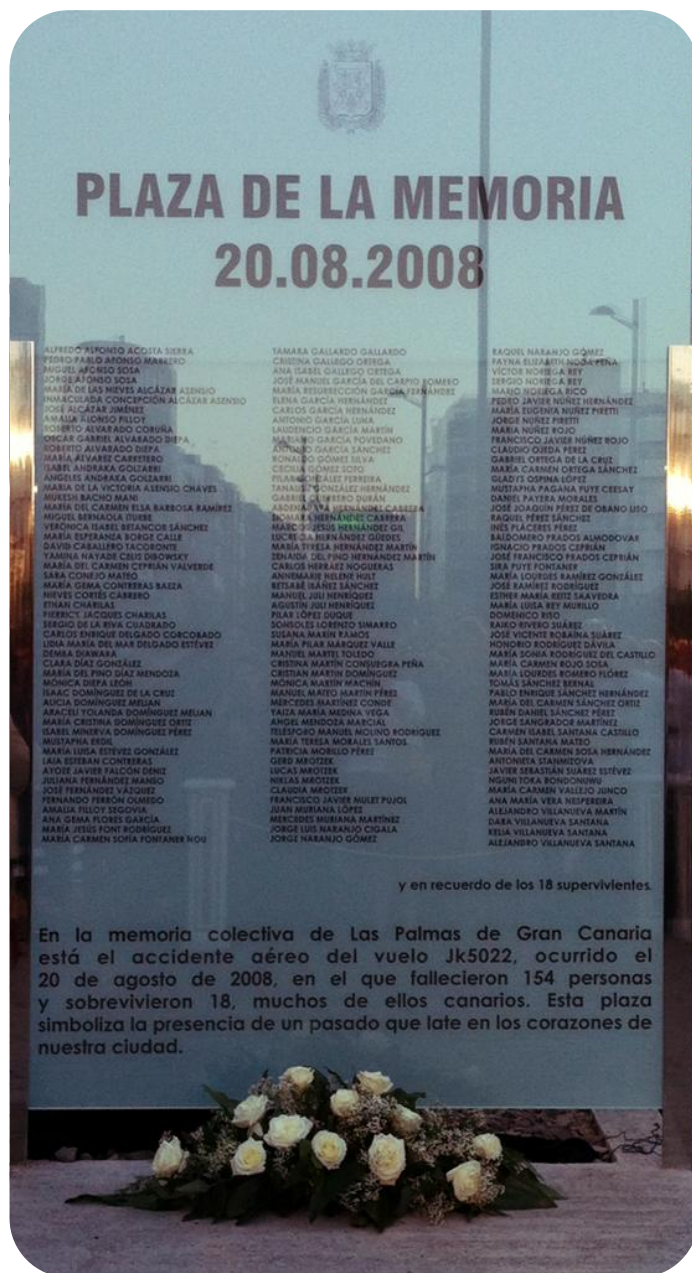


# 2012

## Annual Report



Asociación de  
Afectados del  
Vuelo Jk5022

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## 1. FOREWORD

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A year after the edition of the Memory 2011-2012, the Association of Affected by Flight JK 5022, returns to take stock of what has been done over the last 12 months, through this simple booklet that roughly reflected the tireless work that has been developing on all fronts, both public and private, for the achievement of the objectives of general interest as laid down in its statutes, specially, promote and ensure the effective enforcement of rules for safety, in order to avoid a recurrence of air tragedies like this that caused 154 dead and 18 injuries with physical and emotional wounds for life.

A significant milestone was the publication on July 29, 2011 Final Report A32-2008 made by the commission of investigation of accidents and incidents in civil aviation (CIAIAC) belonging Ministry of Development of the Government of Spain. This report ends investigation of the causes of the plane crash of August 20, 2008, after previous publication of two reports; Interim, Preliminary and a Progress Note, through which the CIAIAC was varying its initial findings and lowering its contents.

The AVJK5022 issued a press release - is attached in the Annex I p. 3 - in which showed its outrage over a report that is a resounding institutional failure and that it isn't going to prevent that from happening again by another aerial disaster causes similar to ours, which is its sole and transcendental goal.

