

SUMMARY

Remarks Of the Republic of Poland as: the state of registration and operator on the draft Final Report regarding the investigation into the accident of the Tu-154M tail number 101 aircraft which occurred on 10 April 2010 drafted by the Interstate Aviation Committee (IAC).

An unreliable analysis instead of facts supported by evidence.

After viewing a draft of the final Interstate Aviation Committee report, the Polish authorities find that certain chapters of the report were prepared contrary to the guidelines contained in the ICAO doc. 9756 Manual of Aircraft Accident and Incident Investigation, part IV, Reporting.

According to the guidelines for the investigation into aircraft incidents, the first chapter of the report titled '1. Factual Information' should not contain evaluations and analysis but factual information, whilst the analysis should be included in the second chapter. Thus, Polish authorities refuse to acknowledge the so called 'psychological analysis' contained incorrectly in chapter one.

However the analysis alone is based on inaccurate transcripts from the cockpit voice recorder containing commands and sentences by crew members during the last 30 minutes before the crash. The transcripts, prepared by the IAC in May and June 2010, contain lines which do not appear on the CVR recordings copy which remains in the possession of Poland. Amongst other things, the Russians have included the sentence '*He will go crazy*', what has been an attempt to prove that there was pressure coming from a third party. In fact no such sentence was uttered. The words and sentences of the crew were altered to imply such a situation. Based on the delivered copy of the CVR recordings, both the Polish Investigation Committee and the Polish Prosecutors office refuse any suggestions that the crew might have undergone any psychological pressure from a third party to continue descent. The Russian committee have ignored Polish remarks and used unreliable and unsupported analysis and psychological hypothesis.

In the chapter describing the history of the flight, the Russians have not included much information which according to the template included in Annex 13 of the Chicago Convention and guidelines from Doc. 9756 Manual of Aircraft Accident and Incident Investigation, part IV Reporting it should contain.

Contrary to what the Russian committee report states, at an altitude of 100 metres, the Pilot-in-Command instructed a 'Go-around'. This was confirmed by the Co-Pilot. The evidence reveals the clear counting of the distance from the runway centreline by the navigator (Russians have falsely stated that the crew descended on the glide path late, contrary even to the flight parameters diagram). Parts of the conversation which prove the crew knew the topography of the terrain perfectly were not quoted (The IAC committee suggested in the final chapter that the crash was caused by a lack of knowledge on the part of the pilots on the terrain topography).

Unverified hypothesis in place of analysis

In the chapter II titled 'analysis', the Russians provide analysis based on hypothesis rather than any fact related evidence. The way the analysis was performed is so far from the guidelines contained in the ICAO Doc. 6920 (Manual of Aircraft Accident Investigation). Hypothesis not supported by fact should have been abandoned. Unfortunately, the analysis provided was not abandoned, but presented as a thesis, dropping the conditional clause.

Quotation from the translation of Polish remarks made to the IAC

Remarks of the Republic of Poland on the draft Final Report by IAC on the investigation into the accident involving aircraft Tu-154M tail number 101

*(...)*2 Analysis

The method of the analysis does not comply with the guidelines contained in the ICAO Doc. 6920 (Manual of Aircraft Accident Investigation, IV edition). The analysis should be based on an assessment of evidence and not hypotheses. The analysis should examine the evidence already presented in Chapter 1. Factual Information, and develop circumstances and situations that might occur. This should lead to the formulation of possible hypotheses that should be discussed in the context of the evidence gathered. Hypotheses unsupported with evidence should be rejected. Hypotheses may not be treated as certainties, and their proof may not rely on hypothetical evidence. The listed items are presented as statements in the form of axioms; and conditional expressions, such as likely, possible, etc., were not used even once.

