



**European
Conservatives
and Reformists
Group**

SMOLEŃSK TRAGEDY

The Rejected Truth

Minutes from the Public Hearing

European Parliament

28 March 2012

Prof. Ryszard Legutko

Vice-President of the European Conservatives and Reformists Group

Good morning Ladies and Gentlemen. Welcome to today's hearing. Since most of the contributions will be in Polish, I would like to draw your attention to the possibilities of translation. You can find the interpretation into Polish on channel 10. English translation is found on channel 2. The French is on channel 3 and German on channel 1.

I would like to open our hearing and welcome all our guests, particularly the families of the victims of the Smolensk crash. In particular I would like to welcome Marta Kaczyńska, daughter of the late President of Poland

[*ovation*]

I would like to welcome Zuzanna Kurtyka, President of Katyń 2010 Families Association. This association co-organises our today's hearing. I would like also to welcome our speakers.

Mr Antoni Macierewicz, Polish MP, as you well know, heads parliamentary team dealing with the Smolensk plane crash.

Prof. Wiesław Binienda, Dean of Engineering Department at University of Akron, Ohio, with his wife. Dr Kazimierz Nowaczyk, University of Maryland, Prof. Marek Czachor from the Gdansk Technical University - welcome.

I would like to welcome the representatives of the diplomatic corps. I would also like to welcome our MEP colleagues. And, I would like to tell you that we are broadcasting live and in Warsaw there are also guests, whom we also welcome.

Ladies and Gentlemen, we will get in contact with Warsaw later on. Jarosław Kaczyński will take the floor, as well as Michael Baden, a coroner from New York University School of Medicine.

We met here dozen or so months ago and since then a lot has happened. We can safely say that the doubts have not been dispersed. To the contrary, there are more doubts than ever before. The investigation into the Smolensk crash is the biggest scandal in the aviation history since the end of the WW2. We are learning a lot of new

things thanks to the people of good will and many of them are our guests today. The objective of our hearing should be to present the hitherto data that we have at our disposal and that's why we invited outstanding experts on the matter. I would like to ask Antoni Macierewicz, Polish MP, who heads the parliamentary team in Poland, to take the floor.

Antoni Macierewicz

Head of the parliamentarian team dealing with the Smolensk plane crash

Good morning. I am very happy that I am able to present you today the most important threads of our work. I would also like to present the conclusions that we have arrived at. I think that two years after the Smolensk tragedy, in which a large number of the Polish elite with the Polish President has perished, the time is right to summarise our knowledge on the sources, the causes of the tragedy, on those responsible for this unprecedented massacre of the top officials of one of the largest nations in Europe.

I think that there are 3 issues that have been proven beyond any doubt. First of all, the government of Mr Tusk acted to the detriment of President Lech Kaczyński and his entourage. Secondly, responsibility for the death of the President of the Republic of Poland and the whole Polish delegation rests with Russians. The Russians are directly responsible for this death and this tragedy.

These two issues have been proven on numerous occasions during last two years and here I would like to draw your attention to some testimonies which confirm the abovementioned statement. A month ago during our parliamentary sitting in Warsaw former long-standing deputy head of the Government Protection Bureau (an institution responsible for the security of the state) said that the services had been negligent when it comes to lack of reconnaissance at Smolensk North Airport. This is responsibility of those who have on their conscience death of 96 distinguished Polish leaders. *'I am fully responsible'*, says Col. Tomasz Grudziński, *'I am fully responsible for my words but I do think that was neither negligence nor mess nor lack of skills. I have an impression that someone unofficially and with full awareness acted to the detriment of the President of the Republic of Poland'*.

The second testimony, which is extremely important, relates to the activities of the Minister of the Foreign Affairs Radosław Sikorski and it is included in the report of the Supreme Audit Office. This report was submitted to the Polish Parliament yesterday. This testimony states unambiguously that the Minister of Foreign Affairs had not made the necessary arrangements with the Russian Federation before the visit of the Polish President. The visit did not have an appropriate diplomatic status, and in particular, I think this is most shocking of all, Mr Sikorski did not provide for permission for landing. Moreover, the information that the Smolensk North Airport was not prepared was submitted by the Minister of the Foreign Affairs to the office of foreign affairs of the President of Poland on 12th April 2010, i.e. 2 days after the crash.

If we analyse the issues related to the responsibility of Russians, I think that we should go back to the communiqué of the Wikileaks which was published 3 weeks ago and which includes information that was submitted to the Stratford Institute in the United States. This information was provided by Sergei Tretyakov, a former KGB officer, to the Stratford Institute on 22nd April. He delivered information regarding the real course of events in Smolensk. He claims that Russians had been trying to prevent the Polish President from landing in Smolensk and to prevent Katyn ceremony from taking place at all costs. This is the ceremony that had been prepared by Polish authorities and the Polish President was to participate in the ceremony. According to Tretyakov, Russians did not intend to kill the President of Poland but to prevent him from showing up at the airport. Nevertheless, the Russians intentionally prevented the landing because they knew that if the plane had not landed, the ceremony would not have taken place. Similar scenarios were prepared for other leaders if Mr Putin and the Federal Security Service had wished so.

And here comes the next testimony which proves responsibility of Russians. This is the testimony of the Minister of Defence, Mr Bogdan Klich. On 22nd April he had the conversation, which was registered by his interlocutor Edmund Klich, the Polish representative accredited with IAC. Bogdan Klich said: *"You sent us a report (the report which was prepared on 15th April by Col. Milanowski). Why did you send it to us? This report clearly states that these were Russians who were responsible for the tragedy at Smolensk and for the crash of the plane. And, what is more, you marked in bold in this text that these are the Russians, who are responsible"*. These are quotes

from the conversation of 22nd April 2010 between two top officials in Poland who were dealing with the Smolensk tragedy. This conversation was secretly recorded by Edmund Klich and it was published during a sitting of the parliamentary team by Anita Gargas from "Gazeta Polska".

Next testimony that stresses the Russian responsibility refers to the statements in the comments from the final report of 19th December 2010. In this report we can read that:

- Smolensk North Airport was not prepared
- Russian traffic controllers did not forbid the landing and they did not redirect the plane to a different airport which was their duty
- Russian air traffic controllers were deliberately, falsely directing the Polish plane to land and they were providing the Polish crew with false navigation information.

How did it happen? How were the false versions of the Smolensk events formulated? The Russian report says that the tragedy was caused by errors of the Polish pilots who, under the pressure of Gen. Błasik, decided to land and then, much too late, decided to go around and hit the birch with the wing. The birch broke the wing which caused the plane to roll over and hit the ground.

However, the data from last year unequivocally says that there was no voice of Gen. Blasik in the cockpit throughout the entire journey. Moreover, the presence of Gen. Blasik in the cockpit was not confirmed. This was proven by the expert opinion provided by Institute of Forensic Research in Cracow four months ago. Gen. Błasik's corpse was found in the Sector 1, i.e. 20 metres from the cockpit, which was found in the Sector 2, not the Sector 1 which would be probably more logical and in line with the false information provided. According to the expert opinion of the Institute of Forensic Research no sound of hitting the birch with the wing was recorded. At the moment in which Russians placed the sound of hitting the birch, the experts of the Institute of Forensic Research registered the sound of moving objects and another unidentified sound that had begun earlier and finished later.

In a nutshell, the plane did not hit the birch at all. What is more, from the data gathered by Prof. Binienda it is unambiguous that if the plane had hit the birch tree, then the birch would have been cut and the wing would have remained intact. The

vertical trajectory of the plane made on the basis of the data registered by TAWS and FMS shows that to the very moment of passing the birch, the plane was never below 20 metres so the plane could not have hit the tree before the crash that followed and it is quite clear from investigation of Prof. Nowaczyk and other Polish scientists. Dr Nowaczyk's conclusions will be presented today.

What are the Russian investigators and the government of Donald Tusk hiding? Just one hour following the crash Russians stated that all passengers have perished - without any reconnaissance of the wreck or of the crash site. All ambulances and medical crews that arrived at the scene were sent back and they did not even try to rescue those who could have survived. Then, the Polish government gave up on carrying up the investigation and the Polish authorities agreed to follow the decree of the Prime Minister of Russian Federation of 13th April 2010 instead of following the Polish-Russian Inter-governmental Agreement of 1993. The Russian PM entrusted the IAC (MAK) with the investigation. I repeat it once again: the legal basis for the investigation of Russians was neither the Chicago Convention nor the Polish-Russian Intergovernmental Agreement of 1993. This was the decree of the PM of the Russian Federation and this decree regulated and determined not only the behaviour of the Russian officials but also of the Polish officials that participated in this investigation.

The Russian Federation named standards in line according to which were made the Russian and Polish conclusions. Then, the Polish government and the Polish Military Prosecutor's Office headed by Mr Krzysztof Parulski did not even want to examine the crash site, did not want to send Polish experts to participate in the autopsies. They did not want to conduct the post-mortem of the corpses after the transport of the corpses to Poland. These decisions were taken in full awareness by the Polish Military Prosecutor's Office headed by Mr Parulski. At the same time, the Polish public, the international public and the Polish Sejm were being misled because we are hearing all the time that all these activities were carried out and the Polish authorities participated in these activities and supervised them.

Finally, the government of Mr Donald Tusk during a sitting of the National Committee held on 13th April, in presence of Mr Putin said "no" to participation of EU and NATO experts in the investigation. The government of Mr Tusk agreed in writing, following the international agreement which was signed by Minister Jerzy

Miller on 31st May 2010 Poland, to leave black boxes in Russia. So the most important evidence was left in Russia, forever if you like, and it was agreed upon by Mr Tusk's government.

And the last piece of information from the last week: The government of Mr Tusk and Minister of Health Arłukowicz on his behalf, together with the Military Prosecutor's Office refused the families the right of their expert to participate in exhumation and post-mortem examination of those late passengers for whom decision of examination has been finally made. A world-renowned expert, Michael Baden, who arrived in Poland, was not allowed to participate in post-mortem examinations and he could not even observe the activities undertaken by the representatives of the Military Prosecutor's Office and medical crews.

What really happened? On 10th April 2010 at 8:32 AM the commander of the crew, Major Arkadiusz Protasiuk, made a decision and he said that if landing is not possible, "we will go around automatically". At 8:40:51, at the altitude of 100 metres above the airstrip which is the appropriate altitude for this kind of manoeuvre, Major Protasiuk commanded the crew to go around, saying: "*Pull up, go around*". Two seconds later this command was repeated by the second pilot. At 8:40:55 the plane pulled up to the altitude above 30 metres over the airstrip. At 8:41:01 the Polish and Russian recorders noted two very important shocks.

And now to sum up, I would like to show you the only authentic testimony of what happened inside the plane at the moment of the crash. This was recorded on a mobile phone of a spouse of an MP who called her at the moment of the crash. She testified at 10th April 2010 for the Internal Security Agency. Her testimony was recorded and it goes as follows: "*I received a voice mail message. It was the voice of my husband who shouted <Asiu, Asiu>. And in the backgrounds I could hear sounds, crashes and I could hear his voice in the background. I could hear the voices of people, a voice of the large crowd. I did not recognise words. It was the scream of people. It was 2-3 seconds long. The crashes, the sounds were short, sharp as if a wafer crashed, some plastic crashed or a sound that resembled the noise made by wind that was penetrating the cockpit*".

This is the testimony that could not be re-enacted because according to the Internal Security Agency it was deleted from the server that recorded all our mobile phone

conversations. So we are left with her personal testimony of 10th April 2010. You can see that this testimony is in line with the recording that was presented by Russians during a press conference of Mrs. Anodina which makes it even more reliable. This means that the crash happened in the air, when the plane was still airborne. The analyses that were made on the commission of the parliamentary team by the most prestigious companies that deal with aviation accidents and with the distraction of large constructions will be presented today and you will be able to get acquainted with these conclusions. These are the analyses that were carried out in Australia. These analyses confirm all that we hitherto know. They do confirm that the crash happened in the air and as a result of the activities of third parties. Thank you.

