to be. They relied for a great part on the hearings from the Commission of Inquiry.

## 4. Search

### 4.1. Introduction

Search as a subject concerns all statements about the deliberate attempts to find SE-BDY and coincidental discoveries of the airplane, on 17/18 September 1961 between 22.10Z (Zulu)/00.10B (Bravo) and 15.10B.

According to various statements, at 22.10Z (Zulu), the aircraft is observed overhead Ndola. Subsequently, all contact with the aircraft is lost at 00.10B (Bravo) (which is 22.10Z). At 00.30B Captain Deppe of 00-RIC requests clearance to take off for Salisbury and is instructed to “hold position until the landing of SE-BDY”. Finally, at 00.35B he takes off, calls SE-BDY without success, and flies away. At 01.42B Ndola tower originated the first INCERFA signal. In Ndola at 05.50B, control officer Budrewicz reports for duty, and he sends the second INCERFA signal at 06.45B. In Salisbury at 05.50B, control officers Chilvers and Knight come on duty and take action in the search operation, even though no flight details or information from Leopoldville is obtained, despite repeated request. They 'jump the gun', by skipping the alert phase and issuing a DETRESFA signal at 06.35B. Still, Leopoldville does not reply, while Johannesburg, Ndola and Elisabethville do. At 07.44B Salisbury receives a signal from Leopoldville: “no news.” At approximately 09.00B the RRAF is requested to start an air search and at 10.00B, all search aircraft are airborne. Finally, at 15.10B, flying officer Craxford finds the crash-site and the search operation comes to an end.

### 4.2. Method of analysing

In this section we will briefly elaborate on the manner in which we sought to summarise the witness statements in the attached schedule. In the fourth tab of the schedule, a ‘Manual’ can also be found in which the definitions of the titles of the categories are clarified.

In the first columns, the name and occupation of the witnesses are stated. In cases of witnesses with occupations that cannot be directly linked to services at airports or roles in the search- and rescue operations, the ‘motivation’ of the witness is mentioned. In these cases, ‘motivation’ is defined as the reason for their involvement in the search of the SE-BDY, which is generally accidental. Next, the schedule covers the location where, and time on which, a witness was involved in the search of SE-BDY. The numbers which precede the locations correspond with the numbers which precede the times, in order to indicate the presence of witnesses on a certain location and a certain time.

After this general information, it is firstly indicated whether a witness actually found the crash-site. When a witness reached the crash-site, either through participation in the search operation, or through accidental passing-by, he is labelled as a ‘direct witness finding crash-site’. It is possible that a witness deliberately, i.e. through participation in the search operation, searched for the crash area, but failed to find it. It is also possible that a witness accidentally passed the crash area and observed some abnormalities. In the first case, a witness is indicated to be a ‘direct not finding crash-site in search operation’, in the latter a witness is labelled as an ‘indirect witness crash-site’.

Next, statements of witnesses concerning general observations in the area in which the crash had taken place are summarised. These general observations are separated from the observations on the crash-site itself, which are summarised in the next column. In the following column, the responses on witnesses' observations in the crash area or on the crash-site are indicated. These responses consist of actions instead of observations, and can be made both on the crash-site itself and beyond the reach of the crash area. Reports of the observations to others are also summarised in this column.

Furthermore, observations concerning the procedure of the search are summarised. The statements of witnesses concerning the different sources giving information about SE-BDY and its flight from Léopoldville to Ndola, are summed up and followed by the content of this information preceded with the same number. For the witnesses who were not officially participating in the search-operation, but who gathered some information about SE-BDY, these columns are also used to sum up their general knowledge of the flight of the Secretary-General.

The sources of information are followed by a column stating the stage in the search procedure, which was prevalent when the witness was taking actions concerning the search of SE-BDY. These stages are described in the “Procedures for Search and Rescue Action within the Salisbury Search and Rescue Area”<sup>1</sup>, and consist of an Uncertainty phase, an Alert phase and a Distress phase. These phases are considered to exist when certain criteria are met, and a response to the existence of the phase is the sending of radio-signals to other airports to gather information and to organize a search operation in the air and on the ground. The signal that should follow the Uncertainty phase is “INCERFA”, the signal that should follow the Alert phase is “ALERFA”, and the signal that should follow the Distress phase is “DETRESFA”. In the column, distinction is made between the phases which existed, and the signals sent out. It is possible that a witness took action during the Uncertainty phase, when the “INCERFA”-signal had not been sent out, or after sending out the “INCERFA”-signal. This column has not been filled in for witnesses which did not officially take part in the search operation. Witnesses who participated in the physical air or ground search, are indicated to be acting in the ‘search operation’. In the next column, titled ‘decision making process’, every statement of a witness concerning the course of the search operation is included. These statements include remarks on the behaviour or actions of others, opinions about or abnormalities in the course of procedures in search operations in the case of SE-BDY, and opinions about the behaviour of SE-BDY.

The actions taken by witnesses on North-Rhodesian or Congolese airports are summarised. In the schedule, actions involving radio contact and actions not involving radio contact are distinguished. In this way, the actions of airport personnel involving contacts with other airports are disconnected from actions taken on the airport itself, and the course of the radio contacts is more easily reconstructed.

The two last columns firstly indicate which references witnesses have made to other persons in their statements, and secondly whether a witness has made other statements or remarks that cannot be covered by any other column.

In this section, we will not look into all aspects of the search operation. We have selected several facts and circumstances, derived from witness statements and some elements in the investigation commission reports, which could be useful to answer the question of the General Assembly with regard to “the fact of its having crashed did not become known until several hours afterwards, and if so, why”. Building on this question, we will also further comment on the way in which the search operation is analysed and criticised in the UN Report.

Due to the time constraints of this report, we unfortunately have not been able to compare all protocols for airport personnel in search-operations to the actual actions that have been taken at certain airports. Therefore, we cannot make inferences about the extent of conformity between the actions prescribed, and the actual actions taken by involved individuals.

### ***4.3. Facts and circumstances***

Well noted in the different reports is that Ndola’s airport manager Williams, and control officer Martin, went home from Ndola airport and only returned the following morning. They left Goodbrand behind. However, there is no consensus on the time at which they left the airport, and on whether they had permission from Salisbury to close the airport and the control tower.

According to his own statement, Director of Civil Aviation Barber gave explicit instructions that Ndola should be kept open until the two aircraft (SE-BDY and 00-RIC) had landed (Barber, Commission of Inquiry). Martin himself even states that in a message he intercepted from the Aeronautical Fixed Telecommunications Network (AFTN) operator, it was mentioned that the airport had to remain open until the two announced aircraft had landed. However, Martin, Williams and Goodbrand (all working at Ndola) state that they had permission from Salisbury to close the airport. By contrast, Thorogood (communicator at Salisbury), states he never communicated any permission to close the airport. Barber and Murphy also persist in their statements that they never gave permission. These contrasting statements can be explained by differences in the definition of ‘closing down’ that are applied by the witnesses on the

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<sup>1</sup> Which are stated to be adopted ‘in compliance with the amplification of’ the relevant ICAO Standards and Recommended Practices (annex 12 to the Convention on International Civil Aviation).

different airports. Thorogood states that 'closing down means that no airport communicator is left on duty'. On the night of 17 September, however, communicator Goodbrand was left on duty, and therefore the airport was not closed down according to the definition of Thorogood. Martin, however, defines 'closing down' as leaving the tower dark and leaving a communicator on duty. Therefore, it is possible that the difference in definition of 'closing down the airport' caused the inconsistency in the statements. However, it is still striking that Thorogood does not mention that he had permitted Martin to leave the airport and leave a communicator on duty.

Furthermore, the exact time Williams left Ndola airport is uncertain. Martin says he closed down at 01.15Z as authorised by Salisbury. Barber, who is on duty at Salisbury airport while he normally works in an office in town, leaves just before 02.00(B or Z unknown). Williams states that he leaves for the Rhodes Hotel at 3.30B. Goodbrand confirms this, since – as he states – at 3.35B, two police officers came to the airport to report on flashes that were seen. Goodbrand then tried to reach Williams at the Rhodes Hotel, but to no avail. However, the two police officers which come to report the observation of a flash in the sky, Begg and Pennock, persist that they were at the already closed airport at 02.30B and only found Goodbrand there. Also, Begg states that he found the airport manager 'in dressing gown' (Board of Investigation) and Pennock states that Williams 'appeared to have been awakened from sleep' (Commission of Inquiry). Furthermore, before the UN Commission Williams states that Parkes was available at the airport when he tried to get some rest between 0335B and 0830B, although Parkes does not confirm this in any way (he went off duty at 9 o'clock), and nobody noticed that he was available.

At 4.40 am, the Police undertook some search actions themselves, without coordinating or communicating this with Ndola airport. Witness Rush testified before the Commission of Inquiry that he drove on the road from Mufulira to Ndola at 50 mph, and he noticed a fire blaze as well as an unusual smell. This would imply that police officers like Vaughan, Weitsz, Mayne and Read should have seen this fire blaze as well, since they drove over this same road in open landrovers, some at a speed of only 30 mph. This may have been caused by the fact that the patrols did not reach further than the 21 mile peg, where the police officers state to have waited for a while, before they returned to their base. It is unclear how the report of the non-finding of SE-BDY reached the airport: Williams states that he asked Parkes about it when he returned to duty on the morning of the 18<sup>th</sup>, although Parkes does not mention being informed about the results of the patrol, nor that he informed Williams about it. Williams did telephone to the police at around 9 in the morning to inquire into the results of the patrol. The telephone records of the police do not seem to have been checked by the commissions.

Another fact we observed was that the Royal Rhodesian Air Force (RRAF), stationed at Ndola, was kept ignorant of the planned flights of SE-BDY and 00-RIC and of the course of events during the night of September 17<sup>th</sup>. Squadron leader Mussell states that he was not informed of the intended arrival of the two aircraft on the night of 17<sup>th</sup> September, let alone that he was briefed on the procedures of Hammarskjöld's arrival or on the repeated calls that Martin made to SE-BDY. Gaylor confirms the statement of Mussell: He was not informed either. Chilvers wanted to inform Mussell about a flash in the sky after 5.50B, but he was not able to get through, and informed Parkes instead. However, Fidlin, who was constantly in contact with the Control tower and did know about SE-BDY's non-arrival, did not inform his superior on this event. Director of Civil Aviation Barber does state that he kept Hawkins, Deputy Chief of the RRAF Headquarters in Salisbury, constantly up-to-date on the movements of SE-BDY, which Hawkins confirms. However, Mussell, in Ndola, did not receive any of this information until the request for a search action was launched at 09.30B, even though Hawkins states that he called Barber at 0500B to inquire on the non-arrival of SE-BDY, about which he was informed at that time by a non-mentioned source (the FIC according to Williams (Commission of Inquiry)). Mussell does not mention him being informed by Barber or Hawkins in any way, only by Fidlin the next morning at 0700B. It can also be argued to be striking that controller Martin states to have been warned by three RRAF-officers (Fidlin, amongst others) coming up to the tower, about an aircraft flying overhead Ndola Airport, yet after the overdue signal Fidlin went off duty without informing his superior, Mussell.