The bankruptcy of the Spanair Air Company on 27th January 2012, meant the disappearance of one of the 3 scheduled airlines in Spain, for their employees and service providers meant the loss of their work. The AVJK5022 publicly showed its solidarity with the more than 4,000 people, direct and indirect employees, they were going to lost their employment, also showed its conviction that it was better to finish controlled way that the Air Company end as a result of another air disaster.

The unexpected closure of the investigation proceedings at 12 December 2011 by the owner of the Court No. 11 in Madrid has had a exceptional significance. That surprised greatly to all, to a week away from the change of Government in Spain and in the face of the threat of the withdrawal of the court reinforcements that it was given for deal with the investigations. The AVJK5022 understands that it haven't been exhausted all avenues of research open and matter raised in the judicial court, as for example, the responsibilities of the manufacturer of the aircraft and the Spanish civil aviation.

The Association however, appealed to the superior judicial body through his Accusation Popular, both the closure of the investigation proceedings as the lifting of the charges, as well as the non-admission of new three charges based on the expert reports that were presented.

Equally the AVJK5022,relentless, has embarked upon a difficult plan to get the European Parliament reviews the Final Report of the CIAIAC, because, in spite of the petitions that we have asked it repeatedly, the CIAIAC has refused to do it themselves .

On the other hand, the AVJK5022 - at the close of this report - is doing a documentary that pick up the work done on all fronts in which has developed its activities, with the intervention of all groups of professionals in the aviation sector, of the affected families who have wished to intervene, except for the Spanish Administration which has issued its opinion in the A-32/2008 Official Report of the CIAIAC.

All few actions or initiatives made by AVJK5022 are designed to achieve compliance with its objectives, this documentary goes to reflect part of the immense amount of work that has taken continue united, almost 4 years later, face all the consequences that occur after an air disaster of the magnitude of the ours, that has cost so many lives.

As in previous editions, we encourage families and affected not to relent in our efforts to achieve justice and truth by each and every one of the passengers on Flight JK5022, not to give up until you find the peace in the justice that will enable us to continue to live with the memory of all the people that died in the runway 36-L of the Barajas Airport.

This tragedy will go down in history as the most serious of the last 25 years in Spain, it will be also the eternal homage to the work of the AVJK5022 has done and will do because neither goes unpunished or forgotten so much death and suffering and will remain forever in the collective memory of our society, through what has been achieved with the regulatory changes in the safety, in recognition of the victims and affected and their protection if there is another tragedy.

To all those who read this copy, thank you for your support and collaboration in correcting the errors which triggered the air disaster of 20th August 2008 in which 154 people died and injured 18 other who managed to survive.

**THE BOARD OF DIRECTORS OF THE AVJK5022**

**SOMEWHERE IN... ALWAYS IN OUR HEARTS**

## **2. GOVERNANCE STRUCTURE**

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After the general elections held last 18<sup>th</sup> May 2012 through an Extraordinary General Assembly of partners, were re-elected the following members of the Board of Directors for the next year:

**President:**

M<sup>a</sup>. Pilar Vera Palmés

**Vice President:**

Margarita Henríquez Espinosa

**Secretary:**

Ligia Palomino Riveros

**Treasurer:**

Máximo Díaz Delgado

**Members of the Board of Directors:**

Jose Pablo Flores García

M<sup>a</sup> de los Ángeles Piretti León

Luis Rey Nieto

Rafael Vidal Rodríguez

Leticia Betancor Sánchez

Yazmina Cabrera Suárez

The Board of Directors currently consists of 10 members, as a result of vote the amendment of the Statutes in several of their articles in order to adapt to the reality of Association since its inception, requiring reduce the number of its members before the lack of volunteers to assume positions in the same or be involved in the work that assumes its management.

It's because the Working Groups that existed at the beginning have been disappearing with what the massive workload that it assumes that the Association will continue to develop its work in compliance with the objectives for which it was born, rests in part on its Board of Directors that has had to resort to hiring a Tax Consultancy that carries the accounting, payment of taxes and general counseling of her own activities, as well as to the hiring of an administrative headquarters for the Madrid, from where most of his work, with assistance to the 4 Board positions: President, Vice President, a Secretary, and Treasurer, which assume the specific functions of each one, with the collaboration of some of the vowels that can devote part of their time to the duties assigned.