Prof. Ryszard Legutko

Vice-President of the European Conservatives and Reformists Group

Thank you very much. I have already greeted my fellow MEPs but let me express particular welcome to Mr Martin Callanan, who is the Chairman of the ECR Group. It is good to have you here, Mr Chairman. Now I would like Mr Nowaczyk to take the floor.

Dr. Kazimierz Nowaczyk

University of Maryland

Dear Smolensk Families, Ladies and Gentlemen. We present today the data analyses of MAK (IAC) and KBWL. Abbreviations are taken from original languages where MAK stands for Interstate Aviation Committee, KBWL - Polish Air Incident Investigation Committee. Parts of my presentation: first impression from the crash site and results of analyses, horizontal trajectory, the likelihood of the roll to the left, TAWS 38, and, on the end, the analyses from Australia - possible cause, preliminary findings.

To begin with: are the MAK and KBWL reports trustworthy? There are sufficient grounds to ask this question. From the very first moments of this incident the media were full of contradictory accounts as often is the case in similar circumstances. However, in this case some of the findings from the crash site were particularly disturbing. The following pictures can serve as an example. Does it look like properly

secured place of the investigation site? Please see on these photos. Especially considering the fact that the crash involved a number of highest-level officials of the Polish government? Serious questions remains as to the professionalism of the official investigation undertaken by the Russian air transportation authority chaired by Gen. Tatiana Anodina. Please, show the video. This short video presents this “professionalism”.

Three days after the crash some media published satellite pictures of the incident site, taken by the GeoEye satellite. Unfortunately none of these pictures were taken on the day of April 10, 2010. Those pictures show, for example, that the ground position of the plane’s horizontal stabilizer (there is a red square on two photos) changed the position between April 11 and April 12. It has been moved about 20 meters closer to the main part of the wreckage. This raises a natural question: Where exactly has this part been on the day of April 10?

The report not only does not give the answer to this question, but it also raises the new one. It includes the ground position of the left stabilizer as seen on April 12 not on April 10. It is the original position in which the part has been found.

The final seconds of the flight are obviously critical and call for especially careful analysis. In an Annex to the Miller's report, we read that the “*Committees investigating air incidents involving fatalities place great care in including the relevant information from all possible sources*”. Therefore it is highly surprising that Jerzy Miller’s committee, in its reconstruction of the final seconds of the flight, has uncritically used pictures made on site by a Russian amateur photographer Sergey Amelin as the main source of the analysis, without even knowing the precise parameters of the camera they were made with or the position of the photographer.

The Tupolev plane had 3 types of flight data recorders installed: one typical black box made in Russia, second recorder made in Poland and flight management system and flight awareness and warning system made in the USA.

In my presentation I show an example of important differences between the data in the Russian and Polish reports. The angle-of-attack values are taken from Russian and Polish recorder, respectively. Both devices are merely data recorders and not the measurement devices. Those differences which we can see on the slide (here, over 100%) are not explained in both reports. Conclusions: The final reports of both MAK

and Polish Air Incident Investigation Committee do not include any information as to the methodology of the analysis nor provide any data, which would make the analysis replicable. Data recovered from some of the aircraft's recording devices have been subject to arbitrary alterations and some of the data (FMS and TAWS logs) have not been included in the analysis.

The other separate part of the Miller report took especially careful analyses of data that was recovered by producer Universal Avionics Systems Corporation based in Tucson, Arizona. The decoded logs from these devices have been made publicly available by the Polish Air Incident Investigation Committee as late as September 5, 2011. The MAK report only mentions the time in these logs, without releasing their contents. On the end of this NTSB report prepared by Universal Avionics there is a very interesting statement. The amount of raw binary data that was captured electronically is very large. UASC software engineering can convert additional parameters to human-readable format if they are needed by the investigators. No one - neither the Polish government, nor the Polish investigating committee - asked for the additional data.

The data are shown on table 1. To original UTC time MAK added 3 seconds to every log file and Polish investigating committee has added six seconds to the most of FMS and TAWS log times, both without releasing any further details. Naturally, a synchronization process should be uniform across the shifted time points. However, the Polish investigating committee has added 5.5 (instead of 6) seconds to TAWS log no. 35 (marked in red on the table).

Horizontal trajectory. The reconstruction of the horizontal trajectory could be used to show that the aircraft should not have made a complete roll to the left after impacting the birch tree, because a complete roll would have to result in the change of its heading prior to TAWS log #38. And the trajectory up to TAWS #38 is at all times parallel to the real trajectory for airport Smolensk.

Additionally, in the released data of TAWS #38 we can see the position and track rate in degrees per second, which is used to determine if the aircraft is turning. Please, note the value - less than 0.1 degree/sec. This TAWS Alert Log #38 confirms that the aircraft did not change magnetic course for 140 meters past the birch tree. Question: are flight parameters reported by MAK as evidence of an uncontrolled roll to the left

consistent with what we know about the aerodynamics of this particular type of aircraft? This part of analysis confronts MAK and KBWL reports with technical description of aerodynamic properties of Tu-154 aircraft taken from Russian literature.

As with any aircraft, Tu-154M is characterized by a certain critical value of the angle of attack above which the airflow separates from the wings, which causes loss of lift and stalls the aircraft. The airflow is separated from the wing. The angle of attack directly affects the lift and drag coefficients. Tu-154M 101 was reportedly rolling to the left at the same time when the angle of attack was increasing, which would cause an additional decrease of lift. Taking into account the effects of the aircraft rolling to the left as well as losing a considerable amount of airfoil surface, we can conclude that the critical angle of attack would have been exceeded one second after left wing's impacting the birch tree, meaning at critical time, no more than two seconds before the crash to the ground.

The behaviour of the aircraft after losing part of the wing has also been analyzed by a team of researchers led by Prof. Brown of the University of Akron. The analysis was a mathematical model of changes in airflow caused by loss of part of the wing and also air pressure on the wings. The calculations show that the aircraft is being influenced by two major forces, causing it to roll to the left and pitch downwards at the same time. This is inconsistent with MAK and KBWL accounts, because in both reports the aircraft is going up.

Conclusions:

The horizontal plane trajectory of Tu-154M, reconstructed from TAWS alert logs, does not change 140 metres after the birch tree. Impacting the tree resulting in separation of part of the wing and an uncommanded roll would also have to result in altering the aircraft's horizontal trajectory. Such change in trajectory is inconsistent with TAWS alert log #38. Flight parameters reported by MAK and KBWL describe a roll to the left, which is inconsistent with the technical accounts of aerodynamic properties of this type of aircraft. Both reports of MAK and KBWL omit TAWS #38. However, the geographic area of its occurrence has received some attention. Please, see on this slide. This can be seen by comparing two satellite photos from April 2010

and June 2010. Around the TAWS #38 tree has been cut and the grass has been burned. This is highly visible on this photo from June 2010.

Next example from the MAK report: Please see a graph presented in the MAK report. All calculations are finished on TAWS #37. TAWS #38 is not included to the analysis and FMS records are also not included in MAK and KBWL reports. Polish report is special. This report will show the method used by KBWL to disguise the existence of TAWS #38. On this slide it is visible that the TAWS #38 in the original report is covered by grey squares put over the presented graph. We can remove them and on the bottom is TAWS #38. Vertical acceleration chart published by MAK shows two peaks occurring in very fast succession (on the order of one tenth of a second). These changes of acceleration have been caused by a downwards-acting force. KBWL report shows similar sudden peaks of roll left (not reported by MAK). These peaks of those two functions are time correlated. Please remember these two peaks in the order of one tenth of a second are for 80-ton passenger aircraft. This is physically impossible.

Right now I will begin the last part of my presentation, which consists of preliminary results and draft report made by Dr Grzegorz Szuladziński. On the slide is a short area of expertise of Dr Szuladziński. He is a member of Analytical Service Company and his major area of expertise is dynamics and structural and mechanic systems including aerospace structures and explosive effects on the structure. Data for the analysis has been submitted to the parliamentary committee and Minister Macierewicz.

Here we can see the left wing from the bottom. The parts are pieced together based on images from the day of the incident. Additionally, we can see the part of satellite photo close to TAWS #38 which is analysed especially carefully by Dr Szuladziński. The altitude registered on TAWS #38 is 37.5 metres. Dr Szuladziński divides analysis of the photo into phases. Phase I: Internal or external explosion in front of the left wing. Phase II: Internal explosion in central position in airframe. The loss of the wing's leading edge near the fuselage and the entire left-most part of the wing had two aerodynamic effects: loss of lift on the left side and increase of drag. The first effect induces roll to the left, while the second one induces a change in magnetic heading. Phase III: The rear part of the airframe with wings and vertical stabilizer rolls to the left independently of the front part which stays in its natural position. Phase IV: Impact with the ground: only the rear part of the fuselage is inverted.

The angular momentum about the roll axis breaks the fuselage apart completely, separating the front of the fuselage from the rear, with the rear continuing to roll to the left. Please see on the photos the rear and the fuselage is without the seating and baggage compartment and the wheels in the bottom part are in inverted position when the cockpit and front part of the fuselage are not inverted.

Summary and results: The main causes of the crash were two explosions taking place just before landing. One of them impacted the left wing near its mid-point and caused an extensive damage, effectively breaking the wing in two. The other, inside the fuselage, caused a profound damage and dismemberment of the latter, as well as loosening the connection of the left wing and fuselage. The landing in a woody area, no matter how unfortunate and at what angle, was incapable of causing the documented fragmentation of the structure. Here is the last photo from the airport Smolensk. Thank you.

Prof. Ryszard Legutko

Vice-President of the European Conservatives and Reformists Group

Thank you very much. This data was not present in the public domain up until now. Now Mr. Binienda, Dean of Engineering Department at University of Akron, will take the floor. Mr Binienda, the floor is yours.

Prof. Wiesław Binienda

Dean of Engineering Department, University of Akron, Ohio

Good morning, Mr. Chairman, distinguished members and guests. Thank you for giving me the opportunity to present my research and findings regarding the crash of the Polish governmental plane in Smolensk, Russia, on April 10, 2010, in which the president of Poland and the top Polish leadership lost their lives.

As previous speakers have shown, the official investigation of this crash was not conducted in accordance with international standards, and the final report is erroneous in many fundamental respects. The world community cannot afford to allow a crash of such magnitude and significance to be shelved and forgotten without a thorough and credible investigation. We can prevent such a tragedy from occurring again only

if we learn the truth about the Smolensk crash. Otherwise, another calamity of this magnitude will happen again and aviation safety will be jeopardized.

I am a professor at the College of Engineering of the University of Akron and director of a laboratory on high energy impact, materials and structures. Throughout my career I received numerous research grants from NASA, NSF, and other US governmental agencies and private industry. I was privileged to participate in the development of special material models and methodology for braided carbon-fibre composites. This material was recently adopted by General Electric Aircraft Engines, Honeywell International, and Williams International for their jet engine containment systems. For my contribution in this project I received a prestigious NASA award "Turning Goals Into Reality." I am also a member of an aerospace consortium that includes most of the jet engine companies, the Federal Aviation Administration, NASA, Boeing Company and the commercial finite element code developer Livermore Software Technology Corporation. For the past ten years, this aerospace consortium has made substantial progress in developing special material models and methodology to accurately simulate impact problems for the aerospace industry. This methodology was tested during the "Return to Flight" program implemented in the aftermath of the Space Shuttle Columbia accident.

Findings of the final report from the investigation into the crash of the Polish governmental plane in Smolensk state that the airplane crashed as a result of losing a portion of the left wing upon impact with a birch tree. Finding 3.1.69 of the official report stated: *"In 4-5 seconds after the first collision with the obstacle, the aircraft collided with the birch with a trunk diameter of 30-40 cm, which led to left outer wing portion of about 6.5 m being ripped off followed by an intensive left bank."*

In my analysis, I asked the following question: Is it possible that the Tu-154M airplane lost a major part of the wing as a result of hitting the birch? In order to answer this question, I have developed a detailed airplane model with particular attention to the internal structure of the wing based on available data from the manufacturer. I applied material models developed for aerospace applications and used material parameters of the airplane from the Database of Steel and Alloy (Marochnik) website <http://www.splav.kharkov.com/en/>. Two slides with tables list all the material parameters. All calculations have been performed using parallel

computers and the newest version of nonlinear finite element analysis code LsDyna3D. Calculations were performed for various scenarios using parameters from the official report. Various plane orientations and various vectors of velocity were considered. The birch diameter at least 10 % thicker than the largest dimension reported in the official report was assumed. The density used for birch wood was almost twice as high as reported in the literature.