The analysis contains many repetitions as well as references to many facts that were not included in the Chapter 1. Factual Information. It does not focus on the description of possible variants of the course of action and the assessment of the course of individual flight sequences. The activities of the Flights Management Group were not evaluated and the impact of decisions taken outside the Flights Management Group on these activities. It mainly focused on proving that the activities of the controllers at the traffic control were correct. The influence of pressure from other persons at the CATC-a, who as the only one suggested sending the Tu-154M aircraft to an alternate aerodrome, was not assessed. Full analysis of the situation at the Smolensk "Severny" aerodrome should be carried out after the additions in the recording of the fourth track from BSKP in respect of the accurate indication of the interlocutor and the content of the information passed on(...)

Russians change and hide the information about the ground Smolensk airbase personnel.

In its final report the Interstate Aviation Committee states that the Chief Air Traffic Controller and Landing Zone Controller underwent medical examinations and were authorised for air traffic control by a doctor on duty at the medical point JW 06755. According to the statement given to the Russian Federation public prosecutors on 10 April 2010 the medical point was closed at that time. Both controllers decided themselves that 'there were no obstacles to fulfil their duties' judged on their wellbeing. The IAC report dismisses important and vital information such as allowing the Chief Air Traffic Controller (CATC) to perform his duties at the airport. There is no record of authorisation in existence which permits the Air Traffic Controller to work in difficult meteorological conditions. During questioning by the IAC on 18 April 2010, the Air Traffic Controller admitted it was only his second time in the role ever at the Smolensk airport. His first ever shift took place on 7 April. Within the 12 months prior to that date he had only undertaken the role nine times altogether. Again, there is no documentation proving that the Landing Zone Controller had ever been trained or authorised to operate and supervise the Precision Approach Radar RSP-6M2 system in Smolensk.

The information about the role of FSB Colonel Krasnokutsky, as the final report describes, is misleading and contradicts the evidence provided. Russian committee members are assured that Colonel Krasokutsky did not take an active part in directing flights, although he was the most active member of the ground crew. His solitary command: 'We lead him down to 100 metres'— ended all attempts by Chief Air Traffic Controller to direct the aircraft to the reserve airfield, breaching regulations. At the same time Colonel Krasnokutsky was able to give thorough reports about the aircraft position and the situation at the airport. The Russians refused to give information about who Colonel Krasnokutsky had contacted and spoken with regarding these reports.

According to the Annex 13 of the Chicago Convention, this was adopted as a legal basis three days after the crash. The Polish authorities had 60 days to prepare remarks for the final Interstate Aviation Committee report. Members of the Polish Committee prepared a 148 page document, which revealed precisely how flawed, and at some points contradictory the evidence is in the report. The Poles acting through their representatives aimed to realise its defined powers on the grounds of article 5.25 of Annex 13 of the Chicago Convention and filed a dozen motions enquiring about 222 specified problems from which only 34 had been answered in full. The Russians ignored or refused to acknowledge 169 enquiries; in the rest of the cases the information delivered was not satisfactory.

222 enquiries for legal help – 169 refused or ignored

Amongst the motions ignored or refused, was the refusal of the request for 'presentation regarding assessing the minimum airdrome conditions' at the Smolensk airport and video recordings of radar display readings by the Chief Air Traffic Controller (landing approach of Il-76, Yak-40, Tu-154 M flights) on 10 April, photographic documentation from the crash scene, authorisation for servicing on two positions simultaneously (Chief Air Traffic Controller and Landing Zone Controller) data of fly-around subsequent to the crash and the inspection of communication and navigation aids. The Polish authorities had not received technical expertise of the wreckage debris and any data of two failed attempts of Il-76 landings, prior to the crash. The motion to authorise Polish specialists and accredited representatives to take part in the fly-around was refused. A protest after the refusal was ignored as well as the protest against the refusal of the inspection of the RSP-6M2 radar system in Smolensk on 10 April.

All filed motions for enabling the Polish accredited representative (and his advisers) to fulfil his rights and duties on the grounds of Annex 13 of the Chicago Convention. Polish authorities were refused all information requested on what might have been the source of fires which surrounded the airport and made the atmospheric conditions worse. Regular citations made by the meteorologist from 4.00 a.m. UTC indicated the presence of smoke. No information about the rescue and extinguishing of fires has been provided. No evidence regarding the presence or any traces of explosive materials has been provided. No full post-mortem reports or other examinations have been provided. Those which have been delivered are grossly inaccurate as they contain the description of organs which the victim had removed years before the crash

Ignoring documents and information delivered by the Polish party.