This absence of information 'on the ground' at Ndola on the flight of SE-BDY and the non-arrival of that aircraft, can also be perceived to account partially for the delay in the initiation of a search. It is possible that the perception prevalent in the Defense Headquarters, namely that Hammarskjöld's aircraft had diverted (Barber and Hawkins, Commission of Inquiry), accounts for the fact that the Squadron Leader at Ndola was not informed until the late morning of the 18<sup>th</sup>.

Another striking fact is that when the UN Commission asks Mussell about the time he was informed about the request for a RRAF-search for SE-BDY, he is not able to remember the person launching the request, and suggests that 'a gentleman may have spoken to my brother, who was also on duty up there, through Mr Parkes'. However, none of the commissions has heard the brother of Squadron Leader Mussell as a witness, and his function is not clarified. These striking statements can be considered as potential causes for the delay in issuing the actual search of the SE-BDY, and are additional to the causes offered in the different reports.

None of the investigating commissions (Board of Investigation, Commission of Inquiry and UN Commission) is consistent in asking the time to the witnesses. Whether the time is meant in Bravo or Zulu is often left out, which makes it difficult to pinpoint the exact time. This is relevant, for example, when noting the time of the reports from people on the ground coming in at the police station or the airport.

Between 02.00B and 03.30B it is uncertain what was happening at Ndola. The airport manager Williams and senior control officer Martin leave, the tower is closed, and communicator Goodbrand is left alone. Whether they had permission from the Salisbury FIC to close the airport is a point of discussion. At 04.40B, police officers like Mayne are instructed to investigate indications of a plane crash in their patrolling areas. This is done at the Police's own initiative, after several report of flashes and explosions came in. No coordination or communication with Ndola airport or the RRAF regarding these search actions takes place. At the same time, Ndola airport closes during the night, whilst many people have the impression that SE-BDY has returned to Leopoldville or diverted to another airport.

The quality of the actions taken by Director of Civil Aviation Barber to inquire into the non-arrival of SE-BDY in Salisbury can be doubted. Barber, highest in the hierarchy of civil aviation in North-Rhodesia, states that he acted as CASO himself, when this status was not yet granted to Williams at Ndola airport. However, he also indicates that a CASO is appointed to physically run the search and he deemed it necessary to appoint Williams as CASO when a bigger search seemed necessary, because there were no signs of SE-BDY in the immediate neighbourhood. Barber himself did not take any actions which could be qualified as organising a search on a smaller scale. He went off duty some time before 2 o'clock, leaving no other instruction than 'get cracking on the overdue action' (Commission of Inquiry) to Thorogood. Barber missed the events concerning the report of a flash and the following police patrol, and he did not get back to Salisbury Airport until 9 o'clock the following day. Barber states he did not want to search at first light if nothing had been brought back by the police, but he was not informed about this by the time dawn had broken. He therefore could not have initiated a search when something was brought back by the police. His lack of actions from 0200B and 0900B can partially account for the delay in initiating an air search.

The statements of Mr Mpinganjira and Mr Chisanga before the UN Commission are some of the most striking in the UN record, which is partially due to the way that their evidence is checked with facts and other statements, as will be evaluated in the following sections. Mr Mpinganjira and Mr Chisanga both report to have observed two Landrovers driving to the crash-site with great speed some hours after the aircraft has crashed. By the time these Landrovers returned from the crash-site along the same road, the fire in the area had intensified (Mpinganjira and Chisanga, UN Commission). In his statement on the reliability of witnesses, Mr Tscherning (representing the Swedish government) states that the reliability of the two witnesses can be doubted for three reasons: Firstly, Mpingangjira demonstrated an 'avowed and bitter hostility to the Federation', which may have motivated his evidence against the Federation. Secondly, the condition of any possible road to the crash at the time was known, and it is implied that Landrovers would never be able to reach the crash-site. Lastly, Mpingangjira contradicts his previous statement when he argues that he did not immediately report his observations to the police because he thought that the people in the Landrovers would take care of that. However, the perceived hatred of Mpingangjira towards the Federation does, in his statement, not reach further than his argument not to give evidence in front of the Federal Commission because he did not trust that commission, and his positive answer to the question of whether he was or is involved in the Malawi Congress Party, of which he refuses to state its 'ultranationalistic' (Tscherning, UN Commission) mission. Nowhere in their statements do Mpingangjira and Chisanga mention that the Landrovers were property of the North Rhodesian Police, or that police officers were driving them.

Furthermore, Mpingangjira argues that his evidence is suppressed by all the questions about politics, asked by judge Margo. Also, the roads leading to the crash-site were dirt roads, as confirmed by witnesses like police officer Cary, who stated that a dirt road which led straight to the site of the crash was



‘a fire break’: It had to be bulldozed for the other vehicles to reach the crash-site, but his own Landrover was perfectly capable to reach the wreckage.

Tscherning also suggests that Chisanga’s statement is dictated by his friend Mpinganjira, although Chisanga mentions that he has not spoken to his friend Mpinganjira since their hide-away behind the anthill, because the latter had left for Livingstone for 7 months, to sell his burnt charcoal. This offers an explanation for the absence of a statement of Mpinganjira.

When reading the witness statements, one is also struck by the extent to which communication by telephone seemed to be possible in Ndola on the night of the 17<sup>th</sup>. When a flash in the sky was reported by police officer van Wyk, Pennock sought to call the airport by telephone and was unable to reach the communicator on duty (Pennock Commission of Inquiry). This, he states, was the reason for a visit to the airport to report the flash. When Begg and Pennock arrived at the airport, Goodbrand was also unable to call the Rhodes Hotel and report the flash to Williams by telephone. However, when Begg made a telephone call to the Police Information Room and initiated a patrol to look out for the missing aircraft, he had no problems whatsoever. It can therefore be argued that the telephone communication in the whole Ndola area was not as bad as suggested by Williams and Goodbrand. Besides, the woman who appears to have received this telephone call and who passed the initiation of a patrol on to the executive police officers is never heard, while this message was passed as a patrol ‘to look for the delayed plane of Tshombe’ (Coase, UN Commission).

The role of the Deputy High Commissioner to Lord Alport, Mr Scott, seems to have been great in spreading the idea of the diversion of SE-BDY to Salisbury airport. Although Scott did receive the complete text of the cable from ambassador Riches about the aberrant way in which SE-BDY would communicate its flight plan, in contrast to Lord Alport himself, he engaged in conversations with Thorogood about other causes for the ‘reluctance’ of the pilot to disclose information about his flight to Ndola. Scott suggested that the pilot did not want to give information before he knew exactly where he was going, although the cable of ambassador Riches specifically indicated that SE-BDY would land and give information from the air. Scott gives the delay in the ETA of SE-BDY as a reason for his changed opinion, but he also states that he mentioned to Thorogood that there were political reasons for the aircraft to have diverted to another place. The perception that the general impression of the aircraft having changed its destination was extended to Salisbury, could account for the lack of concrete action in inquiring into the cause of SE-BDY’s non-arrival at Ndola in the FIC.

In general, a striking difference can be found in the extent to which individuals in different ranks of hierarchy at the airport were worried about the non-arrival of SE-BDY. Officers with higher ranks seemed to be more willing to go along in the view of Lord Alport that the aircraft was likely to have diverted: Barber and Murphy at Salisbury and Williams at Ndola state that they were aware of the general assumption that the aircraft had flown away to another destination. However, the airport personnel lower in rank appeared to be more concerned about the non-arrival of SE-BDY. Although they were aware of the ‘special circumstances’ of the flight of SE-BDY, Knight and Chilvers were concerned that no CASO had been appointed when they came on duty in the morning, and decided to take some action without informing their superiors. Also, police officer Begg mentions one of the petrol company staff informing him on the perception that SE-BDY was missing when he was on duty at the airport before the flash was reported. This indicates that lower ranks of personnel, not involved in any contact with diplomats or government authorities, were more disturbed about the information that an aircraft had not arrived than their superiors. This in spite of the fact that these superiors were aware of the little knowledge that the diplomats and Federal representatives had about the normal procedures of search and rescue when aircraft are missing. Police officers Begg and Pennock were furthermore convinced to start normal procedures for missing aircraft, even though Williams had indicated that nothing could be done until first light, and they decided to send a patrol to look out for the aircraft as a precautionary measure.

## ***4.4. Investigation by Board of Investigation***

### ***4.4.1. General remarks***

Firstly, it can be doubted to what extent it should be the duty of the Board of Investigation to inquire into the course of the search action concerning the SE-BDY. The chairman of the Board of Investigation was Mr Barber, the Director of Civil Aviation, who himself was on duty at Salisbury during the evening of September 17<sup>th</sup> and the following day. It can be argued that he participated in the search operation himself, as he states that he was acting as CASO himself and he was completely in control of the situation (Commission of Inquiry), until he appointed Williams as official CASO at 2.20Z (PM) on the 18<sup>th</sup>. This overlap in roles of Mr Barber could have resulted in an inquiry into the search operation which was coloured by the views and observations of the highest Civil Aviation official involved in the actions concerning the search of the SE-BDY.

According to the records that were available to the Hammarskjöld Commission, Barber has not made a statement about the course of the search procedure himself.

The witnesses which are not heard by the Board of Investigation but by one or both of the other commissions further include Chisanga, Coase, Mpinganjira, Roeder, Rush and Scott. The absence of evidence from these witnesses might have resulted in a lack of information concerning the accidental observation of SE-BDY after it had crashed.

In general, the Board of Investigation works with written records of witness statements, not of witness hearings. The testimonies are thus not in verbatim form, but are summaries that Board of Investigation down to what a witness stated. This methodology limits the research, since witnesses cannot be confronted with the testimony of another witness. For example, no definite answer could be given on whether permission to close Ndola airport had been given or not, or at what exact time Williams left Ndola airport.

### ***4.4.2. Use of witness statements***

In item 13 of its report, the Board of Investigation starts its discussion of the evidence regarding the search and rescue actions with a summary of the applicable documents on procedural instructions.

