

HOUSE OF LORDS

25 APRIL 2019

HAMMARSKJOLD FOLLOW-UP

The Commission of Inquiry which David Lea invited me in 2011 to chair, and for which I had an A-team of colleagues (Judge Wilhelmina Thomassen of the Netherlands, Ambassador Hans Corell of Sweden, and Justice Richard Goldstone of South Africa), was able to report in 2013 that there was now, half a century later, enough new evidence to justify the UN in reopening the inconclusive – and, to be frank, unimpressive – inquiry which it had set up in the aftermath of the crash.

To its great credit, since we were an entirely unofficial body, the UN accepted and acted on our advice, appointing former CJ Othman of Tanzania to pursue the investigation. Others will have something to say about where Mohammed Othman's careful work has led. What I'd like to do in the few minutes at my disposal is point to some of the principal avenues or byways which our work identified as worth exploring and which in my view still invite attention.

The default explanation of the crash has necessarily been pilot error. I interpose that the experts' jargon for such a crash, a 'controlled flight into terrain', has always seemed to me peculiarly inapt as an account of what is essentially a partial or total loss of control. The real question is whether Captain Hallonquist was robbed of control by some external event as the aircraft made its final run into Ndola.

Of the competing causes of such an event, the most seductive has always been a South African bomb aboard the plane. There is little doubt that security on the ground in Leopoldville was lax enough to permit this to happen. The problem for the mercenaries who, in fortuitously discovered documents which in my view have the marks of contemporaneity if not of veracity, were instantly claiming credit for it, is that their alleged bomb failed conspicuously to detonate on takeoff and, if it detonated at all, must have done so by accident if and when the plane came under fire.

So the live possibilities resolve, it seems to me, into aerial attack – of which Richard Goldstone and I took some impressive eyewitness testimony in

Zambia – or pilot error; or both, since the former could well have caused the latter.

On the assumption, then, that most if not all of you have at some point read our report, let me turn directly to the most important loose ends that remain.

First, there is the missing tape-recording of the control tower’s radio traffic. We dealt with this as far as we could in #13.5-13.12. What we didn’t know then was that the duty controller, Arundel Campbell Martin, had retired to East Anglia, where he died in 2007. Do his family or friends have any written or oral account from him of the night of the crash?

Secondly, there is the excerpt (to which Susan Williams alerted us: see #13.11) from the memoirs of Sir Ronald Prain, who described how a geologist staying in the same Copperbelt guesthouse as himself had picked up radio traffic between the Ndola control tower and one or more aircraft, suggesting that a plane had crashed nearby. A group, he says, set off to look for wreckage – an account with, tantalisingly, no recorded outcome but which may well explain the landrover with white men in it that others saw (see #13.18 et seq) and which gave rise to some dramatic theories about mercenaries going in for the kill.

Today there is still a possibility that one or more of these people is alive and able to say what signals or dialogue were picked up by Prain’s radio ham.

Thirdly, and critically, there is consistent and convincing evidence that the US security services were monitoring the local radio traffic that night (indeed it would have been remarkable if they had not) and hold records of it. Sir Brian Unwin’s detailed recollection of the two US Dakotas parked on the tarmac is corroborated by the memoirs of the US air attaché in Pretoria, Don Gaylor (#13.22). This would have been enough without Commander Southall’s detailed recollections (#13.23-30). But the USAF has denied the existence of any record showing any of its aircraft to have been on the ground at Ndola that night.

Since any reliable record of the plane’s radio transmissions is likely to resolve once and for all what caused it to crash, my Commission set about trying to obtain whatever records the NSA might hold. We set out our account in #15.11-15.12: QUOTE.

Since then, every endeavour to obtain these documents has been met either with refusal or by the production of other, apparently inconsequential, documents. The NSA told Othman that it had “responsive” documents - that is, documents recording radio traffic on the night in question – but (a) that they were top secret and (b) that they were not in any case “transcripts of recordings of a purported radio communication in which an aircraft pilot reports attacking and downing another aircraft” on the night in question – i.e. the Southall account.

So what, even if not the precise Southall narrative, did they contain? The NSA agreed to show them on confidential terms to Othman's aviation adviser, Kerryn Macaulay. She reported that they contained nothing of any consequence. Without doubting her word, I am bound to say that I am not entirely happy at any tribunal having to agree that an evidential document should be seen and evaluated by a solitary member.

But we are left with these among other open questions:

1. Is it credible either that no US aircraft were at Ndola that night monitoring the airwaves, or that, if they were (as plainly was the case), no record exists of their presence? If not, how much credence can be given to other denials issued by the defence and security agencies of the US?
2. Why could the two NSA documents not be made public if they contained nothing of any consequence?
3. Can they in any case have been the two "responsive" documents which the NSA initially admitted it held?
4. If not, which other member states hold copies?

There are plenty of other unanswered questions, but I hope I have said enough to confirm that CJ Othman is entirely justified in advising the UN that there is more in the filing cabinets of member states than he has so far been told.