### 3. COMPLIANCE OF STATUTES OBJETIVE

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The AVJK5022 continues working hard to achieve the objectives, which rotate on two main axis:

**3.1. - Judicial Area:** through the Popular Accusation in Investigating Court No 11 to ensuring:

- Clarify the causes of the tragedy of Flight JK5022.
- Demand of the judicial responsibilities and find the possible negligence, to prevent a recurrence.
- Defense of all rights of the accident victims and their partners family.

**3.2. - Social and Legal Area,** which pursues two fundamental objectives:

- **Contribute to the improvement of safety:** As a result in the deep conviction that the tragedy of Flight JK5022 could have been avoided if they had been completed minimally air safety standards in force, the Association has the strong aspiration of:
  - Encourage the adoption of legislation to promote and ensure that airlines are complying with the necessary safety standards, including the classification of offenses and penalties applicable in the event of failure.
  - Claim in all areas; public and private, national and international, to be changed and harden the safety standards and measures in the air transport.
  - Improving safety, with the legitimate ambition to universalize the criteria in this field, with special emphasis on the recommendations arising from the reports of the Commissions of Inquiry Official foreign and Spanish are compulsory.
  - Claim that are guaranteed and strengthen the inspections on the compliance of the elementary rules of aviation safety.
  - Decree for the competent bodies regulation and application of appropriate technical measures, especially those concerning the design of the aircraft and their systems for safety and maintenance.
- **Assistance to the surviving victims and their families** of the deceased in regard to psychological, medical, legal an material support.
- **Regulation of specific legislation for victims of air accidents :** By the respect for the 45 days, as in the USA so that they can't get close to the affected families, professionals from any country to offer their legal services.

#### **4. REQUEST FOR PUBLIC INTEREST DECLARATION OF THE AVJK5022**

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In the month of February 2012 the AVJK5022 began the procedures for obtaining the recognition as an association of PUBLIC INTEREST through the Ministry of the Interior. To achieve it, it is fundamental fulfil a social goal that is considered to be of general interest and public utility for the society. Therefore, the responsibility that was assumed by the AVJK5022 - contributing their work to that flying is safer for all users of air transport and urging the Government to support with their regulatory proceedings that ultimate objective -gets to the very heart of general interest and of social utility and/or public, so it's not unreasonable to think that it is broadly cover the requirements.

This partnership is pioneer and the first of affected/victims of commercial aviation in Spain, which has embarked on the road to improve air safety, as well as to request the Administration - through the Ministry of Development, responsible for the powers of the air transport-, the recognition to victims, survivors and affected, the consequences that result from an aircraft accident; All this bearing in mind that it's totally insufficient that the Company is just limited to deliver an advance of the compensation, and is forgotten the problems faced by both survivors as affected, and not to mention the helplessness other professional groups which only look upon it as a source for obtaining income, leaving aside the pain and suffering of the victims.

Once this unique initiative is declared of the Public Interest, the AVJK5022 will go another further step in laying the groundwork for what is expected of an association of individuals affected by an air tragedy, of which there was no history in Spain. In this way, any initiative that is achieved will clarify the way for those who may suffer in the future another air disaster in our country.

## 5. ACTIVITIES OF THIS MEMORY

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The AVJK5022 has worked tirelessly to ensure that all the political and social actors involved in the implementation of the goals of the Association are aware of the activity of the same and its objectives, by what the last months of the year 2011 and the first few months of the year 2012, it have been a particularly hard time because of the general elections and the change in the Government of Spain, due to the visits and meetings more prominent that are listed below::

### 5.1. DEPUTIES CONGRESS: COMMISSION OF DEVELOPEMENT

Before the dissolution of the Cortes for the elections, on 14th September 2011 a representation of the composite AVJK5022 by its President, Pilar Vera, Secretary, Ligia Palomino and the member Board of Directors: Rafael Vidal, Jose Pablo Flores, Luis Rey Nieto and Loreto Gonzalez Cabanas, met with the members of the Bureau and Board of Spokesmen of the Commission of Development of the Congress of Deputies.

Earlier, in the month of July, there had been a visit to the President of the Congress of Deputies, Mr. José Bono, which we provided through the Director of his Cabinet the encounter with the members of the Commission of Development..