The information contained in the final report states that Poland had not delivered information about the accident on 8 April 2010 when in truth, all required documents had been delivered. The Russians refused access to allow an airport inspection before 10 April. There were no Polish inspections held at the airport before 10 April

Contradictions in the IAC report

Attached to the IAC report, the approach chart for the runway is not identical to the one delivered to the Tu-154 prior to the crash. The statement that the lighting system was working properly was untrue, when in the same report the IAC admits four out of eight rows of lights were turned off. This information was revealed after a Belarus journalist's photos showed Russian soldiers replacing bulbs and fixing power supply cables only a few hours after the crash. Polish investigators despite repeated requests and motions were not allowed to fly-around the scene or inspect the navigation system in Smolensk. The radar approach readings should be in accordance with the approach chart.

As mentioned earlier, Polish authorities were not given authorisation to take part in a fly-around check. According to landing charts, the ICAO performed a fly-around check on 25 March 2001 on the basis of maintaining the glide path angle of $2^{\circ}40'$. A second approach was selected for further calculations. But if that was so, the aircraft could not have been positioned on the glide path at any moment in time. The Russians while inspecting the last phase of the flight decided to change the glide path angle to $3^{\circ}12'$. If this was the case, the aircraft would have remained off the path angle for 75% of the time while making the approach to land... The table included on pages 66 and 67 shows clearly that even at a glide path angle of $3^{\circ}12'$ and taking into account allowable deviations from the beam runway centre, the aircraft would still have remained under the glide path, dangerously close to the ground, even if starting from a distance of 3000 metres from the runway beam. The Chief Air Traffic Controller did not respond for at least 30 seconds, reassuring the crew they were on course and on the correct path, misleading the crew about the actual distance from the runway beam. Interestingly in the report, the IAC adopts the $3^{\circ}12'$ slope glide angle as a basic value; although it also contains analysis, changed when required, of both glide slope angles.

Impermissible rescue operation.

The plane crash landed at 6:41:05 UTC, 400 hundred metres from the runway beam. As detailed in the final report, the PCz-3 rescue services unit was on duty all day on 10 April at the aerodrome. The unit was not summoned until 6.50 UTC. The information eventually reached the unit, but according to witnesses' testimonies, headed in the opposite direction and had to do a U-turn. Finally it reached the scene 14 minutes after the accident took place. The Chief Air Traffic Controller informed units stationed further away from the town location and they were at the scene 44 minutes later. The Russians have not supplied any details of the rescue or actions taken to extinguish fires at the scene.

There is no information about the Medical Rescue Team present on the runway. It appears there was no such team at all. Polish authorities point out that the first medical rescue unit arrived at the scene at 6.58 UTC, 17 minutes after the crash. A further seven medical crew units appeared 29 minutes after, despite the fact that the airport is situated within the city boundaries borders.

Violations of Annex 13 to the Chicago Convention.

An accredited representative of the Republic of Poland was not sanctioned to inspect the expert's analysis of the activities of the group directing flights on 10 April 2010. This was a violation of paragraph 2.25(h) of Annex 13 of the Chicago Convention. They were not authorised to participate in any proceedings or scrutinise any observations or evidence found or provided by the IAC. The Russians have ignored in the most part any Polish motions relating to the final report draft. Parts of the wreckage as well as the original black boxes remain in the hands of the Russians even though this is evidence which needs to be examined by investigators in Poland. This is in violation of Annex 13 of the Chicago Convention.

Transcripts were published on the IAC website in Polish, in their original format. No attempts by the Polish government have been made to translate the transcripts into English. It is entirely due to non-governmental organisations and private persons that the Western reader can read these official remarks and confront the IAC report with facts.

We believe that with international support behind us, Russia will have no choice but to return the black boxes and the wreckage back to its rightful owners - Poland. We hope that setting in motion a credible international committee, we can get justice for the crew, passengers and restore Polish public opinions.