In par. 13.2 the Board of Investigation concludes that only the INCERFA signal was sent one hour too late, but that “other correct action was taken by the Ndola airport staff.” The actions referred to are listed under 13.3. Furthermore, it concludes that the Ndola control tower was closed at 01.15 GMT and a communicator was left at the airport who knew how to contact the Airport Manager.

In par. 13.5 and 13.6 the Board of Investigation states:

“The RRAF search action which started on Monday morning was finally successful at about the same time as ground reports from Africans reached police and airport authorities. If the Africans who witnessed the crash or heard the explosion had reported the fact to any authority they could have led police or rescue vehicles to the scene of the accident before daylight. No such report was made until about 13.00 GMT on Monday 18<sup>th</sup>.”

In item 14.3 is indicated that the

“crash-site in the forest was identified by Police Land Rover vehicles stationed there with their headlights illuminated.”

In their conclusions, the Board of Investigation states in par. 15.11-13 that

“FIC Salisbury and Ndola Tower had sufficient information regarding SE-BDY’s position, destination and ETA for their control purposes. 15.12 The Control Tower was closed down at Ndola airport on the night in question after INCERFA action had been initiated but not resolved. A communicator was on duty throughout the night who could have recalled staff if required.

15.13 Certain African charcoal burners could have reached the crash-site by 22.45 GMT and led rescuers to the crash before daylight had they so wished.”

Both the control officers at Salisbury (Thorogood, Chilvers and Knight) and Ndola (Martin, Parkes and Budrewicz) and their communicators (respectively Turnbull and Goodbrand) state that they did not have sufficient information, since they desired the flight details. A flight plan was not filed, none of them knew how many people were (supposed to be) on board, nor what the endurance of the aircraft was.

#### *Evaluation*

Firstly, the small sentence that “other correct action was taken by the Ndola airport staff”, and item 13.3, mainly refers to the actions of Martin and Williams regarding their attempts to inquire from other airports whether SE-BDY had been observed around or at these airports. However, by this sentence, complete and relevant issues, like the time of Williams’ return to the Rhodes Hotel and the permission to close Ndola airport, are excluded from discussion.

Secondly, only Williams confirms the statement by the Board of Investigation that the communicator on duty ‘knew how to contact the airport manager’, namely by telephone. Goodbrand does not refer to these instructions in his own statement, but he did telephone the airport manager when police officers Begg and Pennock came in to report the flash. Goodbrand failed to contact the airport manager by telephone, although this is not mentioned in the report at all. Whether Goodbrand “could have recalled staff if required” can also be doubted, since no statement of a witness to the Board of Investigation indicates that there were clear requirements for recalling the staff.

Thirdly, the evidence of Craxford substantiates the statement of the Board of Investigation concerning the success of the search action: Craxford was the pilot who eventually found the crashed aircraft at 1510B, almost 5 hours after the start of the RRAF search at 1000 AM (report Mussell). The qualification ‘successful’ is therefore quite striking. However, this was not ‘at about the same time as ground reports from Africans reached police and airport authorities’. The report of Mazibisa, Nkonfela and Mubanga came in at 02.00 pm, which immediately led to a ground search action led by Superintendent Cary. However, other reports are apparently not taken into account. Superintendent Coase received a report from assistant inspector Vaughan that he had seen a flash of light at 03.45 (B or Z unknown) and from driller Cairns at 7.30 (B or Z unknown) that he had heard an airplane. Mussell states that

“messages originating from Tower and (...) Police District HQ Ndola gave reports (...) during the night.”

At approximately 09.15B, the Police Operations Room is phoned, and some details are obtained about policeman Van Wyk’s report, reports from a Mufulira European Police Officer, drillers like Cairn from Mokambo camp, and sentries from Mokambo Camp.

It is unclear which witness’ statement is used to substantiate the claim made in item 14.3 about the Police Land Rovers which are suggested to have had their headlights on when they found the crashed SE-BDY. This item implies that the crash-site was very difficult to find, although Mr Mazibisa and Mr Nkonfela did not seem to have had any difficulties in observing the crashed aircraft while they were cycling on the road, due to the fire and smoke that was visible.

The “certain” African charcoal burners mentioned in item 15.13 were on the one hand the group of Banda, Moyo and Daka and on the other hand Mazibisa. Nkonfela and Mubanga do not belong in this list, since they did not observe the crash-site earlier than 18<sup>th</sup> September in the afternoon, after which they immediately reported to the Forestry Department. Mazibisa, however, had heard the explosions around midnight and could have reported them previously.

All witnesses did eventually not decide to report their observations of the crash immediately. Banda, Moyo and Daka decided to go to the place where they heard sounds in the morning and stole an iron box. Mazibisa was frightened and returned home.

It is striking that the Board of Investigation put much weight to the reports of Africans and even blamed them for the most part for the delay in finding the crash-site. No other party participating in the search operation is blamed to such an extent as the African witnesses. When reading the statement of Barber before the Commission of Inquiry, a reason for this can be derived. He states : “In my experience

in Central Africa, it is the rule almost that reports of the whereabouts of missing aircraft come from ground sources; never came across a case in which two or more persons have seen a crash and have remained deliberately silent about it; thought the absence of reports very important". Since Barber was the Chairman of the Board of Investigation, it is likely that an opinion of his of this kind appeared in the report of that Board of Investigation. However, in the documents of the Board of Investigation available to us, no reference was made to a practice of this kind and therefore this blame on Africans strikes the reader of the report as appearing for the first time.

The extent to which "the information regarding SE-BDY's position, destination and ETA for their control purposes" was 'sufficient', as stated in item 15.11, can depend on many factors. When is the amount of information sufficient for "control purposes"? Can you control an airplane of which you do not know how many people are on board, what the endurance is and when you lack a flight plan (Martin and Williams)? Does the fact that one needs this information to be able to search effectively in the case of a crash not show that the information was not sufficient for the "control purposes" (Martin and Williams)? These questions indicate that it is unclear which statements, of which witnesses, were used to substantiate this claim.

## ***4.5. Investigation by Commission of Inquiry***

### ***4.5.1. General remarks***

The witnesses not heard by the Commission of Inquiry include Brache, Braham, Chisanga, Coase, Fidlin, Gaylor, Lansdowne, Mpinganjira, Roeder and Scott. It can be argued to be striking that Fidlin and Gaylor, both important sources of information for the Royal Rhodesian Airforce at Ndola and later for the airport personnel in the actual air search, were not heard again about their observations and communications. It is also unclear why Lord Lansdowne is not heard by the Commission of Inquiry. Braham, the FIC controller at Salisbury, is said to be not fluent in English (Brichant, Commission of Inquiry). However, this could not be a reason for not hearing him again. Brichant (Commission of Inquiry) states that Braham's mother tongue is French, an official UN language, and since Mr Fournier and Mr Mankiewicz functioned as observers representing the UN in the Federal Commission (UN report 15-16), both are likely to speak French and to be capable to act as interpreters. It is therefore striking that Mr Braham himself is not questioned by the Commission of Inquiry concerning the course of procedure in Léopoldville at the time of the INCERFA signal. At last, the Congolese communicator referred to by Mr Brichant (Commission of Inquiry) is not heard by the Commission, although both of the previous men could have precious information about the delay in responding to the INCERFA-signal that occurred at Léopoldville.

The hearings of Martin and Williams cover the greatest part of the investigation. The hearing of Barber concerning the search operation is done in an aberrant way compared to the other hearings. Barber is asked some leading questions – up to the point that Murphy called him at 0120B to inform him about the non-arrival of SE-BDY. Then Barber is asked in an open way to reconstruct the course of events in the night of 17 to 18 September. This indicates that the hearing of Barber appears to be less leading than the hearing of Martin or Williams. For example, Martin is asked to answer the question 'whether the general impression, namely that it was uncertain whether Mr Hammarskjöld would come or not come was communicated' to him by anyone, while he had previously states that he felt quite certain that the aircraft would land at Ndola when the pilot told him that further intentions were to be given on the ground.

In other hearings, the Commission of Inquiry did not ask further questions where it could have been useful. For example, Rush is asked about the unusual smell he observes. However, he is not asked whether this unusual smell had odours of metal and/or chemical substances in it as far as Rush could smell. This way, the probability of whether the fire Rush saw was the crash-site or not could have been assessed. Seeing as how Rush was a metallurgist by profession, his judgment on odour could perhaps have been relied upon.

### ***4.5.2. Use of witness statements***

The parts of the report of the Commission of Inquiry dedicated to the search operation concerning the missing SE-BDY are part 9 (titled *Alerting, Search and Rescue Operation*) and part 11 (titled *Conduct of Persons and Authorities after Accident*). In this summary, only parts of the report which are relevant to the use of witness statements are included, and which we found to be clearly substantiating or not substantiating the claims. Due to time constraints, only this incomplete summary and analysis could be offered.

The applicability of the exception for the existence of the uncertainty phase and the need to launch an INCERFA signal is the first consideration that one who reads the witness statements can find striking. This exception is that “*no doubt exists as to the safety of the aircraft and its occupants*”. The Commission states that

“Mr Martins personal impression at the time that [...] it was purposely holding off to enable the Secretary-General to complete radio communication with a base outside Rhodesia [...] explains why he found no reason to question the prevailing belief expressed to him by Mr Williams that the aircraft was holding off or had proceeded to some other destination”.

Mr Williams’ “attitude of mind” is subsequently described as resulting from him being called to the airport on his last day off, from the discussions in the morning of the 17<sup>th</sup> on the security arrangements for the meeting between Tshombe and Hammarskjöld and from the conversation with Lord Alport, who appeared not to be sure of the cease-fire in Katanga. The impression Williams obtained was that

“some doubt existed both as to the certainty of the arrival of the Secretary General and also of the time which he was to be expected”.

The Commission can

“well understand that the possibility of accident did not up to his departure from the aerodrome present itself to the mind of Mr Williams and that the overdue action already initiated was adequate in all the circumstances.”

The cause of Léopoldville’s delay in responding to the INCERFA signal is stated to be the fact that

“messages to Léopoldville were initially received by a Congolese national and transmitted by hand thereafter to the FIC. This gentleman, at material time, did not understand the English language and required the services of a colleague or a UN Coordinating Officer before he could deal with such messages.”

When Williams returned from outside, where he saw Lord Lansdowne’s aircraft leave, he is stated to have learnt that SE-BDY did not respond to signals. After instructing the controller to report to Salisbury, to continue calling and later to cause Salisbury to check with Johannesburg to secure contact with Léopoldville, he left the airport,

“leaving instructions for an immediate message to be passed to him there should any information become available. He assured to us that at this stage he entertained no thought that the safety of the aircraft was imperilled, taking the view that the departures from normal conventional working of civil aircraft in his area which had characterized this particular flight were explanatory of its continued silence.”