I will show and explain six video simulations. The resulting simulations shown in my presentation demonstrate that the wing cuts the birch within 0.02 second, the front edge of the wing is damaged at the length of 60-70 cm, but the lifting surface of the wing is not damaged, allowing the plane to continue the flight. Based on the parameters provided in the official reports, the model shows that the wing of the plane cuts through the birch like an axe for every analyzed scenario. It shall be pointed out that damage to the front edge of the left wing as shown in the simulations cannot be identified on the wing debris. In fact, the front edge of the left wing can be seen on several photographs to be intact in the area of the potential contact with the tree.

According to the official report, the 6.5-meter-long fragment of the left wing was found 111 meters from the birch. So, I asked the following question: what was the most probable position of the Tu-154M airplane at the moment when one third of the left wing broke away? Satellite picture shows that the fragment of the left wing has been found on the right side of the airplane flight path. Hence the wing, after separating from the airplane, flies forward and more than 10 meters to the right. Using ANSYS-CFX solid-fluid interaction analysis, the turbulence of the stream lines and the increase of the dynamic pressure over the surface of the wing after separation from the airplane can be demonstrated. Both phenomena cause a large drag force that rapidly slows the movement of the wing. Three simulations of the free flow path of the wing show that the wing rapidly changes its orientation and moves in a very unstable way. By drawing the path of the centre of mass of the broken fragment of the wing in a three-dimensional coordinate system, we can see that indeed the fragment has a tendency to move in the direction of the flight and to the right of the airplane. In order to allow for enough space so that the wing can move at least 10 meters to the right, the airplane wing needs to be separated from the airplane at least 26 meters from the ground. If we attach the free flow curve to the birch tree at a height of 6.5 meters from the ground, such movement to the right cannot be accomplished. If we

assume the official scenario whereby the birch tree rips off 1/3 of the wing, based on the above simulations, the separated fragment of the wing would have to fall to the ground not 111 meters away as reported, but 12 meters away from the tree. It would crash with a velocity of almost 100 km/h taking significant damage and leaving a clear mark on the ground. No such damage can be observed on the pictures of this part of the wing after the crash. The most probable location of the separation of this part of the wing can be found by attaching the free flow curve obtained from the above simulation to the location where the fragment of the wing was found.

Based on this analysis, we can conclude that the most probable location of the separation of this fragment from the wing was almost 70 meters after the tree and 26 meters above the ground. In this scenario, a wing can fly over 10 meters to the right and land on a group of trees, as shown on the pictures, with a velocity slightly over 40 km/h. The examination of the photographs from the scene with the broken fragment of the wing confirms the degree of damage to the fragment and to the surrounding trees is comparable to a 40 km/h impact and not a 100 km/h impact. The location of the most probable separation of the fragment of the wing is shown on the satellite photograph and on the diagram depicting the vertical trajectory of the plane. The satellite photo confirms that the location of separation is just after the visible road, where the separated part would not meet any terrain obstacles on its path to landing. The flight trajectory drawn from the official Russian report based on radio altimeter data indicates that the plane was much lower than as indicated by the flight trajectory drawn from the TAWS data.

According to the Russian trajectory, the airplane passing through the trees and bushes would likely touch the ground with the tail or the wheels. If after losing 1/3 of its wing the plane would touch the ground, it would crash immediately. However, the Russian trajectory shows a subsequent climb, followed by horizontal flight, followed by yet another climb. This scenario of climbing is required to allow for the 180-degree rotation of the plane that would not be possible at a lower altitude. However, such trajectory after losing 1/3 of the wing is unattainable from the aerodynamics point of view. My analysis shows that the birch tree did not break the left wing of this airplane. The separation of the fragment of the left wing probably took place 26 meters above the ground, which is above the tree level, and about 70

meters after the birch tree. Such a location is consistent with the trajectory drawn based on the TAWS data.

Prof. Ryszard Legutko

Vice-President of the European Conservatives and Reformists Group

Thank you very much. I would like to ask Maria Szonert-Binienda to take the floor.

Maria Szonert – Binienda

Lawyer

Thank you for the invitation to take part in this historic hearing on the most significant catastrophe in the history of Poland since World War II.

I would like to present the key reasons why the international community, in particular the European Union, should undertake all necessary steps to assure a new, fair and impartial investigation into the Smolensk crash.

From the point of view of safety and security of international aviation, the key reasons why a new investigation into the Smolensk catastrophe is required are as follows:

First, the pilot error scenario was adopted from the outset of the investigation as the only viable hypothesis for the probable cause of the Smolensk Crash.

Second, the investigation process was distorted due to political pressure to conform to the official version of the pilot error. People with a vested interest in confirming the official version decided on the course and outcome of the investigation.

Third, the investigation was conducted in violation of all well established international standards for the investigation of fatal aircraft accidents.

Fourth, the distorted investigation process led to wrong conclusions.

Fifth, as a result of massive campaign to accuse the dead, innocent people who died in the crash were unfairly blamed for causing the crash, and the families of the victims were subjected to cruel and inhumane treatment.

Finally, safety recommendations issued as a result of such a distorted investigation process are misleading, inadequate and thus useless.

The top Polish Government officials made a political decision not to blame the Russian Federation for the Smolensk Crash, as proven by the secret Klich tapes recorded in April 2010 and made public in December 2011.

This strategic decision led to the adoption of the pilot error scenario and to the exclusion of all other probable causes of the crash. The strategy to blame the dead served the interest of all parties involved in the Smolensk investigation.

As a result of the political consensus to blame those who died in the crash, technical defect and terrorist attack scenarios were ignored. For example, a serious incident involving the failure of the Tu-154 steering system and autopilot during a humanitarian mission flight to Haiti on January 23, 2010, was not even mentioned in the official report. Technical defects reported after the general overhaul performed in Samara, Russia, in December of 2009, were not addressed either.

Similarly, no explanation as to the cause of the unusually extensive damage to the airplane was provided, and no evaluation as to the lack of survivors was made. A request for the air test at the Severny airdrome on the day of the crash was disregarded, and an inquiry regarding unidentified activities in the airspace of the Severny airdrome on the day of the crash was ignored. Credible terrorist threat alerts reported on the eve of the crash were not considered, and other known threats against the victims of the crash were ignored.

Gross violations of well established international standards for the investigation of the aircraft accidents were committed during the investigation into the Smolensk crash under the auspices of the Interstate Aviation Committee, an ICAO authorized investigative body. To grasp with the scale of such violations, it is worth highlighting the most apparent ones.

The key evidence was not properly secured, identified, documented and preserved. A methodology used for evidence identification was not defined, and a chain of custody for the key evidence was not preserved. The wreckage of the plane was subjected to destruction the next day. The crash site was not properly secured. Valuable personal belongings of the victims were stolen. In six days, the crash site was transferred to the Administration of Smolensk for “sanitary disposal.” The area was cleaned up and re-graded; trees were cut down.

No detailed records of rescue operations were made available. The treatment of the bodies violated the dignity of the victims and traumatized their families. The medical examination of the bodies was inappropriate; post mortem reports were grossly inaccurate and wrong.

Numerous instances of manipulation of evidence were documented. Certain pieces of debris were moved and their new locations were reported as the original positions. Many parts of the aircraft went missing. Witness testimonies were changed. Important statements from the CVR were disregarded while non-existent statements were used in the report. Inconvenient TAWS readings were omitted. The key data from the flight data recorder (“FDR”) was either not provided or presented in unreadable format. Essential reports including a detailed survey of the crash site and a toxicological analysis of the remains were not provided.

The official reports disregarded the Polish objections to the Russian conclusions as well as 80% of inquiries submitted by the Polish expert team. The official reports were issued despite the fact that the Polish investigators were denied adequate access to the black boxes and the wreckage of the plane. The official reports did not consider data from electronic devices belonging to the top Polish officials who died in the crash. Similarly, the reports were issued without full consideration of a complete set of satellite pictures as well as the video recording from the Smolensk ‘Severny’ airdrome at the time of the crash. This information was withheld thus not considered in the official reports.

The Russian report evades many important issues including the role of the air navigation system, performance of the air traffic control group, and the analysis of the airplane incident history. Accordingly, no safety recommendations are made with respect to these omitted or downplayed issues.

The report includes many contradictions, in particular with respect to aeronautical maps and charts, the course and glide path of the aircraft, and the work of the Landing Zone Controller. The “psycho-emotional” analysis of the pilot is overemphasized while the technical analysis of the final stage of the flight is deemphasized. The key section of the report that describes the final moments of the flight is wrong. The description of the final stage of the flight is based on speculations not properly verified by scientific methods.

False statements allegedly obtained from the Cockpit Voice Recorder that aimed at discrediting the late President of Poland, the Commander-in-Chief of the Polish Air Force and the Polish pilots were included in the official reports. The subsequent expert analysis of the CVR proved that these alleged incriminating statements were never made.

The Russian investigators listed the following factors that contributed to the immediate cause of the crash:

- The failure of the crew to take a timely decision to proceed to an alternate airdrome;
- Descent without visual contact with ground references to an altitude much lower than minimum descent altitude for go around (100 m) in order to establish visual flight;
- No reaction to the TAWS warnings, which led to controlled flight into terrain, aircraft destruction and death of the crew and passengers;
- The presence of the Commander-in-Chief of the Polish Air Force in the cockpit until the collision exposed psychological pressure on the Pilot's decision to continue descent in the conditions of unjustified risk with a dominating aim of landing at any means.

I will demonstrate that as of the day of this hearing, all the above factors allegedly contributing to the immediate cause of the crash have been challenged, invalidated and proven false.

With respect to the first allegation, the crew shall not be blamed for not making a timely decision to proceed to an alternate airport in light of the following reading from the Air Traffic Control transcript:

One hour before the crash Russian Colonel Krasnokutski stated:

“They will make a trial approach without discussion! To their minimum altitude”.

15 minutes before the crash Col. Krasnokutski said to the Chief Air Traffic Controller Plusnin:

“Paul, you will lead to 100 meters. 100 meters and no discussion.”

Clearly, the Polish pilot should not be blamed for making a trial approach in light of Col. Krasnokutski's explicit decision to bring the Polish Air Force One down to 100 meters. Col. Krasnokutski exerted pressure on the Chief Air Traffic Controller Plusnin to clear Flight No. 101 of the Polish Governmental Plane to 100 meters. Col. Krasnokutski was an unauthorized third person at the Air Traffic Control Tower. A Polish inquiry as to the role of Col. Krasnokutski at the Air Traffic Control Tower during landing of the Polish Air Force One remains unanswered.

The second allegation is that the crew undertook descent without visual contact with ground references to an altitude much lower than minimum descent altitude for "go around" (100 m) in order to establish visual flight is wrong as well.

According to the official reading of the CVR transcript:

8:40:51.7 Navigator: *"One hundred"*

8:40:51.9 Pilot-in-Control: *"Go around"*

8:40:53.1 Second Pilot: *"Go around"*

This transcript rebuts the allegation that the Pilot-in-Command descended to an altitude lower than minimum in order to establish visual flight. The reading of the CVR clearly demonstrates the decision to go around made at the proper minimum altitude and contradicts allegations of intent to establish visual flight below the minimum descent altitude.

The third allegation of disregarding the TAWS warnings is also wrong. The pilots could justifiably disregard the TAWS warning since the Smolensk Severny airdrome was not in the TAWS database. Hence, erroneous warning could have been expected.