The closing of the airport is justified in part 11, when the Commission deals with the conduct of the Civil Air Authorities:

“It was explained to us that difficulties in procuring efficient staff for the onerous duties of Air Traffic Control and the absence of air traffic scheduled for arrival during the early morning justified a shutdown of the airport and tower so as to provide adequate rest periods for the staff. We can find no room for legitimate criticism of the decision so taken.”(part 11)

However, the Commission found some confusion in the evidence regarding the decision to close the airport: the communicator at Salisbury agrees that he responded with the letters O.K although he is unable to recall in which situation, and the Controller in Salisbury denies that such a request was made. The Commission has not made any attempt to resolve this doubt.

The Commission comments on “Williams’ implied intention to initiate action at first light” which was not carried into practice. Furthermore, the Commission states that

“Though Mr Williams did not suggest it affected his action we have taken into account that his official return from leave did not require his attendance at the airport until his normal duty time on that morning, but his part in the arrangements on the previous day and his acceptance of the police report as properly made by him, imposed upon him, as we see the matter now, an obligation to accept as from the time of his actual return the responsibility normally borne by the Airport Manager during his duty times”

Furthermore, it is perceived to be

“reasonable to assume that a report by Mr Williams to RCC Salisbury at first light that he was apprehensive of the safety of the aircraft by reason, inter alia, of a report of a flash or glow in the sky in the Mufulira direction [...] would have produced the authority required to enlist the aid of RRAF for an immediate air search of the vicinity.”

It is concluded, that

“initiative on the part of so responsible as an Airport Manager would have caused him to invite RCC Salisbury to authorize one of the available RRAF aircraft to undertake the task. Discovery of the crash-site might then have been bade some hours before it was.”

#### *Evaluation*

As a general remark, it can be argued that the main part of the report of the Commission of Inquiry regarding the search and rescue operation is built on evidence given by Martin and Williams. Some of their statements have been checked for consistency with other witnesses, some have not. For example, when the Commission argues that Martin was under the assumption that the aircraft had safely diverted elsewhere, and thus that he postponed sending an INCERFA signal because the exception on the existence of uncertainty procedure existed, it seems to have neglected the fact that in the same time-span, RRAF personnel with knowledge about the planned arrival of the Secretary-General in the form of Mr Fidlin came to the tower to inquire about the non-arrival of the aircraft to express his concern about the safety of the flight. Since RRAF personnel and civil personnel are prescribed to cooperate according to the procedures of search and rescue (Commission of Inquiry, page 11), the view of the RRAF can be argued to be of importance in determining the existence of the exception but is not taken into account by the Commission of Inquiry.

The cause that the Commission gives for the closing of the airport and the approval granted to this decision is based on the statement of Barber that ‘keeping these airfields on for 24 hours when in fact they were neither established nor staffed to do so is not a good thing, and I would not hesitate to see that the facilities –that the staff went off duty just as soon as they could possibly, if there was no requirement to stay on’, and on several statements he made on the difficulty in manning the airport for 24-hour-service purposes (Commission of Inquiry). However, Barber also states that he did not perceive the flight of SE-BDY a normal flight, since he kept himself informed at all stages about the course of the flight and the course of events after its non-arrival at Ndola (Commission of Inquiry). It is striking that Barber uses an argument based on normal procedures at Ndola airport in a situation which he himself qualifies as a special case.

Also, the fact that the Commission did not seek to create coherent evidence on the request for permission to close the airport is striking. Indeed, Thorogood states that he did not grant permission for Ndola to close down, even though Martin states that he received permission. As has been mentioned before (in 7.3), this inconsistency might have been caused by a difference in the definitions of ‘closing

down the airport' that Martin and Thorogood held. However, the Commission did not inquire thoroughly whether this was the case.

The course of events at Léopoldville as mentioned in part 11 is reconstructed entirely by the statements of Mr Brichant, the tower controller. He says that a Congolese was on duty as communicator and that only this man can give evidence concerning the response on the INCERFA-signal. However, the Commission of Inquiry did not hear this Congolese communicator. Mr Braham, the FIC Controller at Léopoldville, was also not heard by the Commission to explain the causes of the delay in responding to the INCERFA-signal. The statement of the Commission that the delay in Léopoldville was caused by the need to interpret the English message to the French communicator is entirely based on two sentences of Brichant: "He [Braham] does not speak English" and "I acted as an interpreter between a French speaking controller and a UN officer". When asked about the cause of the delay of the signal in Léopoldville, Brichant states that he "cannot give any information". The conclusion of the Commission of Inquiry seems a rather simple one.

The evidence from African witnesses included in the report is parsimonious, although the African witnesses; Mazibisa, Nkonfela and Mubanga, were the first ones leading the police to the crash-site before the authorities participating in the air and in the ground search had concluded on where the wreckage was situated. This is acknowledged in part 11: The Commission starts a sentence on the conduct of the police with "As soon as information was received by the police from the Africans who discovered the wreckage". The Commission categorised the testimony of Mazibisa in Class D (end annex III UN Report) and commented on it as being "unreliable because [...] there is no satisfactory explanation as to why this witness [...] should not have reported sooner" than the next day on the way home. It is striking that the report does not mention that both the police and the air search failed to discover the site of the wreckage before three cycling Africans did. This view is even stronger in the light of the testimony of Mr Barber (Commission of Inquiry), who states that Africans observing crashes can be viewed upon as reliable sources in the well-populated area of the Copperbelt, "almost without exception".

According to part 9 of the report, the only person that is to blame for mistakes during the search and rescue operation is Mr Williams. The focus on Williams and his actions might have resulted from the fact that the reconstruction of the night of September 17<sup>th</sup> and the day of September 18<sup>th</sup>, is almost entirely based on the testimony of Williams, his vision on the situation or 'attitude of mind', the sources of this vision and the consequences of it. However, other witnesses giving evidence on the behaviour of Williams do not criticise him heavily on his actions. Examples include

Barber: "I don't know what I would have done in William's place. I would not have searched at first light when nothing had been reported by the police. [Decision to close the airport is a] normal arrangement, accepted";

Begg: "He appeared to be worried. No recollection (but possible) that [Williams asked] to keep him/airport advised when anything was discovered",  
and

Lord Alport: "Very unusual occurrence in the life of an airport manager of a relatively small airport: our discussions certainly coloured his mind and influenced what he did."

Even Chilvers, who eventually initiated the DETRESFA and the start of the search, stated that he would not have started a search when he would have been on duty at 0300Z-0400Z. However, some witnesses indicate that Williams' behaviour seemed indeed a bit reluctant. For example, Pennock states that "in reply [to the report of the flash] he seemed very disturbed". Also, when considering this criticism, it is striking that many witnesses did not point in the direction of Williams as the one who should be blamed for the delay in initiating a search.

Part 11 of the report deals with the conduct of other parties involved in the search operation, but none of them are criticised. However, in the witness statements, some criticism can be distinguished. Firstly, the Director of Civil Aviation is justified in his decision to leave the local search to Williams, although his role as CASO could have implied that he took initiative in this search himself. Barber is also praised for being in immediate touch with the events by going to Salisbury and inquiring about SE-BDY. However, he left the airport around just before 0200 (B or Z is not indicated), which does not demonstrate his "control of the situation". Knight and Chilvers, coming on duty as controllers in Salisbury at respectively 0400Z and 0550Z, indicate that they were concerned that a CASO was not yet

appointed, and did not find any evidence that their Director of Civil Aviation was fully aware of the situation and ready to initiate a search (Knight and Chilvers Board of Investigation, Commission of Inquiry). Furthermore, the actions of the police were not criticised, although the Commission heard less police officers than the Board of Investigation. Also, the Commission “cannot question the efficiency with which the initiated patrols were conducted”. However, Begg indicated that during a normal patrol, a Landrover manned with 5 police officers would be sent to go somewhere near Kitwe (Commission of Inquiry). However, Police Officer Towlson decided to send only two Landrovers, manned by Vaughan and Weitsz, which drove until the 22 milestone of the road between Mufulira and Ndola, not taking any sideways. They then waited a couple of minutes at the milestone without leaving the vehicle, and returned to the police office (Vaughan and Weitsz Board of Investigation). As previously stated, a fire on the side of the road was not noticed by the patrolling police officers, while an accidental passant had no difficulties in recognising the fire. Finally, Lord Alport, who is not even mentioned in part 11 among other persons acting after the accident, is not criticised for creating the view that SE-BDY had probably been diverted. This absence of evidence contradicts the report of Lord Alport himself, who states that his discussions with Williams might have coloured his mind (Commission of Inquiry).

## ***4.6. Investigation by UN Commission***

### ***4.6.1. General remarks***

The UN Commission chose to hear only a selection of witnesses on a selection of their actions or observations. Witnesses are asked whether they have anything to add to their statements to the Federal Commission, or to clarify certain points of their evidence. Questions asked by the Commission of Inquiry were mostly not repeated. For example, Williams indicates that he would like to add something to his statements made to the Commission of Inquiry to clarify his behaviour in the Rhodes Hotel. The UN Commission does not question this witness about topics it chooses on its own (like the contradicting evidence regarding the time that the airport manager left the airport) and the entire hearing counts only four pages.

Brache, Braham, Craxford, Fidlin, Fouri, Gaylor, Hammond, Mayne, Read, Rush and Towlson were not heard. The responses of the police to the report of SE-BDY being missing are in this way underrepresented in the evidence gathered by the UN Commission.

The witnesses who only gave evidence to the UN Commission include Mpingangjira, Chisanga and Scott. The hearing of the former two is quite extensive. For example, the transcript of Mpingangjira’s hearing is approximately 60 pages long. The transcript of Mr Scott’s hearing, however, counts only three pages.

In the hearings of Mpingangjira and Chisanga, it can be argued that the evidence of the witnesses is not properly checked with observable facts. Two examples can be considered as striking. Firstly, Mpingangjira states that he bought a newspaper in the early morning of September 18<sup>th</sup>, in which was reported about the ‘Dag Hammarskjöld Mystery Flight’, as is stated in the diary of the witness. Mpingangjira cannot provide the mentioned article or newspaper to the UN Commission, although he is quite certain that it was the Northern News. Mr Margo comes up with a copy of the Northern News, in which reference is made to the flight of the Secretary General on page 7, Stop Press News. However, the transcript of the hearing does not provide the reader with the exact text of the article, and it remains unclear whether this article included the wording ‘mystery flight’. A title like this would clearly indicate that at the time the paper was printed, a wider public was informed about the peculiarities surrounding the non-arrival of Mr Hammarskjöld. Furthermore, Mr Mpingangjira suggests that in the paper he read on the morning of the 18<sup>th</sup>, the article concerning Mr Hammarskjöld was a headline. It remains unclear whether other papers did define Hammarskjöld’s flight as a ‘mysterious’ one: They are not provided to the UN Commission.