However, according to the CVR transcript, the crew of the Polish Air Force One did not ignore the TAWS warnings. The first such warning sounded one second after the Air Traffic Controller proclaimed: "two, on course, on glide path." Within a few seconds from the first warning, the Second Pilot announced that the decision altitude was reached, the navigator confirmed the decision altitude, and the Pilot-in-Command issued an order to "go around." Thus, the Pilot-in-Command did not ignore the TAWS warning. To the contrary, he made an immediate decision to go around. His decision was timely and appropriate. However, for a reason that remains unknown to this day, the airplane instead of going around experienced an accelerated descent.

The fourth allegation of psychological pressure to land at any means exerted on the Pilot-in-Command by the Commander-in-Chief of the Polish Air Force is not only wrong but is also deeply offensive to the families of the victims, to the Polish Armed Forces, and to the Polish people.

According to the official reading of the CVR transcript:

- A. The Commander-in-Chief was not present in the cockpit
- B. There is no evidence of any psychological pressure on the Pilot-in-Command
- C. CVR evidence contradicts any intention of “landing at any means.”

The above three factors are analyzed below.

It has been established beyond a reasonable doubt that the Commander-in-Chief of the Polish Air Force was not in the cockpit:

- a) Gen. Blasik’s voice was not identified on the CVR;
- b) his body was found with 12 other bodies, away from the bodies of the pilots and the cockpit debris.

The above findings invalidate the allegation that General Blasik was in the cockpit at the time of the impact with the ground. Furthermore, it has been established that the key statement “One hundred meters” originally assigned to Gen. Blasik was made by the Second Pilot. Accordingly, the allegation that the pilots did not monitor the altitude properly is wrong as well.

There is no evidence that General Blasik exerted any pressure on the pilots to land. General Blasik was not present in the cockpit, and there is no evidence of any conversation or exchange between the pilots and General Blasik during the flight.

Furthermore, there is no evidence of any psychological pressure exerted by President Lech Kaczynski on the Polish pilots to land at all cost. The Russian report makes several references to a statement “He will go crazy” allegedly made by the pilots during the flight as proof of undue pressure exerted on the pilots by President Lech Kaczynski. However according to the CVR reading, the pilots never made such

statements. Contrary to the Russian report, there is no evidence whatsoever that the pilots “feared a negative reaction of the Main Passenger.”

The reading of the CVR refutes any allegations and charges of psychological pressure exerted on the pilots by their superiors to land at all cost.

The only communication between the Pilot-in-Command and a passenger regarding landing took place with the Director of Protocol fifteen minutes before the crash when the Pilot-in-Command stated:

“Mr. Director, fog came out at this moment... In the conditions that we have right now we will not be able to land. We’ll try to make an approach, but most likely nothing will come out of it. So, please start to think about a decision what to do next”.

The above statements represent the key evidence of the state of mind of the Pilot-in-Command soon before the crash with respect to landing. His states of mind, as evidenced by his statements, directly contradict the allegation that he was determined to “land at any means.” In fact, the above exchange demonstrates competent and professional conduct of the Pilot-in-Command.

In conclusion:

- The Pilot’s decision to request a trial approach to a minimum descent altitude was legal and appropriate.
- The Pilot’s decision to go around made at the minimum descent altitude was timely and appropriate.
- The pilots relied on correct altitude information.
- There is no evidence of any psychological pressure exerted on the Pilot-in-Command by his superiors to land at all cost.
- Accordingly, the official “pilot error” conclusion is wrong.

Thus, safety recommendations issued pursuant to the wrong conclusion are useless.

Prof. Ryszard Legutko

Vice-President of the European Conservatives and Reformists Group

Thank you very much. We have one more presentation by Professor Czachor. Then at noon we will hear from Jarosław Kaczyński from Warsaw and there will be some

time for the questions, some time for discussion. So now over to Professor Marek Czachor from the Gdansk Technical University.

Prof. Marek Czachor

Gdansk Technical University

Good morning, I represent Polish scientists who wants to deal with the issue of the Smolensk crash. I represent two groups and I would like to tell about them in brief. The first group is a group of scientists who try to organize the first Smolensk conference in Poland. This conference will be held on the 22 of October, this year, most likely in the headquarters of the Polish Academy of Sciences in the Institute of Computer Science in Warsaw.

In a moment I will tell you about our group. And the second group, which I represent, is the Gdansk group. We are gathered around the Gdansk University of Technology and the Institute of Fluid-Flow Machinery from the Polish Academy of Sciences. In this group there are representatives of four divisions from the Gdansk University of Technology and three research teams from the Institute of Fluid-Flow Machinery in Gdansk.

I would like to tell you something about the Gdansk group as well. Our objective was to submit a scientific application on the crash. At this picture you can see a short overview of this all-Poland team that is going to organize the conference. As you can see, at least twenty-four universities and research institutes and at least fifty two scientists with at least postdoctoral degrees participate in the project. I said *at least* because in fact our teams are bigger, e.g. in Gdansk we have fifteen members and only four people are on this list. As you can see, this group shows that there is a breakthrough when it comes to the awareness of Polish scientists. This is the group that will try to organize this conference.

And now I would like to say a few words about the conference itself and its objectives. First of all, we would like to create some kind of a forum where scientists, using scientific methods, could discuss the issues related to the Smolensk catastrophe. And the second issue is to create a database, because the greatest difficulty that we (myself, Prof. Binienda, Prof. Nowaczyk) have encountered, is the lack of reliable data on what really happened in Smolensk. We will try to create this kind of database,

partly based on information and data gathered by the parliamentary team. We also hope that the General Prosecution's Office will keep to the promises following my appeal in January in the Polish Parliament, and will reply positively, i.e. if scientists who want to deal with the Smolensk issue submit a request for the information that the Office is holding (of course those materials which are not top secret, e.g. the layout of the wing or the original files of recording devices from the plane), they will be provided with access to this non top secret information.

With this information provided, we will try to create a database that would be at the disposal of both Polish and foreign scientists. Of course one shall not expect much from this first conference, mainly because of the aforementioned limitations. Therefore, this conference is just the first step but we hope that the idea will develop further.

What are the most important limitations? Why we cannot expect too much? First of all, we have no access to data. Secondly, no real examination of the wreckage was conducted. Thirdly, some data were irremediably lost due to inappropriate procedures accepted by Polish and Russian sides. Fourthly, maybe mundane, the system of financing of science in Poland does not provide financial resources for conducting research on Smolensk tragedy. I will come back to that issue later on. But there are also positive elements - one of them is increasing awareness in the scientific circles regarding the investigation has not been carried out properly and, because of this, there is a willingness to do something more and take responsibility for explaining the crash.

Then, there is some kind of snowball effect owing to the fact that already several dozen distinguished persons have signed the document in which they state that the Smolensk tragedy should be thoroughly examined. I think that there is less psychological pressure on scientists and they are less afraid to deal with this issue. And maybe this is the reason why we observe an increasing number of people who would like to deal with this issue.

Now I would like to give you four examples of these problems that our scientists have to deal with if they want to use precise methods. This slide shows a typical phenomenon, namely data in official reports, both Russian and Polish. Usually these data are contradictory to each other and some of them cannot be reconciled in any

way. And here you have one quite spectacular example, namely this table on the right hand side is a fragment from the Polish report and the arrow shows the number seventeen. This number means seventeen meters above the ground and according to this report this is the plane's radar altitude. Radar altitude is measured - we can see a light emitting radar in the form of the triangle under this plane. According to the Polish report, at this moment the plane was tilted by 120 degrees, so it was upside down. As you can see on the screenshot, the radar shines in the direction of the sky and in line with the report, the radar shows seventeen meters. If the radar had really recorded 17 meters, then the Earth should be in the place where the arrow with notice "17 metres" is and the question mark. Of course this is physically impossible, so either the plane was not tilted by 120 degrees or this reading of radio altimeter does not make any sense. These data exclude each other and it is very hard to provide analyses based on this kind of information.

And the next slide, another thing. I prepared this slide not knowing what Prof. Nowaczyk will show us today. This is a quite characteristic photograph of the crash site.. This part of fuselage, which you can see, is shaped in very characteristic way, because it's turned inside - out (rims are on the outside). None of the experts I know could imagine the physical process resulting from a collision which would cause forming this kind of opened-pipe shape. However, I know scientific analyses carried out on real planes which prove that this kind of profile can form whilst explosion. These results are shown on the right side. I took this picture accidentally but it is very characteristic and it also shows something very important. If somebody asked me what should be examined, I would point to this part of plane. This bit should be transported to Poland, for example to the University of Technology in Warsaw. Mechanical and chemical tests should be carried out, which could enable us to determine real form of the damage and maybe the real source of this damage.

But without this kind of data, without the wreckage of the plane examined in Poland, we are able to do nothing, so this looks the way it looks.

This is yet another problem that we are dealing with. Namely, these are the charts from the IAC report and you can see that I enlarged the end of this chart. This is a chart that refers to the flow of kerosene in engines and the temperature of gas behind them. The lower chart presents fuel. In the enlarged part you can see that the amount

of fuel that goes to engines increases. All these lines ascend. The blue line presents engine number 3, so the engine most to the right and here is something strange. According to engine's characteristic features, engine 1 and 2 are working fine, namely when the gas is increasing, the temperature is also increasing. However, temperature of engine 3 seems to be decreasing so it may prove that there was a mechanical failure. Data is so imprecise that we will be able to analyse this properly when we gain access to the source data file. We will apply for these files. They are at the disposal of Polish Prosecution's Office and I believe they should be made accessible. And, what is more interesting, the quality of this chart in the Polish version of the report is so bad that even this kind analysis cannot be made.

The last, fourth issue: Poles have experience when it comes to renovation of soviet-era planes and the basic, practical knowledge shows that documentation related of the plane is usually very loosely related to the real parameters of the plane. It was the case with the MIG planes and with IL planes. If they tried to refurbish the planes, then this paperwork was useless and the documentation of planes had to be made again. But Poland has a twin plane – tail number 102. This plane is identical to the plane that crashed in Smolensk, so this is a very important piece of evidence and it should be very thoroughly analysed, e.g. the wing and other elements. Unfortunately, the Polish government is trying to sell this plane to Russia. If we sell this plane, then we will loose the only opportunity to analyse what this Smolensk plane really looked like and we will loose this opportunity to prepare proper, credible documentation. Next slide, please.

Now I will say a few words about the Gdansk group and the project that I have mentioned earlier. This is a group of people from the Institute of Fluid-Flow Machinery Polish Academy of Sciences and the Gdansk University of Technology. The group consists of fifteen people and we prepared a research project. Why? I think that one of the reasons why there is no research in Poland is, on the one hand lack of data, and, on the other hand, no source for funding for this kind of research. We estimated here, that if this research is to be reliable, then we would talk about a two - year project with the participation of roughly thirty people. Therefore, we prepared a kind of draft project. Next slide, please.

I will read a preamble to our project. We wrote that this project does not fulfil the criteria of basic research or applied research and this kind of competitions are organized in Poland. According to this we cannot really submit our project. Authors of this application believe that the director of the National Centre for Research and Development should prepare a separate competition for this kind of project and the scope of research should concern national security and country's defence connected with parametric description of the Smolensk crash. This project is a concrete proposal provided by scientific circles, concentrated in Gdansk Technical University (four divisions) and three research teams from Institute of Fluid-Flow Machinery of Polish Academy of Sciences in Gdansk.

There is also a third way, when the minister announces project with concrete task to fulfil, e.g. at present there is a project for ergonomic bulletproof vest. We are appealing to the ministry to announce a competition on parametric model of last seconds of the flight and of the moment when the Tu-154 plane hit the ground. Next slide please. This project is ready and it is in the database of the ministry because we prepared this project, basing on the electronic procedure of submitting applications. In general, there is no procedure of suggesting ministry the projects, so we used the database from one of the competitions. Now the ministry is in the possession of this draft project and we will submit it officially soon as a proposal for a topic of a project, and then, once again, we will appeal to the Prosecution's Office to gain access to data for the team working on the project. Thank you very much.

Prof. Ryszard Legutko

Vice-President of the European Conservatives and Reformists Group

I suggest that we move to the second part of a hearing, to another series of the speakers.. Now we will give the floor to the victims' families. Mrs. Ewa Blasik, widow of late Polish air force commandeering chief and general Andrzej Blasik, will take the floor first.