In line with the previous argument on the deficient checks that were made to validate the statements of witnesses, the statement of Mpingangjira, indicating he was denied access to his usual working place in the early morning of the 18<sup>th</sup> by some constables, can be argued to not have been properly checked with factual information or statements of other witnesses. Not one of the police officers



heard is questioned about this kind of guarding the gate to the charcoal field or other presence around the charcoal burner's compound. This may have been caused by the perception of unreliability of the statement of Mpingangjira regarding the Landrovers he had seen passing at high speed.

#### ***4.6.2. Use of witness statements***

The analysis of the search operations concerning SE-BDY in the report of the UN Commission is designed by means of three questions which were asked by the General Assembly in paragraph 3 (c) of Resolution 1628 (XVI) (UN report, 57):

- Did SE-BDY, after having established contact with the Ndola tower, lose that contact?
- Did the fact that SE-BDY had crashed become known only after a delay of several hours?
- If so, what were the reasons for that delay?

These questions prove to be leading in the analysis of the search and rescue operation. The first question is answered by the observation of the Commission that

“no evidence had been found to show that in those last 5 minutes the tower or the aircraft attempted to communicate with each other and were prevented from doing so by radio failure.”

The second question is answered by the observation that

“the fact that it [SE-BDY] had crashed was not definitively established until a ground party reached the wreckage shortly after 1500B.”

The Commission then argues that

“this delay occurred in issuing the first INCERFA and DETRESFA signals and the initiation of an air search”

and it proceeds by analysing these different phases of the search operation separately.

Firstly, the delay in sending the first INCERFA-signal is issued. The main reason for this delay is stated to be the ‘attitude of mind’ of the Manager of Ndola Airport, which is justified by the officials of the Department of Civil Aviation. The two sets of circumstances that are accountable for the occurrence of this state of mind are, according to the UN Commission, the nature of the flight (i.e the mystery surrounding it regarding the absence of a flight plan), and the presence of Lord Alport at Ndola Airport. Concerning the first set of circumstances, the Commission finds that

“at least some of the mystery might have been dispelled if he had been adequately informed of the signal announcing the departure of the Secretary-General for Ndola addressed by ambassador Riches to Lord Alport [...] stating that flight details will be notified direct from the aircraft”.

The actual text of the signal was, however, not known to the Director of Civil Aviation and the airport personnel. Concerning the presence of Lord Alport at Ndola airport, a statement of the latter is cited in which he indicates about his thoughts on the night of the 17<sup>th</sup> that firstly, Hammarskjöld apparently wanted to finish other radio communications that were initiated on board, and later on that he had decided to go elsewhere due to the messages he received on board. The Commission states that

“it regrets that impressions of a political nature were allowed to influence the actions of aviation officials engaged in a search and rescue operation”.

It is also found “unfortunately” that it would appear that Lord Alport and the aviation officials were not aware of the opinion of Lord Lansdowne, who was convinced that the Secretary General would land at Ndola.

On the delay in issuing the DETRESFA, the Commission concluded that the airport personnel at Salisbury shared in the attitude of mind of the Airport Manager. Specific examples of witnesses stating that they found the aircraft to be secretive are mentioned. The Commission furthermore mentions that it

“finds that the log of the communications between SE-BDY and Salisbury or Ndola does not substantiate the accusation of secrecy.”

A second reason for the delay in the DETRESFA-signal as is stated to be given in the evidence, is that UN aircraft often violate the ICAO Standards and Recommended Practices. However, the Commission judges that this point is

“entirely irrelevant. It fails to see any connexion between the search and rescue operations concerning SE-BDY and the past behaviour of other aircraft chartered by the UN”.

The Commission accuses the FIC at Salisbury of a lack of effort in ascertaining from Johannesburg whether the signals sent to Léopoldville had been actually received, since the FIC is stated to have been aware of the delays in communications between FIC's in Africa. The Commission furthermore “deplores the disorganized state of teletype communications in Léopoldville.”

After that, the delay in the initiation of an air search is analysed and explained. The Commission states that it

“subscribes to the view of the Commission of Inquiry that initiative on part of Williams would have caused earlier RRAF authorization”

since Williams took no action when he was informed about the flash in the sky. However,

“the Air Traffic Controller at Ndola originated at 0645B a signal transmitting the substance of the report to the Flight Information Centre of Salisbury. The Commission can only regret that an additional 2 hours and 45 minutes elapsed before issuance by RCC at Salisbury of the signal requesting the initiation of an air search.”

The cause it gives for this delay is the evidence that the Director of Civil Aviation had only been informed at 0900 about the flash. Therefore,

“the Commission cannot absolve the Federal Department of Civil Aviation of responsibility for the delay in the initiation of an air search.”

### *Evaluation*

Firstly, the quality of the choice of the UN Commission to structure its analysis of the search and rescue operation around the questions as posed by the GA can be questioned. Indeed, the second question of the GA is formulated in a broad sense. It does not specify individuals that had known about the crash after several hours or immediately after it. The UN Commission implicitly defines the public to which this crash was known after several hours as the professionals which were occupied with deliberately looking for the aircraft, since the further analysis consists of a valuation of their conduct. However, the broadly formulated question does not dedicate the UN Commission to distinguish between the individuals who were assuming a crash in an early phase, and the individuals who were only sure that a crash had occurred when the wreckage of SE-BDY was found. The perception of the Africans Mazibisa, Nkonfela and Mubanga who found the wreckage by immediately recognising it as a wreckage, is not taken into account when analysing whether the professionals on the airport could have known about the crash earlier and could have acted in response. The statements of the aforementioned charcoal burners are summarised in Annex VIII (page 3-4), in which is explicitly referred to his anxiety to be accused of having caused the crash if he had reported earlier. Police officers Begg and Pennock cannot be argued to have known definitely about the crash when they reported a flash to Williams, but their suspicions of it did result in a ground patrol. The new statements of Mpingangjira and Chilvers about two Landrovers speeding to the

crash-site, which was recognised as such by both, are nowhere to be found in the report of the UN Commission. Their statements are commented upon in Annex VIII (page 8). It is stated that it was 'improbable on [the] face, that two Landrovers drove at break-neck speed at night along a jungle track with a light turned on insight the vehicles' and that 'it was suggested that witnesses (who displayed strong antinational feelings) might have testified in a way deliberately intended to embarrass the Rhodesian government. This kind of argument can be argued to be rather bluntly and implicitly formulated.

Secondly, when discussing the causes for the delay of the first INCERFA-signal, the report seems to ignore the fact that Lord Lansdowne, Lord Alport and Williams met at the airport of Ndola when Lord Lansdowne arrived there. Williams provides evidence that this meeting had occurred (Commission of Inquiry), together with Lord Lansdowne (UN Commission). Lansdowne states that the idea that Hammarskjöld could have diverted was not subject of a discussion between himself and Lord Alport when they met at Ndola airport. However, in the UN Commission hearings, neither Williams nor Lord Alport is questioned about their contact with Lord Lansdowne at Ndola airport. The conclusion of the Commission that Alport and Williams had no knowledge about the conviction of Lansdowne that Hammarskjöld would arrive, is therefore not based upon checking the evidence of Lord Lansdowne with other evidence. However, all witnesses are questioned thoroughly on whether they received the actual text of the telegram of Ambassador Riches to investigate their knowledge of the stated ETA and the announcement that further information would be notified from the aircraft. Although Alport states that he 'did not know the actual text of the message' and 'did not pass the message to Williams', (Alport, UN Commission) and Deputy Chief of the Defense Headquarters Hammond was also not informed of the content of the telegram (Hammond, UN Commission), the UN Commission does not blame him specifically for not taking the responsibility of passing that message. In this light, it is also striking that Alport's private secretary at Ndola, of whom Mr Scott states that he had phoned the message of the cable to Alport (Scott, UN Commission) was not heard in any of the commissions investigating the crash, nor mentioned in the UN report.

Thirdly, the Commission uses specific citations of witness statements to substantiate its argument that the FIC in Salisbury was also of the opinion that SE-BDY had diverted. These examples indicate that the view that the aircraft had been diverted was initially spread by Mr Scott, the Deputy High Commissioner who stayed in Salisbury to welcome Lord Lansdowne when he would arrive there. Mr Scott had seen the telegram of Ambassador Riches stating that the aircraft would issue a flight plan from the air. Although this message could have taken away some of the mystery of the flight, he states before the UN Commission that he told controller Thorogood the contrary, namely that 'there were political reasons why Hammarskjöld might have been diverted to either Léopoldville or Elizabethville' (Scott, UN Commission). Thorogood passed these messages to airport manager Murphy, who informed his superior Barber about the plane having 'pushed off'. This strange and contradicting conduct of Mr Scott is not mentioned in the report, although it resulted in a chain of wrong information which was carried through all of the levels of the hierarchy of Salisbury's airport personnel.

The Commission's dismissal of the argument about UN planes which often did not follow the rules as laid down by ICAO seems to be based on arguments presented by members of the Commission itself, instead of on evidence of witnesses. The witnesses who mentioned these practices as a factor which partially caused their expectations about the conduct of SE-BDY include Thorogood (UN Commission), Martin (Commission of Inquiry) and Williams (Commission of Inquiry). However, the Commission concludes that mainly the airport personnel in the FIC at Salisbury testified about these experiences and seems to ignore the fact that Ndola airport personnel also made observations of this kind in the past. It remains unclear what basis the Commission wielded to substantiate the claim made in this part of the report.

When discussing the communication at Léopoldville, the UN Commission bases its views on the evidence of controllers Braham and Brichant. However, Mr Braham is not heard by the UN Commission and Mr Brichant's hearing concerns circumstances at Léopoldville before SE-BDY took off to Ndola. This means that there is no new evidence of witnesses which the UN Commission uses to substantiate their claim about the deteriorated state of the teletype communications between Léopoldville and Ndola. The UN Commission might base itself on opinions of experts, but it did not try to obtain more evidence from involved individuals about the practices at Léopoldville when Ndola was awaiting a response to the INCERFA-signal. For example, the UN Commission did not hear the Congolese communicator on duty, nor was Braham asked about the reasons for the delay in responding to the INCERFA-signal.