Ewa Błasik

Widow of late Polish Air Force Commander, General Andrzej Błasik

Ladies and gentlemen, my late husband and General Pilot Andrzej Błasik, Commander of the Polish Air Force died on the 10th of April 2010 in the Smolensk crash. He was a member of Polish delegation headed by the late President Lech Kaczynski. The delegation was on its way to Katyn, in order to commemorate the memory of the Polish officers who were murdered in 1940 by NKVD, the Stalin's secret police.

Ladies and gentlemen, my late husband served his homeland well throughout his whole life. He worked relentlessly in order to cleanse the Polish army of any remaining communist elements which functioned in the Polish Army. He was fully aware of delays and of the fact that Poland has to grapple with the 50-year legacy of the two enforced systems: Nazi and communist. Gen. Roger Brady, Commander of U.S. Forces in Europe used to say: "*Gen. Andrzej Błasik was a young man of incomparable vision, integrity of character and courage. There was no surprise when he was nominated by both civilian and military Polish authorities to become the Commander of the Polish Air Force. I truly appreciated the determination of General Błasik as he was a faithful friend and true ally in our efforts to advance Air Power for NATO*". Yes, all of this is true.

My husband made a great contribution to integrate Polish Air Force and turn Polish Air Force into one of the most modern Air Forces in Europe, fully capable of cooperation within large NATO structures. Throughout all these years he spared no effort in order to make Polish Air Force capable of quick and effective operations within NATO and other structures. He was highly respected both in the country and abroad. He had an opinion of a brave Commander, equipped with all noble soldierly virtues and values. He was a symbol of the changes that took place in Polish Air Force. He was a guarantee of breaking off with post-communist mentality in the Polish Army. After Poland's entry to NATO, he courageously defended the honour of Poland and in NATO he became the beacon of professionalism and craftsmanship by co-organising in Poland the biggest, exemplarily conducted exercises of the NATO Air Forces. In recognition of his services and introduction of multi-task F16 and C130 aircrafts he was awarded Legion of Merit, a top American medal, in 2009. With his

last visit to Poland, President Barack Obama assured my son that the merits of his father will not be forgotten.

Ladies and gentlemen, we are approaching the second anniversary of the Smolensk Tragedy. We still do not know what happened in the last seconds of this tragic flight. We still do not know how our beloved died. Did they have any chance to survive? Were the visit and the flight properly organised? What was the direct cause of the catastrophe? A merciless campaign of slanders and lies has started minutes after the crash. Russians destroyed the honour of the Polish soldiers and of the Polish Air Force with cruel premeditation. The Russian propaganda used the worse Stalinist propaganda models. There were lies that my husband exerted pressure on the pilots, that he was drunk, that he steered the plane and, as a result, he caused the crash. In order to ultimately dishonour the NATO general, IAC reprehensibly published the document including the detailed post-mortem examination results of my late husband on its Internet site. According to the Polish and EU law, this publication infringed the doctor-patient privilege, personal rights, not to mention ethical and moral aspects.

Ladies and gentlemen, the Polish government humbly remained silent. The Polish government did not react to all these groundless accusations and slanders which disgraced the honour of the Polish and NATO soldier. This smear press campaign of lies has been allowed due to the temporary interests of the authorities. Furthermore, the Polish government allowed for this smear and cruel campaign to be even more spread and heated by informing the public via mainstream media that Gen. Błasik started a fight with the Captain of the aircraft before the departure. Later my husband was described as a member of the crew. A vision was built that my late husband was an irresponsible, unreasonable and unstable man without any moral principles.

I was left to my own devices and I had to face Russian and Polish propaganda all alone. I had to defend the honour of my late husband all alone. I had to defend the honour of the Polish soldiers and pilots all alone. I was supported by my family, group of Polish friends, my attorney, relatives of other Smolensk victims and the clergymen. Despite the dramatic circumstances, I could not expect any help from my country's authorities'.

Ladies and gentlemen, a careful analysis of conversations in the cockpit conducted by the Institute of Forensic Research in Cracow proved that there was no voice of my

late husband in the cockpit recognised. It turned out that there are significant differences between Polish and Russian notes of conversations in the cockpit. Words which allegedly were said by my late husband originally were expressed by the second pilot. There is no proof indicating that my husband was in the cockpit during the flight. His corpse was found in a different Sector than the corpses of the pilots. All these facts undermine the credibility of IAC report and prove that this report was in fact a propaganda document and disgraceful attempt of slandering my late husband.

The Commander of Air Force has never exerted any pressure on the pilots - I have never had any doubts about that. My late husband, as always, observed the rules of HEAD instruction regarding the flights of the most important state officials (instruction which was introduced by himself). Throughout many long months my husband was being accused without any proofs and against logic. He was being placed in the cockpit and accused of numerous misbehaviours. Those accusations have not been taken back yet. In the international public functions the smear theory presented at the Russian press conference: drunk general who was forcing the pilots to land. Ladies and gentlemen, Russian statement regarding alcohol in the blood of my husband is most painful for me and my children. In this matter I can appeal to your sensitivity and knowledge.

Ladies and gentlemen, knowing the history of Poland, knowing the approach of Poles towards their compatriots who were brutally murdered in Katyn in Russia, would you really believe that the Commander of Polish Air Force, who was going to visit Katyn for the first time, would get drunk on the plane? Is it possible to persuade Poles that Polish generals, who were proudly travelling to Katyn to commemorate the memory of their forebears, would not behave properly?

Nothing can restore my beloved husband to life. However, I cannot passively observe the situation in which his good name is being tarnished and he is being deprived of his most precious value - the honour of Polish and NATO soldier. At the end I would like to remind you the words of Jan Kochanowski, Polish poetry classic, which are placed in honour of my late husband on the table in Air Command Ramstein: "The door is open to heaven, for those who serve the fatherland". Ladies and gentlemen, I ask you for good memory of my husband who during his life was highly respected and appreciated by all in the aviation world. General Andrzej Błasik was a noble,

competent, very responsible and reasonable man of big heart who was completely devoted to his homeland, Poland, Air Force and NATO. Thank you for your kind attention.

Prof. Ryszard Legutko

Vice-President of the European Conservatives and Reformists Group

Thank you very much. I just received information that we have Warsaw on air. I would like to ask the Chairman of Law and Justice Party, Mr. Jaroslaw Kaczynski, to take the floor.

Jarosław Kaczyński

Chairman of the Law and Justice Party

Ladies and Gentlemen, I have to talk about matters that are particularly difficult for me. But we have to discuss them and I want to express my cordial gratitude to all people who had their contribution in organising today's hearing.

I would like to thank Professor Nowaczyk and Professor Binienda who presented the results of their work. Both Professors conducted their works in terms of a social initiative and out of moral premises and therefore their contribution deserves a special recognition, which I hereby express. I think that in this matter I represent not only my point of view.

I would also like to thank Prof. Czachor for what he said and for the announcement of the conference in October. The conference will be attended by Polish professors, scientists, who will analyse the causes of the catastrophe. It is extremely important that it will be Poles who will deal with the reasons of the crash. This matter is of the utmost importance for the families (for obvious reasons) but it is also crucial for our country and Poland's international status and for the Polish honour, especially in the context of relations with other countries. Maybe some think that "Polish honour" is an outdated term but it is still very important. Under no circumstances should we renounce it. We have to defend it.

The President, my Brother, died on duty along with his wife, the President on the exile, many outstanding politicians, generals, Katyń Families members, officers, crew

members and many other people who also were on duty, who served Poland. Therefore, Poland is obliged to do everything that is possible to reveal the truth, no matter what the truth is it. I would like to say that investigation refers, on the one hand, to technical issues which are decisive, and, on the other hand, to political issues.

There are numerous questions regarding the causes of the catastrophe. Why did this aircraft fall? Why did it fall apart into so many pieces? Why did all people die? These are very important questions which have to be asked, knowing both other similar events which ended completely different and the physical laws according to which this catastrophe could not have such course and such effects as presented in the Russian and Polish reports.

There are also other threads in the matter which require explanation, although these are not the main subjects of today's hearing. There is the issue of political activities related to separation of visits of the President and Prime Minister. There is the issue of behaviour of the Polish authorities, both then and now. There is the issue of the behaviour of the Russian ambassador in Warsaw (now he is serving in Berlin), including scandalous behaviours in terms of diplomatic rules. These misbehaviours were aimed at the President of Poland, and the Polish Minister of Foreign Affairs did not react at all. This is a very characteristic element and I think that one day it will be a subject of proper investigations.

There is the issue of the so-called "history of the aircraft": history of the aircraft which fell apart into pieces, history of its renovation, inter alia, the place, people and circumstances of the renovation. The matter is extremely interesting. Perhaps we can find there the clue for other issues and answer for the question why it happened. There is the issue of the very flight. Here I would like to focus on the decisions made in Moscow which allowed the pilots to descend to 100 metres and, later, to land. It has to be underlined that statement made by the controllers ("free airstrip") was a call for landing. This aircraft was not landing and it did not try to land but these were the decisions of the most of the Russian officers who were on the airstrip. I repeat once again: this was the outside decision. Thus, one has to ask why such decision was made. This is a fundamental question and one has to endeavour to answer it, although I know that conducting such investigations is here extremely difficult.

There are also other questions about the events that took place after catastrophe. I would like to know how Foreign Minister did know, and I tell you this from my own experience, that all people died when he called me just after 9 AM. How did he know that? Furthermore, a few minutes later he also knew that the crash resulted from the pilot's fault. How did he know that? There were also these allegations regarding 4 landing attempts - I heard of it when I arrived at the Smolensk airport on 10th April.

All this propaganda seems to be very well organised and prepared earlier. It had also its organised resonance in Poland and it was continued in many ways, by prominent people not only from the political sphere but also by the so-called "celebrities". Why did they represent such approach? What was it really all about? Who wanted to hide the truth?

Then, there are also issues related to the investigation. Why did the Polish government allow Russians to conduct the investigation? Why was there no post-mortem examination in Poland? This examination was an elementary obligation. Why was it claimed that it is Russia who is the owner of the corpses of the Polish citizens? Then it was changed to the version that the Polish state owns the corpses and the families have nothing to say in the matter. Why were the decisions on examinations constantly delayed? Why were they issued only partially - until now only three bodies were examined in Poland and it is definitely not sufficient?

In a nutshell, there are still many unsolved matters. It is of utmost importance to present the truth revealed during the today's hearing (especially the fact that the whole Russian version, repeated later by Polish report, is completely unjustified) will reach the world public opinion. Now this truth remains unknown. We know about the film which is being planned and which might confirm the Russian version, despite the fact that this version was completely disavowed. We have to state it clear - such film would contain big lie which would then be spread in the world.

Finally, Ladies and Gentlemen, there is one more issue which does not refer to this conference directly but which needs to be mentioned, i.e. commemoration. Maybe many of today's participants do not know that we are experiencing here a fight for commemoration of the victims, including the President of the Republic of Poland who died on duty. In Warsaw there is no table or monument which would commemorate

the late President or the tragic event of 10th April. It is very characteristic and still continued by numerous scandalous activities.

The public opinion in the EU should know that people were beaten and humiliated and the victims were insulted and all these happened in the presence of the policemen and other officers. The Holy Cross, which for Poles has always been sacred, was offended. It is good for the EU opinion to know that today, during preparations for the second anniversary of the catastrophe; much is being done to maximally hinder it by numerous administrative means. The process of forced amnesia continues. There is a crucial question: what is it all about? What is the sense of all these actions? Why was this unprecedented event in the Polish history treated by the Polish authorities in such a way?

At the same time I would like to appeal to the MEPs and to the EU authorities to take a closer look on the matter. If we are a member of an organisation which guarantees very close co-operation, then the Smolensk tragedy remains not only the Polish matter. We have to remember that if there were 2 explosions, as it was said today, then this catastrophe seems to be an assassination attempt and this means a completely new quality in the international politics. Tolerance for this specific "new quality" may be very costly for many people. Thank you.