In the report of the UN Commission, Williams is relieved from any responsibility. However, this relief is not substantiated by any new evidence obtained from him by the UN Commission. Before the UN Commission, Williams is asked to confirm his argument on the absence of actions in response to the report of the flash. The reason for this is, as Williams indicated, that the report of the flash 'was very vague' and it 'could also be a bush fire'. It is striking that this defence of Williams is not mentioned nor checked in the report. The UN Commission also missed a chance in resolving the contradicting statements of Begg and Pennock versus Mr Williams concerning the time at which the latter left the airport. In the short transcript of the hearing of Mr Williams, he is not asked to respond to the conflicting times of him having left Ndola airport. In the report, the UN Commission obviously chose to base itself on the statements of others: Mr Budrewicz and his evidence on the second INCERFA signal originating at 0645B and Mr Barber, who admitted that it was not until 0900B that he had been informed of the flash. The UN Commission hearing of Mr Budrewicz does not add to the statements he made to the Commission of Inquiry, but the reconstruction of his actions is now for the first time valued in a report of an inquiring commission. The responsibility of Mr Barber, or formally of the Federal Department of Civil Aviation, rests only in his absence from the airport between 0645B and 0900B, although the evidence he gave before the UN Commission indicates a more relaxing attitude towards the non-arrival of the SE-BDY in general than apparent from his hearing before the Commission of Inquiry. For example, he indicates that "Mr Knight created a greater emergency" by initiating the DETRESFA.

In general, it can be argued that the fact that the UN Commission wished to cooperate closely with the Federal Commission of Inquiry in the process of finding evidence (UN report, 20-21) hindered the criticism of the UN Commission on the witness statements as made to the Commission of Inquiry. In many of the previously elaborated examples, the UN Commission bases itself on evidence stated before the Commission of Inquiry, whilst the Commission could have been more eager to gather new evidence. This must be seen in light of part 4 (p. 20-21) of the UN report, in which it is stated that 'maximum cooperation' was wished to be achieved. If the UN Commission had chosen to repeat the hearing of every witness already heard by the Commission of Inquiry, the chance of insulting the latter and a termination of the partnership between the two commissions could have occurred. It is possible that, because of this, the contradictions in evidence as stated in the report of the Commission of Inquiry or in the previous section of this report were not resolved.

## **5. Sergeant Julien**

### **5.1. Introduction**

Some witnesses testified about the sole temporary survivor of the crash: Sgt. Julien. He was found close to the wreckage of SE-BDY. He was heavily burned and sun burnt, had a fractured ankle and probably had a concussion. On the 18<sup>th</sup> of September, around 4 PM, he was brought to Ndola hospital where he would survive the crash for another six days. During this period of time he made several statements about his personal life, the other passengers of the airplane and the crash. Most of the time he was heavily sedated and in great pain. In this section, we will examine how these witness statements have been used in the three investigations. We will also note some peculiarities about the events and the investigations.

### **5.2. Method of analysing**

In this section, we will explain the questions with which we analysed the witness statements, in order to make the attached schedule intelligible. The schedule begins with some general information, such as the name and occupation of the witnesses. The date, time span and location refer to the moment on which, and place where, the witnesses were in contact with Sgt. Julien.

After this general information, firstly the content of the testimony of Sgt. Julien which the witnesses heard is quoted or described. Also, the exact time of the statements of Sgt. Julien is noted if this information was available.

Secondly, the condition of Sgt. Julien, according to the witnesses, is given. A distinction is made between testimonies about his general condition and testimonies about Sgt. Julien's particular condition during his statements.

Thirdly, the judgments of the witnesses on the reliability of the statements made by Sgt. Julien are described. A similar distinction is made between testimonies about the general reliability of people in similar situations to that of Sgt. Julien and testimonies in which witnesses judge Sgt. Julien's reliability specifically.

Finally, the additional remarks made by witnesses are described. In the schedules of the Commission of Inquiry and the UN report, three additional questions were analysed. In these columns questions of judges and cross-examiners about earlier investigations are noted as well as the answers provided by the witnesses.

### **5.3. Facts and circumstances**

Little effort was made by the police and the medical staff to question Sgt. Julien. Only Inspector Allen heard him once, immediately after Sgt. Julien was brought into the hospital. Although Sgt. Julien made some statements after this conversation, no attempts were made to question him again. According to their statements, the medical staff didn't make much effort to ask questions either. For example, Nurse Kavanagh stated that she thought Sgt. Julien would have told everything of importance if he had found it necessary during his first statement. She also testified that there was a tape recorder next to Sgt. Julien's bed, but apparently it was not running.

## ***5.4. Investigation by Board of Investigation***

### ***5.4.1. General remarks***

The Board of Investigation only questioned one of the doctors (McNab) who treated Sgt. Julien. In later reports it becomes clear that more doctors treated Sgt. Julien. The other doctors were: Dr. Lowenthal, Dr. Kirk Main, Dr. Imkamp, Dr. Sinbotwe and Dr. Mgambela (see UN Commission hearing 17, p. 28). In his testimonies to the Commission of Inquiry and the UN Commission, Dr. Lowenthal appears to have had a conversation with Sgt. Julien, which might have been of importance in establishing the cause of the crash. The other doctors are not heard by any of the three commissions. The Board of Investigation only asked for a statement from Dr. McNab. Also, the Board of Investigation did not consult more medical experts to verify McNab's claims about the reliability of Sgt. Julien's statements.

Furthermore, there was no clear time-schedule of the statements of Sgt. Julien. Nor does it become clear when which nurse was on duty. Many statements do not specify the working times and the professions of the witnesses. The questioning of the medical staff seems to have been rather casual.

### ***5.4.2. Use of witness statements***

The Board of Investigation discusses the statements of Sgt. Julien in item 12.17.

"The temporary survivor of the crash made several statements during the 5/6 days he was in hospital. Medical evidence regarding this is that those statements made on the 18th are unreliable because he was delirious at that time and that statements made during the last 24 hours of his life, with regard to sparks in the sky, may have no significance as he was uremic and part of the picture of this is spots and flashes of lights before the eyes".

Firstly, the medical evidence which is referred to by the Board of Investigation is the statement of Dr. McNab. He was the doctor responsible for the treatment of Sgt. Julien after the crash. His statement about the reliability of Sgt. Julien is largely the same as stated in the final report. No additional expert opinions were gathered.

Secondly the statements of the nurses were not included in the final report. Some of their statements gave a different impression about the reliability of Sgt. Julien's statements than McNab's opinion. Nurse Kavanagh, to whom Sgt. Julien told his personal details, testified that he spoke positively and clearly. Nurse Brookbanks, who was asked by Sgt. Julien for his wife, testified that he appeared to speak rationally. Other nurses who testified about Sgt. Julien's statements or reliability that are not included in the final report are: Nurse Cleesing, Nurse Flint, Nurse Gresty, Nurse Hope, Nurse Habgood, Nurse Jones, Nurse Phillips and Nurse Sims. There thus seems to be evidence that Sgt. Julien was capable of making rational and coherent statements during his six-day survival in the hospital. The Board of Investigation completely neglects this possibility in her report.

Thirdly, the Board of Investigation only makes reference to Sgt. Julien's statement about sparks in the sky. He however also made statements about the other members of the party, the intentions of Hammarskjöld, and his escape from the airplane. This is also not included in the final report.

## ***5.5. Investigation by Commission of Inquiry***

### ***5.5.1. General remarks***

Firstly, it is remarkable that not all witnesses who heard a statement of Sgt. Julien were heard again by the Commission of Inquiry, most notably many nurses. This is especially remarkable because the nurses who heard these statements might have been able to say something about the coherency and lucidity of Sgt. Julien's speech. Nurses who testified about the coherency and lucidity of Sgt. Julien to the Board of

Investigation and who weren't heard again are: Nurse Brookbanks, Nurse Cleesing, Nurse Flint, Nurse Gresty, Nurse Hope, Nurse Phillips and Nurse Sims. In general, very few witnesses were heard again by the Commission of Inquiry, only eight of the 27 witnesses. Moreover, not many additional questions were asked.

Secondly, Lowenthal testifies that there were more doctors in the room during his conversation on the 18<sup>th</sup> of September. The doctors that weren't heard are: Dr. Imkamp, Dr. Kirk Main, Dr. Sinbotwe and Dr. Mgambela. None of these doctors have been heard about this particular event. Dr. McNab is not asked about the conversation between Dr. Lowenthal and Sgt. Julien either.

Thirdly, only some witnesses were asked about their first statement to the Board of Investigation. This was done quite casually and not everybody was asked about this. This could however have been of importance in determining the reliability of that earlier testimony. It is strange that it wasn't asked consistently.

Fourthly, the conversation between Dr. Mankiewicz and the Chairman of the Commission is interesting. After hearing Mr Laurie, who was categorised in the 'crash'-section, Dr. Mankiewicz asks the Chairman if the Commission would think it useful to hear the other people that were around Sgt. Julien at the time he had a conversation with Dr. Lowenthal. The responses of the Chairman are very defensive. He asks Dr. Mankiewicz why he wants to hear these people, if he wants to contradict or support Dr. Lowenthal and if he doesn't think it is sufficient to have the statements of Inspector Allen and Nurse McGrath. The Chairman also points out that it is the first day of Dr. Mankiewicz as a member of the Commission and that the Commission doesn't want to do investigations leading nowhere. Dr. Mankiewicz replies that Dr. Lowenthal mentioned that there were more doctors in the room and that it could be helpful to determine the truthfulness of Dr. Lowenthal's statement, since he heard important statements of Sgt. Julien, like Mr Hammarskjöld saying "Turn back". The Chairman emphasises the effort that had been made to obtain all possible information through press and radio. Dr. Mankiewicz asks if the doctors whose names are mentioned by Dr. Lowenthal have been approached individually, but this is not the case. After this conversation, the Chairman asks Mr Cooke to make further inquiries regarding the possibilities of hearing these doctors. Despite Mr Cooke's commitment to do this, Dr. Imkamp, Dr. Kirk Main, Dr. Sinbotwe and Dr. Mgambela have never been heard by the Commission.

### *5.5.2. Use of witness statements*

The Commission of Inquiry discusses the condition, reliability and statements of Sgt. Julien in part 8 and part 10.2. In part 8 it merely concluded that Sgt. Julien's statement that he ran out of the airplane was improbable, since he had a compound fracture of his ankle.

In part 10, his statements about the crash are discussed in more detail. Sgt. Julien's conversations on the 18<sup>th</sup> of September with Inspector Allen, Nurse McGrath and Dr. Lowenthal are treated in this conclusion. The Commission takes over Dr. McNab's opinion about the reliability of this statement. Dr. McNab concludes that the statement is not necessarily true and should merely be used as a guide. All statements made later that week are considered irrelevant, because of Sgt. Julien's condition.

To Nurse McGrath and Inspector Allen Sgt. Julien firstly stated that the plane was over the runway and that it blew up. The Commission concluded that Sgt. Julien must have thought the events happened as they were just about to land.

Secondly, Sgt. Julien told Inspector Allen that there was "great speed". The Commission concluded that the airplane flew at normal speed. If the airplane would have flown with unusual speed, the nose-wheel doors would have been blown off, which they were not. The Commission concluded that Sgt. Julien had the impression of great speed due to the passage through the treetops.

Sgt. Julien thirdly mentioned to all three witnesses that there was an explosion. The Commission concluded that firstly there must have been a crash, and then an explosion. This explosion would have been caused by hitting the ground.

Finally, Sgt. Julien told Dr. Lowenthal that Hammarskjöld had ordered to go back. The Commission concludes that Hammarskjöld made this statement when the plane hit the trees just before it would crash. The statement of Sgt. Julien is not sufficient to conclude that Hammarskjöld had changed his mind about landing at Ndola airport. The most plausible conclusion, according to the Commission, is

that Hammarskjöld noticed that the plane was obstructed in landing and therefore shouted: “Turn back, go back”.

### *Evaluation*

Firstly, the statements made by Julien after the 18<sup>th</sup> are dismissed as irrelevant very easily. No medical experts are consulted to support this conclusion. It seems that only the opinion of Dr. McNab is used to defend this conclusion. His name is however not mentioned, and it is not entirely in line with Dr. McNab's exact statements.

The testimonies of other nurses give a different impression about Sgt. Julien's ability to make coherent and correct statements. Firstly, as mentioned in section 2.2., many nurses were not heard again by the Commission of Inquiry, most notably: Nurse Brookbanks, Nurse Cleesing, Nurse Flint, Nurse Gresty, Nurse Hope, Nurse Phillips and Nurse Sims. Secondly, the testimonies of the few nurses that were heard again by the Commission of Inquiry are not included in the final report. For example: In the night of 18 and 19 September Sgt. Julien stated his personal details and instructions for the UN Headquarters to Nurse Kavanagh. Other testimonies of nurses that are not included in the final report are that of Nurse Habgood and Nurse Jones.

The Commission is also sceptical about the usefulness of the statements on the 18<sup>th</sup>:

“In so far as weight can be given to these remarks at all...”.

The testimonies of the doctors Lowenthal and McNab do not seem to support such a negative evaluation of Sgt. Julien statements. Dr. Lowenthal describes Sgt. Julien's remarks as coherent, lucid and clear. Dr. McNab thinks they could be used as a guide.

Secondly, the conclusions about Hammarskjöld's remark to turn back are surprisingly firm. Dr. Lowenthal was not the only one who heard this statement, but also Nurse McGrath. Furthermore, it seems to be in line with Lansdowne's conclusion. It is thus not the only evidence that indicates a change of plans of Hammarskjöld. Also, the conclusion that Hammarskjöld must have made the remark “turn back” because the airplane hit the tree tops, seems not to have been based on any evidence. It appears to be very speculative. The same speculative conclusions are reached about the other remarks of Sgt. Julien.

Thirdly, no mention is made of Sgt. Julien remark to Inspector Allen about small explosions all around the airplane in the final report. This is peculiar because firstly, it is quoted in the final report, and secondly, because the other remarks are treated in much detail. It seems that the Commission didn't discuss this remark because only one witness heard it. This is however not made explicit, but simply ignored.

## ***5.6. Investigation by UN Commission***

### ***5.6.1. General remarks***

Only five of the 27 witnesses were heard again by the UN Commission. Again, many nurses who testified about the reliability of the statements of Sgt. Julien to the Board of Investigation, were not re-heard by the UN Commission: Nurse Brookbanks, Nurse Cleesing, Nurse Flint, Nurse Gresty, Nurse Hope, Nurse Habgood, Nurse Phillips and Nurse Sims. Also, no new witnesses were heard, most notably the doctors who, according to Dr. Lowenthal, treated Sgt. Julien when he arrived at the hospital: Dr. Imkamp, Dr. Kirk Main, Dr. Sinbotwe and Dr. Mgambela. Furthermore, not many questions were asked about earlier investigations, and not much new information was gained by the hearings. Although the earlier investigations were not entirely complete, the UN report doesn't make much effort to fill these gaps.



### 5.6.2. Use of witness statements

On page 42, section 129 and 130, the statement of Sgt. Julien about an explosion is discussed. The testimonies of Dr. Lowenthal, Nurse McGrath and Inspector Allen are mentioned. All three state that Sgt. Julien spoke about an explosion. The statement of Inspector Allen is discussed most thoroughly and is quoted in the report. In this quote Sgt. Julien also mentions that “*There was great speed – great speed*”.

No conclusions were drawn about the reliability of Sgt. Julien's statements. But the report does describe possible explanations for the explosion and great speed mentioned by Sgt. Julien. It states that the explosion might have been caused by the explosion of the fuel tanks at the time of impact or to the shock and sound of the left wing being torn off. The possible explanation for the great speed is adopted from the Commission of Inquiry. This holds that it might have been the sensation of the aircraft passing through the trees.

#### *Evaluation*

The statements of Sgt. Julien are discussed parsimoniously by the UN Commission. Firstly, no reference is made to the reliability of his testimonies. This is strange, because the Commission of Inquiry and the Board of Investigation discuss the reliability of the statements of Sgt. Julien in some detail. The UN Commission does not seem to find it necessary to include the reliability in their reports.

Secondly, only three witness statements were included in the report. This means that many testimonies about the reliability and the statements of Sgt. Julien were left out. Most notably again, the statements of the nurses. As mentioned in section 2.3 even fewer nurses were heard again by the UN Commission: only Nurse Kavanagh and Nurse McGrath. This means that Nurse Brookbanks, Nurse Cleesing, Nurse Flint, Nurse Gresty, Nurse Hope, Nurse Habgood, Nurse Phillips and Nurse Sims are not even questioned. Only the testimony of Nurse McGrath is mentioned. Besides, only two doctors who treated Sgt. Julien are heard: Dr. McNab and Dr. Lowenthal. Dr. Imkamp, Dr. Kirk Main, Dr. Sinbotwe and Dr. Mgambela are not questioned by the UN Commission.

Because of the limited number of witnesses heard, not all the statements of Sgt. Julien were analysed in this report, such as his statement about “sparks in the sky”. However, even not all the statements Sgt. Julien made to the witnesses that were actually heard are included in the report, most notably his statement about Hammarskjöld having said: “Go Back”.

The UN Commission does not seem to have paid much attention to Sgt. Julien's statements. At least, they are not discussed with much scrutiny or in much detail. Nothing is concluded about the reliability of his statements and not all his statements are included in the report. It seems fair to conclude that the UN Commission didn't quite value the statements of Sgt. Julien.

## 6. *Reliability of witnesses*

### 6.1. *Introduction*

Witnesses of the crash were hesitant to submit their observations to the authorities. This has been noticed by police-officers carrying out the first investigations into the crash. It has been stated by the witnesses themselves. In particular the counsel of the Federal (Rhodesian) government and the Federal department of Civil Aviation, Mr C.S. Margo, submitted that this fear to testify made them unreliable witnesses. This fear to testify proves to be an important line of reasoning to dismiss the statements of the witnesses before both the Commission of Inquiry and the UN Commission, whether the hearings concern witnesses that are subject to the categories of pre-crash, crash, search or Sgt. Julien.

According to the report of the Commission of Inquiry (under the heading "Procedure") Counsel were not limited in any way in their questioning, and were allowed to question the witness again if further matters occurred to them as a result of further questioning.

By admitting governments to represent themselves, the UN Commission departs from normal UN practice in commissions of inquiry (UN Report, under heading C. "General Considerations" part 1 at 21, "Procedures and methods of work of the Commission".) The representation was only allowed at the public hearings. In hearing 14, Margo takes the parole and states that he is now "accompanying his learned friend, Mr Cooke."

### 6.2. *Testing reliability*

Counsel Margo proved to be able to exercise quite some extent of control over the course of the hearings. In quite a few cases, Margo elaborates at great length on the personal characteristics of witnesses, especially with regard to their attitude towards the Federal government.

In the UN Commission hearings, witness Mattson is interrogated by Margo extensively on his view on the feelings of Mazibisa towards the Federal government. Margo appeared to be of the opinion that Mazibisa had no reason to distrust the Federal government and that the fact that he did, qualified him as an unreliable witness. When Mazibisa himself states before the Commission of Inquiry that he was afraid to go to the police because he feared to be accused of a crime or be imprisoned, Margo's reply is:

"But you knew that was ridiculous didn't you? [...] It was nonsense didn't you know that?"  
 "Didn't it occur then as a Christian it was your duty to give them the whole truth?"  
 "So not only did you remain silent you told a deliberate lie, didn't you?"

Further in the hearing, Margo brings up the political preferences of Mazibisa:

"Now, you are not a child, you are an educated person; you have political interests do you not?"

Mazibisa replies simply with a 'yes'.

In the UN Commission hearing, Margo refers to this cross-hearing of the Commission of Inquiry, because it is his

'respectful submission that the cross-examination here by several counsel was very damaging to the witnesses credibility and I do not want to repeat that cross-examination again, but if the members of the Commission will follow it, I will not trouble you anymore.'

In the cross-examination of Kankasa before the Commission of Inquiry, Margo nearly invites the witness to withdraw his statement:

“I must put it to you that the expert will say, that your claim to have seen a smaller aircraft above a big one as you have described it at night is completely unseasonable. [...] I am suggesting you might be mistaken.”

Another striking example of this, is the hearing of Buleni. In the hearing by the Commission of Inquiry, Buleni states that he was afraid to report to the police:

“I usually see what happens to other people when they go to make a report, the way they are handled by the government.”

Although it is the chairman who dismisses this argument, by stating it is not true and that

“you don’t want to make statements like that”,

Margo then asks for reasons for the vision that the government would punish the witness for his report, and plays on a feeling of guilt for not reporting the crash to the proper authorities:

“Did it not occur to you that [the people in the crashed plane] were hurt and might have needed help”

Furthermore, he asks the witness about his connection to Mazibisa, who is asked about his political preference regarding the Federal government by Margo.