Prof. Ryszard Legutko

Vice-President of the European Conservatives and Reformists Group

Thank you very much. We are now going to talk to prof. Baden.

Antoni Macierewicz

Head of the parliamentary team dealing with the Smolensk plane crash

Professor Baden is one of the most prominent coroners, pathologists in the US. He took part in the process of examination of the corpse of John Fitzgerald Kennedy. He also worked on the cause of death of Martin Luther King. He also testified in the court case of O.J. Simpson. This is a brief illustration of his contribution to the criminal science in United States of America. He was also called to examine sudden deaths and he examined the corpses of Palestinian inmates in Israel. Thank you very much.

Prof. Michael Baden

Physician and forensic pathologist, New York

Thank you very much and it's an honour to talk to you.

Every airplane crash must be properly investigated, not only to identify each victim, but also to determine the cause of the crash and to conclude how to prevent similar crashes in the future. Referring to this one particular catastrophe, Smolensk crash, it was significant to determine whether any explosion took place before the crash.

Unfortunately, three autopsies, which took place two years ago, were not conducted appropriately. A perfect example of a reprehensible mistake can be found in one of the reports, in which the existence of a healthy organ, kidney, was stated, while in fact it was removed from the body of a victim few years before the crash.

In the bodies of the victims, which were returned to the families, the pieces of brick or wood remained. The families were not allowed to open the caskets, to look at their loved ones. All of these autopsy reports that were done two years ago, all of the toxicology reports, photographs, microscopic slides prepared at the time of the autopsy, the x-rays taken must be made available for independent review and analysis, now, to resolve the questions that persist as to the cause of the crash and as to whether the bodies were properly identified.

Autopsy reports and investigation cannot be held secret. In addition, the airplane itself must be closely examined. The remains of the plane are presently held in the open field and there is no evidence that each part of plane was closely examined, the photographs taken at the time of the crash show the airplane parts being removed in a way that doesn't protect the evidence. All of these should have been available two years ago! But even today, after two years, much can be learnt and we must have hope that our children and grandchildren finally will find the truth. Thank you very much.

Tomasz Poręba

Vice – Chairman of the Law and Justice Delegation in the ECR Group

Thank you very much, let's now move on to other speakers. Zuzanna Kurtyka has the floor.

Zuzanna Kurtyka

President of Katyń 2010 Families Association, widow of late President of the Institute of National Remembrance, Janusz Kurtyka

Ladies and Gentlemen, I am attending the public hearing in the European Parliament already for the second time. Despite the fact that another year passed, none of the European ruling bodies has taken any interest in this tragedy of 10th April 2010. Nobody has taken any interest in how the investigation was carried out and how the families of the victims were treated.

On 30th December 2010 Katyn 2010 Families Association obtained from Polish Prime Minister a written answer regarding the Association's request for international investigation committee. This request has been supported by signatures of 45,000 Polish citizens. I quote: *“Appointing an international committee would disturb the bilateral cooperation of Polish and Russian bodies which deal with the investigation. Professionalism and commitment of people who participate in both investigations guarantee efficient and complex explanation of causes and circumstances which led to the Smolensk tragedy”*.

And now I would like to show you how Minister Tomasz Arabski, who responded on behalf of PM Donald Tusk, understands “professionalism and commitment”. At the moment we have at our disposal another three readings of the same tape from the black boxes. The readings were made by, respectively, Jerzy Miller's committee, Institute of Forensic Research in Cracow and IAC. In this slide I presented three evident inaccuracies whereas the whole document contains several dozens of such inaccuracies.

First inaccuracy in the upper row refers to words which were read. The second inaccuracy refers to time discrepancy of 10-15 seconds. This time discrepancy is not constant. It is still changing – we can see time differences from 5 up to even 25 seconds. Then, we have the third reading, which is completely different. You can see that three institutions examined the same recording and the reported results are entirely different, which leads us to the conclusion that somebody came up with alleged statements out of thin air. Next slide, please.

Here I would like to show you a document, which I present for the first time. This is a document obtained by the families of victims from one of the major Polish institutions responsible for state security, which refers to protection of electronic carriers belonging to the late passengers and crew of the flight. I want to show you an obvious recording mistake, which is observed on numerous pages of the document. We still do not know what happened with these devices and what happened during the reading of the data registered on these devices. Then, these devices were taken away from the families and we still do not have any chance to get them back. To get back the devices that belonged to our beloved.

The so-called Polish-Russian cooperation resulted in a document entitled: “Polish Comments to IAC report” of December 2010. This document contains 25 pages of Polish requests for evidence. The majority of these requests still remain without positive answer. In the opinion of Katyn 2010 Families Association this document is of utmost importance for the international public to learn about the dramatic neglects in conducting the investigation. Therefore, Association prepared the translation of the document in electronic version and has sent it to many international institutions, including EU institutions. Here you can see the English translation of the document with electronic version added. Should anyone be interested in the translation, please contact us. However, none of the persons and none of the EU institutions who obtained the abovementioned document have even confirmed the receipt of the translation. This document (the answer from PM) ends with a following conclusion: *“Therefore appointing an international committee would be unjustified”*. The Polish government rejected even support of NATO – despite the fact that key NATO commanders died in the crash.

Leaving aside basic violations of the formal procedures in the investigation, there is another, particularly painful thing, i.e. the way of treating Smolensk families and Smolensk victims by the Polish government. First of all, we experienced a giant shock when we learned that there had been no representatives of Government Protection Bureau at the Smolensk North Airport. Secondly, there is no documentation proving that there was any rescue action provided. Today we can believe that there was no rescue action at all. Furthermore, Military Prosecution’s Office, which is responsible for the investigation, stated that the analysed amateur video recorded on a mobile phone on which we can hear shots and voices of people is authentic.

The issue of medical documentation is also dramatic. When caskets with the bodies of the victims were brought to Poland, we were informed that they would not be opened. At that time we were too shocked to try to investigate why these caskets cannot be opened. Now we know that it was a completely unlawful decision of our government.

Polish pathologists from Institute of Forensic Research in Cracow sent a letter to the Military Prosecution's Office and asked for permission to perform computer documentation, using computed tomography of corpses of all victims, as an inevitable proof. This was inevitable material in a situation in which Polish government forbade post-mortem examinations in Poland. Military Prosecution's Office rejected the request of the Institute. Now, two years after the tragedy, Military Prosecution's Office orders exhumation and post-mortem examination due to faulty and shoddy documentation delivered by Russians after one year of Polish endeavours.

Military Prosecution's Office ignores our requests for abandoning these procedures due to huge stress for us, our children or elderly parents, whose children died in the catastrophe. I sent such request and it was rejected. Me, my children, my husband's mother, family of Mr Gosiewski – we have all suffered and paid a lot due to procedural neglects of Polish Military Prosecution's Office. Other families will probably also have to pay. And Military Prosecutor's Office will probably escape responsibility for abandoning obligatory procedures.

My request for participation of American pathologist who represented me, Mr Michael Baden, in post-mortem examination, was also rejected. It is important when we take into account a letter from the Chancellery of the Prime Minister of 30th December 2010 in which Minister Tomasz Arabski writes as follows: "*Should your Association know any world renowned experts whose knowledge could contribute to investigation of causes of the Smolensk tragedy, present them to the competent bodies. I will be grateful for that because it would increase the number of specialists who could help both Jerzy Miller's Committee and Military Prosecution's Office*". Now, when we had asked for participation of such specialists, our request was rejected. Now we know that Minister Arabski lied.

The three hitherto conducted post-mortem examinations in Poland prove that Russian post-mortem examinations were conducted only pro forma and were not aimed at search for causes of the tragedy. Stating that massive trauma was the cause of the

death of a man who was in the falling plane sounds crude and ridiculous even for a layman without medical knowledge.

One more thing: I know that Russians desecrated the corpses. Perhaps obvious violations of human rights seem here, in the seat of the European Union, insignificant. However, I would like to remind you that we are also EU citizens. The times when we were citizens of Soviet Union passed. Moreover, thanks to us, Poles, Polish Pope, Polish “Solidarność”, also other nations of this part of Europe joined the other European nations. The Berlin Wall fell and Germany got reunified thanks to us. I would like to remind you that, according to history, consent to violation of right, indifference, suffering of citizens, results in spreading anarchy and regards increasing number of people. We can see this on the example of situation in Europe before the outbreak of WW2.

I would like to take advantage of today visit and ask you for support for our endeavours in pursuing our rights in international institutions and, first and foremost, in European Commission of Human Rights. Thank you.

Prof. Ryszard Legutko

Vice-President of the European Conservatists and Reformists Group

Thank you very much. I would like to ask Marta Kochanowska to take the floor, while the interpreters are still here.

Marta Kochanowska

Daughter of late Commissioner for Civil Rights Protection of the Republic of Poland, Janusz Kochanowski

My name is Marta Kochanowska and I am the founder of the Children of the 10 April 2012 Foundation. On 10 of April 2010 I lost my father.

You have heard today about many issues, many concerns to do with the crash and the investigation. Each of today’s presentations will no doubt be the subject of both challenge and debate. But what cannot be challenged and cannot be debated is the human tragedy that occurred on that fateful morning. On that day not only did we lose 96 of our loved ones but we have lost our lives.

For those of you who are familiar with such disasters, you will understand the massive trauma suffered by the families of the victims, you will also understand that

that trauma is relived each and every time we find out a new fact about the crash because we do not have access to clear information and we are not able to rely on a transparent and fair process of investigation. We the Families all individually re-live the tragedy again and again and are simply prevented from rebuilding our lives.

Why should the unprecedented circumstances of the flight somehow excuse the continued suffering of the families and allow the tramping of those families' human rights. We, the Families, do not accept that loss of human life can be so easily forgotten, discarded and dishonoured. We simply must ensure that the widely adopted and recognised investigation processes and checks are applied to this disaster, if only to ensure that we protect those left behind so that they can learn to live again no matter how hard it may be.

The trauma suffered by us, the families, is recognised worldwide. As a result many businesses now train specialist disaster teams that are further supported by external companies and that provide critical disaster support services such as:

- Emergency Call Center Services that liaise with the families ensuring that they are given critical information as and when it develops;
- On-Site Disaster Management to ensure that the crash sites are appropriately secured, that the bodies and belongings of the victims are recovered and appropriately secured and managed;
- Logistical Support to ensure that all relevant groups such as firemen, recovery teams and police work efficiently together;
- Family Liaison and Assistance that ensures Families are looked after throughout the process and are fully updated on all developments.

There are other organizations that specialize in the recovery of personal belongings as it is felt that recovery and return of such items plays an important part in the healing process. I learnt of the great lengths that these teams go to recover the smallest of belongings to give some kind of comfort to the Families.

Yet in our case those easily available resources, resources that are very familiar even to the Polish national carrier LOT, have never been initiated. Why not? Why do we have to come to the EU parliament to beg for our basic rights? Why did we have to rely on the media for information? Why can no-one explain why 3 ambulances were

seen leaving the crash site shortly after the crash. No matter how ridiculous it seems I keep thinking that maybe my dad was among the 3 survivors. After all, his time of death does not match the time of the crash, does that mean he survived? And if so, was he being helped?

Look around; imagine this room filled with grieving families who only a day earlier have learnt of the crash from the [television] news. Imagine sitting here for hours waiting for news of your loved ones a day after the crash, only to be told that there was little point of going to Moscow. We were simply told that none survived and I quote: “that there were only shreds of human remains”.

A representative of the Polish Foreign Ministry stated that in fact only 10 people were identified (he did not however go to the trouble of confirming to the families who these victims were, despite the fact that the names were already being circulated on the internet and in the media). The distraught families had to force him to call Moscow to find out who the people were and then we waited for him for almost an hour to find this out. Understandably some families were so distressed that they were unable to travel to Moscow in the end. My father was not on the list of the 10 identified bodies despite having in fact been identified within few hours of the crash (as I had learnt later from the case transcripts).

This callous approach to the families continued with remarks by top ministers and governmental officials. We don't have time today to go through them all but let me give you just a couple of examples:

The government spokesman, justifying why the plane wreckage, one of the most critical pieces of evidence, had been left unsecured for 6 days after the crash, stated that the plane wreckage was simply not relevant to the investigation – how can that be?