In the hearing of Chisanga before the UN Commission, Margo implements a similar tactic “Why did you not go forward and tried to help [the people in the crashed plane]?” In the transcript of this hearing, 7 of the 16 pages are dedicated to the cross-hearing of Margo. He poses the same question,

‘Why did you not come forward in answer to all these appeals [for witnesses] and say “I saw this accident, this is what happened”?’

three times. It seems that he is not satisfied by the answer of Chisanga that he

“saw another plane which went around and around, and I thought they had seen the scene”, that he “should say Europeans are very clever’ and could “not fail to tell there was an accident’ and that he ‘was satisfied and concluded that (...) the accident itself was already known.”

By these answers, Chisanga seems to explain why he did not report to the police immediately after he saw the plane, but these statements could also explain part of the reason why he did not give evidence to other commissions of inquiry. He trusted that people were already aware of the circumstances of the crash and maybe even the cause of this accident. Margo, however, fails to see these answers as answers to his specific question (“well, I put the question three times to you”), which could be explained by the absence of a reference to a perceived lack of reliability of the commissions in the answer. It could be argued that this implies that Margo was specifically looking for an anti-government statement when questioning Chisanga, although Chisanga could not be seduced to a statement of this kind.

Margo's interrogation of Mr Mpingangjira before the UN Commission resulted in a transcript of 35 pages. A genuine discussion unfolds, when Margo demonstrates research on the political preference of the witness: He was a member of the Malawi Africa Congress at the time of the crash and later became Provincial President of the party.

Margo asks whether this Party is anti-government, but Mpingangjira refuses to answer because he “is not interested to talk about politics in here” and because he “gets his living in charcoal burning, not in politics.” Margo keeps pressing to reveal the political identity of the witness (“You will have nothing to do with the Federal authorities?”, ‘You do not trust the commission?’) and then states

to the Chairman that the witness “does not want to answer questions”, when Mpinganjira responds that he would like to discuss these questions on a political platform. The witness further states that he feels “pushed to such an extent” by Margo’s questions, that he “has already answered this question” and that he feels that “Mr Speaker likes to suppress my statements”. Furthermore, Margo presses the witness to let the Commission take a look at his diary as a whole, instead of only the entry of September 18<sup>th</sup>, which the witness refuses. Margo argues that his training under the Anglo-American system urges him to study the context of the diary, instead of examining the entry in vacuo.

The discussion is sometimes interrupted by the Chairman, asking Margo to address the witness through the Chairman, and by addresses from Margo to the Chairman, stating that he is

“deprived of the substance of [my examination techniques, used under the Anglo-American system] in my endeavours to test the evidence of the witness. [...] I regret to refer my difficulties to the Commission, sir, and I ask to take account of these difficulties in the assessment of the credibility of this witness.”

A last remarkable observation concerns the hearing of Mr Hawker. Margo brought him to the UN Commission to testify about the reliability of Nkonjera’s statements. Margo is the only one questioning this witness. After stating his occupation and his location at the time of the crash, Margo reads him the evidence of Mr Nkonjera. Then, he asks Hawker:

“Is it reliable evidence?”,  
 “Is it correct in any respect at all?”,  
 “Did he make such a statement to you?”,  
 “Were you aware of the requests [...] for witnesses” and  
 “Did Mr Nkonjera tell you the day before the announcement of the crash that he intended to go to the airport?”

Mr Hawker answers the first three questions with “No (he did not)”, then with “Yes.”, and then with “He did not”. The substantiation of these statements remains unclear. When the Chairman asks whether Nkonjera had talks about the plane, the crash or the arrival of Hammarskjöld, the witness also states he did not. After this, Margo asks:

“May the witness be excused, Mr Chairman. He lives in Salisbury and we can get him if necessary. I would now like [...] to call Air Commodore Hawkins.”

This short hearing can be argued to be striking, since the UN Commission did not try to question the witness on other aspects of Nkonjera’s statement, for example on a telephone-call Hawker received from his brother in law, on the crash. If this was an accurate observation of Nkonjera, why doubt that he and Hawker spoke about the crash? Furthermore, neither Nkonjera nor Hawker is called upon again, which demonstrates a lack of criticism from the UN Commission.

### 6.3. Use of witness statements

A commission inquiring into an accident in a delicate political setting should be aware of political interests that can play a part in statements of witnesses. Likewise, a representative of a government as the Federal Government of Rhodesia and Nyasaland is eager to defend the authorities responsible for the task of guarding his client’s interest with regard to possible political motives of witnesses. Considering these arguments, it can still be argued that it is striking to observe that in quite a number of hearings, of mostly African witnesses, the UN Commission is guided in the direction of the political preference of these witnesses, linked to the reliability of their statements. It is suggested that witnesses with an anti-

government attitude were unreliable, since their motivation for giving evidence was to make the Federal government look bad.

Although the Chairman stated that ‘I could not compel the witness to show all the entries in his private diary to anyone’ and that ‘I can assure you that the Commission is in a position to judge [the credibility of the witness]’, in the end the UN Commission noted in its report:

“Other witnesses showed strong anti-Federation feelings and it is probable that some of their testimony was given for political motives” (para. 139).

In Annex VIII on the statements of witnesses relating to a second aircraft, the influence of anti-Federation feelings is merely mentioned. The UN Commission refers to the report of the Commission of Inquiry, although the Commission of Inquiry didn’t hear witnesses that could have given vital information: The agents mentioned in the previous section, Pratt and Spoffirth, as well as the inhabitants of Mufulira Road who were questioned by these policemen (like Wollcott and Turner).

See paragraph 3.5.1 and 3.5.2.

Furthermore, the UN Commission did not hear witnesses that claimed to have seen two aircraft, without reasoning why (see par. 3.6.2.).

Other witnesses have not been interrogated on their political motives. No white or Western witness was asked a question with regards to his or her political preferences on the contrary, the Commission of Inquiry could not think of a reason “why anyone who might have been able to attack this aircraft from the air should ever have wanted to attack it as it carried Mr. Hammarskjold on the mission he was undertaking”(Annex III, p. 20, par. 20a). But nobody was questioned on this subject.

With the benefit of hindsight, this line of reasoning is not very convincing, considering the hostilities that took place in the region and knowing, for example, the background of the assassination of Patrice Lumumba eight months earlier. Considering this all and taking into account that the hearing by the UN Commission were heavily influenced by the counsel of the Federal Rhodesian Government, Mr Margo, it may be concluded that the reliability of witnesses has been established in an inconsistent way.

## 7. Conclusions

Examining the witness statements by categorising them according to their subject, provides the advantage of being able to observe generalities in the way each commission dealt with the different subjects and the hearing of witnesses. When certain striking elements could be noticed in more than one, or even all categories, we considered them to be general tendencies. In this part of the report, we discuss these tendencies and their potential influence on the quality of the examinations by the different commissions.

Firstly, it can be concluded that all commissions were inconsistent in their valuation of the phenomenon of 'time'. On the one hand, the commissions did not seek to reconstruct a complete timeline on certain important issues, based on the statements of all witnesses. For example, not a single commission sought to create a timetable including times of duty of the different nurses taking care of Sgt. Julien. Also, the commissions were unable to create a complete timeline to establish the presence of different individuals of the Leopoldville airport staff at the there stationed SE-BDY. Furthermore, mostly the Commission of Inquiry did not consistently ask about times of observations or actions and the sources of these times. On the other hand, the indications of time that were provided by witnesses of the crash proved to be guiding in establishing the reliability of these witnesses. The annex of the Commission of Inquiry (included in the UN Report) classifies the witnesses in category "D" as unreliable because it *'comprises witnesses who saw or heard something long after the crash'*.

Secondly, we were struck by the fact that the statements of witnesses before the Board of Investigation are formulated as consistent summaries, including many details on some observations. We have no evidence on the method of hearing employed by the Board of Investigation: Only marginally, some direct questions to the witnesses are included in their statements. We cannot conclude whether the Board of Investigation has questioned the witnesses thoroughly or whether the witnesses testified about their observations independently or led by guiding questions. By reading the transcripts of the hearings by the Commission of Inquiry and the UN Commission, we concluded that witnesses were not certain about some details of their observations as suggested by their statements to the Board of Investigation. Especially in the crash-category, some witnesses were very specific about the angle of the aircraft coming down and the direction in which it flew. Although it can be argued that the Board of Investigation focussed on the technical aspects of the crash and that their hearing of witnesses was therefore only marginally important to the rest of the commissions, we concluded otherwise. Indeed, the other commissions based their structuring of the hearings to such an extent on the hearings of the Board of Investigation, that the statements of witnesses made before the Board of Investigation were used as leading questions by the Commission of Inquiry and therefore by the UN Commission.

The main conclusion of our investigation is based on the contradiction between the mandate of the General Assembly to investigate the crash of the aircraft of Hammarskjöld, and the actual elaboration of that mandate by the UN Commission. The GA considered *'it desirable and necessary that, irrespective of such inquiries and investigation of such incidents, which concern the United Nations, should be carried out under the authority and auspices of the UN'*. We, however, concluded that this mission statement was not carried out by the methods and procedures of the UN Commission. The cooperation with the Commission of Inquiry, mandated by the Federation of Rhodesia and Nyasaland, was extensive. In the UN Report, this cooperation is stated to be beneficial because the Commission *'did not consider it necessary to duplicate all the work already done.'* Implicitly, the UN Commission demonstrated a sense of trust in the Federal Commission. We concluded that in the hearing of witnesses, the UN Commission based its choice of witnesses and the specific questions posed to that witnesses relied heavily on the evidence gathered by the Commission of Inquiry. Even in the report issued by the UN Commission, some evidence gathered by the Federal Commission is brought up to substantiate certain arguments. In our view, this comprises a true contradiction in mission and procedure. It can be argued that this contradiction was caused by political circumstances in the global forum at the time: The UN Commission did not seek to rebuff the Federal government by issuing severe critique on its investigation. With the knowledge of today, one can doubt the neutrality of the Federal government in their investigation, due to the motivation to defend their governmental acting against the pressure of nationalism. The possibility exists that this attitude and its impact on the investigation of the UN Commission has had a severe impact on the conclusions of the UN Report.

***Abbreviations used in Annexes:***

Cf. – In conformity with earlier statement

Non-Cf. – Not in conformity with earlier statement

N/A – Not applicable

N/S – Not specified

*Annex 1: List of witnesses and subject of their statements.*



*Annex 2: Pre-crash; list of witnesses and summaries of their statements.*

*Annex 3: Crash; list of witnesses and summaries of their statements.*

*Annex 4: Search; list of witnesses and summaries of their statements.*

*Annex 5: After-crash; list of witnesses and summaries of their statements.*

*Annex 6: Sergeant Julien; list of witnesses and summaries of their statements.*

*Annex 7: List of errors in files and in lists of witnesses (in Dutch)*