The same government spokesman chose to apologise to Russian soldiers who stole credit cards of the victims they were supposed to be securing and within 2 hours of the crash were shopping in the nearby town first as opposed to investigate what actually happen.

It may be the case that human remains are also not relevant to the investigation but why have they not been collected from the crash site? All bodies were returned to Poland within 2 weeks of the crash – at the time it seemed like a blessing. A blessing

that turned quickly into horror when 2 weeks after the funerals took place several more coffins arrived alongside one coffin marked 'Unidentified Remains'. No-one could explain why there were unidentified remains when we had been told everyone was supposed to have been identified based on DNA evidence. As you can imagine this immediately raised concerns. The coffin with Unidentified Remains was cremated – None of the Families were asked whether they agreed with this course of action.

In the months after the funerals many serious doubts have been cast over the identification process and they continue.

This has been most distressing – Families simply do not know whether they buried their loved ones. The Families were not allowed to open coffins as they returned to Poland. Even Families that identified their loved ones in person now have concerns. There are Families that ended up holding three separate funerals. Clothes that the Families took for their loved ones to be buried in have been returned to them several months later without any explanation.

Things have become so desperate that some families were forced to apply for exhumation orders. It took over 18 months for the first exhumation order to be granted and that was based on irrefutable evidence that the person who died appeared (according to the Russian autopsy) to have miraculously re-grown organs that were removed in an operation several years before the crash.

Can you imagine those 18 months and then the following month during which the second autopsy was carried out for that family, an autopsy for which they had to fight themselves, just to be sure?

Two other autopsies are expected to take place over 23 months after the crash but we know for a fact that these are not being carried out in cooperation with the families affected. How can those families be denied the right to have their independent expert present when they are (a) only subjected to this ordeal because a thorough process has not been followed in the first place; and (b) it is an issue of such huge importance to each family?

How can it be that 6 months after the crash a Polish archaeological team was allowed to examine the site (you may wonder as we do why this was not done by pathologists and investigators) and recovered thousands of plane parts as well as body parts at a

time where the Russian investigation was already completed. How can that be the case when we were assured that everything has been recovered? How can it be that we are learning 23 months after the crash that residents of Smolensk have plane parts and personal belongings of our loved ones who they bought or recovered from the soldiers at the site? Why are we excusing the fact that the basic Interpol guidelines of Victim Disaster Identification have not been followed despite the fact that Russia is a member of Interpol? Why did we allow distraught members of families to be subjected to visual identification without preparation of each body and without any further DNA confirmation? Meaning that families spent much longer than necessary in Moscow being asked to look at remains that were not their loved ones. I will never forget standing in a corridor of the pathology centre in Moscow on Monday 12 April overlooking the hall leading to where the bodies were held and seeing one brave mother repeatedly going in to look at yet another remains so that she could find her daughter. During the days we were in Moscow she was not able to identify her, but when we saw her a week after the crash her first words were: "I found her" (she meant her daughter).

Why is it that visual identification has been accepted as primary identification by the authorities when it is generally accepted that it should be only used as a secondary means because it is only 70% accurate? Some Families feel that the only way that they will ever be able to believe that they buried their loved ones is for exhumation of everyone to take place with independent autopsies being carried out. Yet how can Families be expected to cope with such ordeal again? Why is it that it is considered acceptable for the Families to be subjected to such trauma simply because there has been no thorough or transparent process from the start? It simply continues to tear them apart.

I should like to finish by mentioning the children of the victims if I may. In the crash 96 families lost their fathers / mothers / brothers / uncles / grandmothers. Marta Kaczynska lost both of her parents in one day. Also, a father whose family was going to honor their loved ones murdered at Katyn, lost his son and mother. Katyn again claiming the lives of his family. Among those Families there are approximately 60 children under the age of 25 for whom their whole world has turned upside down. One child was born after the crash. The stories of how the young ones are affected by what has happened and continues to happen are heart wrenching. One mother

following the crash had to sell the family car as her 4 year old had taken to sleeping in it. Another child has left school to care for grief stricken parent and a disabled brother. These children lost not only a parent but they have lost their lives and often any means of rebuilding it. If the matters continue as they are these children's lives will never be rebuilt. I hope that you will understand why we are here looking for a life line from you, a life line to help us to somehow rebuild our lives which we will only be able to do if our basic human right to a fair and transparent investigation are enforced.

To conclude on behalf of my family and other 10 April Families, we would like to take this opportunity to give our most heartfelt condolences to the families who lost their children and loved ones in the bus crash in Switzerland on 13 March this year. We feel and understand your pain, we wish that you did not have to go through this nightmare and we pray that you are given the support and means to be able to somehow endure your tragedy.

Thank you for your time today.

Prof. Ryszard Legutko

Vice-President of the European Conservatives and Reformists Group

Now I would like to ask Marta Kaczynska to take the floor.

Marta Kaczyńska

Daughter of late President of the Republic of Poland, Lech Kaczyński

Ladies and Gentlemen, almost 1.5 years ago we met here during a public hearing on Smolensk tragedy to appeal to the EU members for an international committee for investigation of the causes of the crash. It has been obvious already in December 2010 that circumstances in which my parents, the President and the First Lady, died together with other 94 victims of the crash, are being distorted and the bodies which should strive for the truth about the crash obviously let down not only us, the families, but also all Poles, the citizens of the United Europe.

The need of internationalisation of the investigation is dictated not only by our right to the truth about the causes of the death of our beloved ones but also, and perhaps first

and foremost, by Polish *raison d'état* which in the EU shall not only be respected but also protected by the rules which constituted the basis of the European cooperation.

In a few days we will commemorate the second anniversary of the Smolensk tragedy. The number of improprieties in the investigation of the causes of the Smolensk tragedy is, both in Poland and Russia, so extensive, that the necessity of the international intervention is today far more obvious than it was in December 2010. The circumstances of the tragedy, which hitherto were unknown to the international public opinion, were presented today. I just would like to draw your attention to the present situation in Poland and ask you for reflections.

The highest representative of our country is Bronisław Komorowski, who already on 2nd February 2012 in one of the TV programmes confirmed the mendacious Russian version of the Smolensk events and indicated that in his opinion the attempt of landing in the inappropriate weather conditions constituted the main cause of the catastrophe. The Polish government is headed by a person who is responsible for formally unproven and unjustified handing over of the investigation to Russia's exclusive right and for appointing and functioning of the governmental committee which abandoned the basic examinations, and, without any proofs, almost in 100% held the Polish pilots responsible for the crash.

One of the examples of the work of the Polish committee can be the reconstruction of the last moments of the Tu-154 flight conducted on the basis of the photos of 13-15th April made by one of the Smolensk inhabitants which present tree standing near the crash site. This reconstruction allegedly proves that the aircraft hit the birch tree and then turned, doing the so-called "barrel roll". Members of Jerzy Miller's committee found these pictures on the Internet. It has to be indicated that Jerzy Miller's committee did not use the data from the black boxes and TAWS in the charts presenting the aircraft's position in the last moments of the flight. As it has already been today stated, Jerzy Miller's committee omitted the data from the plane computer, including very important TAWS-38. One can ponder over reasons of such neglects.

Neither Jerzy Miller's committee nor the Prosecutor's office published complete data of the Polish ATM box. Families' attorneys are continuously deprived of the access to the QAR black box. There were no examinations of the broken wing and Edmund Klich, the Polish accredited at IAC, once said that there had been no need for such

examinations because "*When it hit, then it broke down*". It is worth reminding that already at the very beginning of this year Mr Klich, contrary to the revealed proofs, claimed that late Gen. Andrzej Błasik had been in the cockpit and had exerted pressure on the crew.

I would like to remind you that after publication of the mendacious IAC report the Polish authorities did not undertake any attempt to prevent spreading of untrue information regarding the causes of the catastrophe. It is puzzling, especially considering the fact that before the publication of the IAC report, a document was prepared in form of comments to the IAC report. Another thing worth reminding is that this Polish document included the factual assessment of the IAC report, and, first and foremost, the list of improprieties on the Russian side. Unfortunately, despite the earlier declarations, Polish comments were not translated into English. Families did it on their own, using the services of the British- sworn translators.

Ewa Kopacz is at present the Speaker of the Polish Parliament and the second person in the state. She is a former Minister of Health who shortly after catastrophe assured us that the crash site had been thoroughly checked and that the Polish experts had participated in post-mortem examinations. Later examinations of the Polish archaeologists proved that fragments of the aircraft as well as thousands of human remains were on the crash site many months after the catastrophe. Russian protocols from the post-mortem examinations are false in many places and Polish doctors, contrary to assurances of Mrs. Kopacz, did not take part in these examinations. After bringing the corpses to Poland there were no post-mortem examinations conducted. However, examinations conducted after exhumations of three victims confirmed that Russian post-mortem examinations were, at most, pretended and the corpses were desecrated. As it has been already said, Polish prosecutor's office refused Prof. Michael Baden the participation in post-mortem examinations. Prof. Baden is a scientist of worldwide renown, who could support Polish doctors not only with his knowledge, but also who could become a guarantor of transparency of investigation.

The post of the Minister of Foreign Affairs is being held by Mr Radosław Sikorski. It is worth mentioning that it was Mr Sikorski who, already on 10th April about 9.40 AM (it was said today by Jarosław Kaczyński), so just one hour after the crash, informed Jarosław Kaczyński that the catastrophe was caused by a mistake of the

Polish pilots. Moreover, Ministry of Foreign Affairs informed the Chancellery of the President of dreadful technical conditions at Smolensk North Airport two days after the catastrophe. The Polish ambassador in Moscow, who was the only Polish representative with international immunity, left the crash site already at 10 AM.

Gen. Janicki remains the chief of the Government Protection Bureau (BOR). I would like to remind you that at Smolensk North Airport there were no officers of the Bureau, although they should secure the visit of the Polish delegation. Shortly after the crash Gen. Janicki assured us that officers had been waiting for the delegation at the airport on the day of the crash. With the passing of time it turned out that there were no officers of the Bureau at the airport, apart from the one who acted as ambassador's driver. Gen. Janicki has been awarded a medal by President Bronisław Komorowski a few months after the catastrophe.

A decoration for special services for the Polish Aviation has been also granted to the owner of the company that won the last tender for renovation of Tu-154. The decoration was given by Polish Air Force command to a man who, as far as we know, is not allowed to enter the territory of the USA. We know that the Russian controllers should have closed the airport and have ordered the aircraft to go to the alternate airport. We know that there weren't four landing attempts. Tu-154, contrary to assurances of the Russian controllers, was not on the appropriate course and glide path. We know that Russian controllers were performing orders given to them by telephone by unidentified general from Moscow who, contrary to their will, ordered to bring the aircraft to the height of 100 metres.

Neither the President (my father) nor Gen. Błasik, who was not in the cockpit, exerted any pressure on the pilots. The wing of the aircraft was not cut off by any birch tree and the aircraft probably did not turn, doing the barrel roll. The aircraft fell down from, at most, several dozens of meters and fell apart into thousands of pieces. It has never happened before that an aircraft which attempted to land with such a low velocity, which did not dive and in which there was no explosion, would smash into pieces on the area of 700-800 metres.

The reconstruction was not conducted in a way required by similar types of catastrophes. Moreover, the wreckage which has been devastated by the Russian services still remains unprotected. I have mentioned only a few examples of gross

improprieties and neglects. The scandalous approach of Polish and Russian authorities towards investigation of the causes of the crash does not find any explanation. There is no doubt that without the huge social commitment of many people, especially the parliamentary team headed by Mr Antoni Macierewicz with support of such international authorities as Prof. Binienda, Prof. Nowaczyk and many other experts, independent media, families of the victims, today also in Poland people would believe in mendacious IAC report.

Owing to the bravery and sacrifice of the abovementioned people we are approaching the truth. The international support is indispensable in order to definitively solve the causes of the catastrophe. After today's hearing I deeply believe in endorsement of this support. I appeal to you, Ladies and Gentlemen, for interest in the presented circumstances of the Smolensk tragedy and for undertaking activities aimed at appointing international committee which would impartially and honestly investigate the causes of the greatest Polish national tragedy in the last years. I appeal to you as a daughter of my late Parents, but also as a Polish and European citizen. Thank you.

Prof. Ryszard Legutko

Vice-President of the European Conservatives and Reformists Group

Ladies and Gentlemen, now it is time for questions. We have several minutes left. Questions can be addressed to panellists as well as to guests in Warsaw, including Mr Jarosław Kaczyński. The floor is now open.

Question from the audience

I would like to ask if there is no suspicion or anxiety that decomposition of the corpses could be accelerated. It is known that, using some technical novelties, some portion of putrefactive bacteria can be injected and after some time it might be impossible to establish the cause of death. Thank you.

Antoni Macierewicz

Head of the parliamentarian team dealing with the Smolensk plane crash

The best answer for all these doubts and anxieties is to conduct the exhumations and post-mortem examinations of all corpses as soon as possible. That is the basic

conclusion drew by Mr Michael Baden last week. Conducting post-mortem examinations as soon as possible is absolutely inevitable.

Andrzej Melak

Do you know any airplane accidents which happened in the last two years in Russia and in Saudi Arabia when similar types of aircrafts landed in similar weather conditions? The damage in these cases was insignificant and people on board managed to save their lives or were slightly injured. One of the aircraft even lost 3 or 4 metres of its wing - it took-off, made a circle and landed safely. Another aircraft, a Tu-134, according to IAC, landed on the so-called *weaker side*, and over 100 people who were on board survived.

Antoni Macierewicz

Head of the parliamentarian team dealing with the Smolensk plane crash

Indeed, we are analysing all such cases, with particular support of Mr Konrad Matuszczak, who has a very broad knowledge in this field. I confirm that the airplane accidents in Russia in the last two years did look as you described. Very often these were Tu-154 aircrafts or similar types of airplanes.

Marta Kaczyńska

Daughter of late President of the Republic of Poland, Lech Kaczyński

I think that shortly after the catastrophe there was an accident. I do not remember the type of the airplane but I do remember the crash. I was struck by the information that the trees cushioned the fall and all passengers survived. In this case we were being convinced that the birch tree was able to cut off the wing of such a huge aircraft as Tu-154. We can see here a clear illogicality.

Krzysztof Indeck

I have two questions

1. From this view and arguments you have shown, we can see completely different view of the catastrophe. According to this I would like to ask if arguments you

expressed, are just speculations or they have value which you would be able to defend in a court? Would you take this kind of defence on?

2. In these expertises there are many contradictions, but I won't talk about them because it's not a good place for it and we don't have time. But one contradiction made a huge impact on me. It was said that it was not the birch that caused a breakdown and a subsequent catastrophe. Professor Nowaczyk said that, according to his research, the plane picked up altitude. What was the reason of this bounce is it possible to determine it?

Antoni Macierewicz

Head of the parliamentary team dealing with the Smolensk plane crash

I will answer the first part of your question. Yes, all of these materials are successively hand on with the information about possible break of law to Polish prosecutor and they are also included into investigation with all consequences.

Dr. Kazimierz Nowaczyk

University of Maryland

I would like to note that we don't show you a completed report. These are just parts of research, which have been mostly completed and it's confirmed by at least two or three sources. These are the fragments we present you. However if we are talking about the final report, we can't provide you with the definite deadline.

First of all we would like to ask you wholeheartedly for an international commission, because in these questions, which I presented today, there are hypotheses, which must be checked very thoroughly. Indeed, the examination of the wreck, an autopsy of all the bodies, would be very helpful in further investigation. We rise hypotheses based on these calculations, which we have performed until now. And we checked them with few sources. How will it develop? We don't do any assumptions. We are just checking all possibilities. This is the reason why we asked about birch tree. Yes, we checked the birch, because we didn't only assume that the plane flied above the tree. We also checked the version where this kind of collision was possible and what is the probability of losing a part of wing.

Prof. Wiesław Binienda

Dean of Engineering Department, University of Akron, Ohio

I can add that you mentioned about mistake and bouncing up of the plane, it was a mistake in interpretation. It was about going around. On the other hand, if we talk about my presentation, basing on my calculations, I can defend it in every court. I put calculations on forums in different countries (France, England, United States). Last week I showed them to Professor Bazant, who has released about 250 publications and is also a member of Czech Institute of Science. I didn't find at least one person who was able to find a mistake in my studies. Thank you very much.

Mateusz Kochanowski

Two short questions

1. Will it be possible, in this stage, to refer in some way to a video called 'Kola video', recorded after the crash? Can we say something about it? Can we claim that there is something else except shooting sounds?
2. I understand that at the moment we can clearly assume that it was an assassination?

Antoni Macierewicz

Head of the parliamentary team dealing with the Smolensk plane crash

When it comes to the first question, about this movie called also 'aircraft flies', 'aircraft is burning', 'Kola's movie', '1:24'. Names are different but we all know that you are talking about the movie recorded in the first minutes after crash and lasting 1:24 min. We can say quite a lot about it. First of all, it's one of the most important pieces of evidence, which can be possessed. It's first publicly available record, showing place of crash and bodies. This movie was one of the main sources of screenshots, or theirs parts, which were used by parliamentary team and basing on this movie, we made a reconstruction of the course of events. It's because this record is a record of events before Russians started destroying the aircraft or their later manipulations. First of all, it's the most authentic evidence. Secondly, unfortunately is not being examined by Polish prosecutor, there is no word about it in IAC's and Miller's report. One of the most important pieces of evidence was just shelved and

wasn't taken into account. Thirdly, there are two independent confirmations of authenticity of this movie: confirmed by the Internal Security Agency's laboratory from 19th of April 2010 and after that confirmed by Central Police Laboratory in Liwiec in 2010. Both expertises confirm full authenticity of recording and show no manipulation of soundtrack or video recording.

And finally there is the last element. I do not know anyone who, after listening to this movie, wouldn't confirm that there are firearm shots. The sound of a firearm is obvious for everyone who had any contact with guns. The second part of your question: Can we say that the catastrophe was an assassination? In my opinion, as a chairman of the parliamentary team, after today's hearing, especially after calculations made by professor Nowaczyk and Dr. Szuladziński from Australia, who has been doing such calculations for 35 years and this is his 456th report analysing this kind of dramatic circumstances, we can certainly say that this tragedy was caused by a third party.

Question from the audience

I have a note regarding to the movie. There was something more done than just the authenticity examination. The Government Protection Bureau ran weapons tests and produced documents which include expertise that shots on the movie weren't taken from their firearms. This is probably the only action taken by the prosecutor in this area. We know that the shots weren't taken by the Government's Protection Bureau weapons. Thank you .

Zdzisław Radwański

I would like to know if the bulletproof vests that President's bodyguards from the Government Protection Bureau wore at the moment of crash came back to Poland. And are all of witnesses, the first witnesses (Russians) who were at the airport, still alive?

Antoni Macierewicz

Head of the parliamentary team dealing with the Smolensk plane crash

I don't understand second question. Could you repeat it?

Zdzisław Radwański

It's about witnesses of catastrophe, Russians, inhabitants living close to the airport, who were interviewed by Polish journalists. Are they still alive?

Antoni Macierewicz

Head of the parliamentary team dealing with the Smolensk plane crash

I have no information confirming that they are all alive, but I don't have also information about any unexplained and suspicious deaths. According to GPB's vests – no, they didn't come back.

Prof. Ryszard Legutko

Vice-President of the European Conservatives and Reformists Group

I give the floor to Mrs. Gail Dunham, please go ahead.

Gail Dunham

My name is Gail Dunham, I represent a National Air Disaster Alliance Foundation. We were founded in 1995 by the air crash survivors and family members. Today we represent thousands of family members from over 200 aviation national disasters world wide. Today we stand strong with the Smolensk Family Member Group. This is a terrific organization, makes a wonderful work and this independent investigation must continue. Transparency and truth is a cornerstone of democracy.

On behalf of the Smolensk Family Members we thank you for holding this hearing. We want this true, scientific investigation into the cause of the Smolensk disaster to go forward. This is how we honour the family members and their loved ones with your support.

For the Smolensk Family Members there's no words that will bring loved once back. We need to make sure that an aviation disaster like this could be prevented in a future. There are always lessons to be learned from the true aircraft investigation, so please let this independent investigation go forward. Use this wonderful expertise today, to work with an international group.

There is government; there is private industry, a tremendous source world-wide for Air Crash Investigations. And we need to use that to prevent a disaster in the future. Just like on April 10th 2010, the purpose of the flight was to honour those who died in genocide. The one thing the families are asking for is the truth and they want the scientific investigation.

The onboard cockpit recorder and the flight data recorder - there is enormous discrepancy between them. The National Transportation Safety Board in Washington D.C. accepts recorders from all over the world from aviation disasters. There are independent sources available and you should use them. This discrepancy must be worked out. This is role of government to let the independence scientific investigation to go forward and to support it. People cannot do it for themselves. This is the role of government. Thank you very much.

Prof. Ryszard Legutko

Vice-President of the European Conservatives and Reformists Group

Thank you very much. Mrs. Dunham showed her respect for your and experts' effort. She emphasized how important professionalism and objectivism is for any investigation. She put a strain on importance of different social initiatives. But she said that the main responsibility lies with the government. She also indicated that National Transportation Safety Board is the place which has different technical means to resolve different contradictions. Thank you very much.

Barbara Bartel

Radio Chicago

I have a question to chairman Law and Justice Party Mr. Jaroslaw Kaczynski. Why the wreck is still on the Russian territory and how do you think, will the wreck ever come back, as a Polish property and the most important evidence, to Poland?

Jarosław Kaczyński

Chairman of the Law and Justice Party

Thank you very much. I do not know why you direct this question to me. It is in principle question to two governments - Polish and Russian. When it comes to Russian government, apparently the Russian authorities have reasons not to test this main evidence. When it comes to Polish government, it doesn't show any decisiveness. We can say that it agrees to everything and that it's a tactic adopted in the beginning. Tactic that, I hope, not only historians, but also Polish authorities will qualify, because it's about Polish *raison d'être* and a violation of our country's fundamental interest in relations with another country which can be penalized according to our Penal Code. But everything is ahead of us and today I can only repeat what I said. In fact I can agree with you, because it's obvious that this wreck is Polish property. Just as with many objects which still are held by Russians and are not given back. It's all I can say in this matter.

Prof. Ryszard Legutko

Vice-President of the European Conservatists and Reformists Group

Thank you very much. Ladies and gentlemen, I think that's time to end our meeting. Please allow me to sum it up. Since that dawn, that memorable Saturday, many of us had an impression that we live in some kind of dreadful unreality. It's not only the people who suffered because of the death of their beloved ones, but all of us know that we are concerned about what happened. We live in some kind of unusual nightmare, because we cannot believe that all what happened later was possible at all. That is possible at these times, in this place on Earth, this kind of disdain for human suffering and for Polish citizens.

This constant system of human disregard, which is expressed by lack of activity and also by doing it wrong and with premeditation, and to spite people and their homeland. But there are a lot of people, who are indifferent to it. Or there are people who don't speak about this, or privately they say "you know what, there is nothing we can do". All these horrible things we heard here, I think that they will have to make so strong impact on people that it doesn't matter how long will the road to truth be, because we will find the truth and it will be revealed and justice will win.

I also wanted to say, remembering what happened 15 months ago, that since then we've gained much knowledge. There are a lot of people of goodwill who devoted their time, talent and skills to seeking the truth. This is the positive part. I agree with Mrs. Gail Dunham, that it's the government task, but I'm thinking about good government. If we don't have such a good government we will have to act, often against our government.

And this is one of the saddest things we can say about Poland today. It's very hard to live in a country, where something which is the most obvious thing in the world, must be done against government. As I said, we know much more than we knew 15 months ago and number of people of goodwill is increasing. So I think that there are some chances that international authorities will help us. But believe me, in institution we are here now, it's neither simple nor obvious. Thank you very much.