The fundamental purpose of this hearing with the components of the Commission, which is the same that when accident occurred, was that they knew the face of the tragedy of close, that they understand their motivations for almost 3 years after it occurred, to continue fighting for truth and justice. But also to they are witnesses and connoisseurs of first-hand the work that the AVJK5022 has been conducting in search of the causes thereof, very different from those indicated by the Official Report of the Commission of Investigation into the Ministry of Development..

The AVJK5022 insisted during the meeting that all these investigations - some of them demonstrated in judicial headquarters - would be the generous contribution to the society for the defence and improvement of aviation safety in Spain.

Due to that, the request that create a **SUBCOMMITTEE ON AVIATION SECURITY** within the itself Commission of Development into the Congress of Deputies, was endorsed by deep, serious, responsible and professional work . Since the firm conviction that the string of failures that caused our tragedy of the 20.8.2008 , originates precisely in the high echelons of the Administration (according to the expert James Reason) that don't have a structure outside the own Ministerial Department responsible for the management of air transport to monitor the implementation of the existing regulations both at the national level, as a European and world, for that air safety is effective and efficient..

The responses were obtained from assistant deputies belongs the present political parties (PNV, CC, CIU, PSOE, PP, and Joint) was a commitment to improving aviation safety in Spain and apologize for the lack of involvement in our tragedy, and for the hard work that had been developed by the Association and that it was doing to the Spanish Government.



Highlighting the comment of the Deputy Speaker of the PP in that Commission, Mr. Andres Ayala, "the report of the CIAIAC is wholly inappropriate ", recalling that he requested in the year 2005 and 2007 the creation of a Commission on safety, but that it didn't have the sufficient support parliamentarians.

### **5.2. MEETING WITH VICEPRESIDENT OF CONGRESS OF DEPUTIES. HER EXCELLENCY MRS. CELIA VILLALOBOS.**

On 18th January 2012, the President, Pilar Vera, accompanied by the member of the Board Directive, Luis Rey, held a meeting that emerged from the meeting both in a TV program, where he was presented the situation of the AVJK5022 after the close on 12nd December 2011 of the instruction by the holder of the Court No. 11 Madrid that investigates the causes of air tragedy of the 20.8.2008 , and the work done by the Association since October 2009.

Moreover, was explained her a comprehensive summary of the problems from manage an Association of Affected by Air Accident that don't have a history in the recent history of our country, which is unique and singular, as it assumes the irrevocable commitment that never happen again a tragedy because it isn't strictly comply with the regulations of aviation safety.

Finally, it's specifically requested that will support from its key post of Vice President, the creation of a subcommittee on aviation safety in the Commission of Development of the Congress of Deputies to ensure that prevail a preventive culture and non-reactive in the safety of Spanish civil aviation.

The knowledge that has the Association, both at the theoretical level as practical, about safety in Spain, result of the investigation enables us to understand the causes of the tragedy more serious air over the past 25 years in our country, also let us affirm that it is necessary a profound change in the culture prevailing reactive: It reacts when accidents occur and doesn't attempt to, despite what happened, implement a preventive culture of aviation safety based on inspections of Flight strong and efficient, in line with that of other European countries and the world, where systems have been set up to extract "knowledge of the tragedies for the safety of all", thus avoiding that is incurred in the same or similar causes air disasters..

### **5.3. MEETING WITH MINISTER OF JUSTICE. HIM EXCELLENCY MR. ALBERTO RUIZ GALLARDÓN**

On 21ST February 2012 the Minister of Justice, received the Chairperson, Pilar Vera that was accompanied by , Loreto Gonzalez Cabanas, the survivor, mother and doctor, in the course of which, it was reported him the profound discontent by the precipitated closure , in our opinion, in the Court No. 11 Madrid as well as the elimination of the reinforcements that this had.



Meeting with A.R.Gallardón and the AVJK5022.

It was indicated him the aspiration of the AVJK5022 to be criminalized to the professionals that are closer to victims and family members to capture them as clients, when do not pass up to 45 days produced the catastrophe as in the United States,

Also, within the Statute of the Victims that is making the Ministry, was considered in one of its sections to the people affected by the air accidents.

See **Annex I, p. 8**: Press release of the 21.3.2012.

#### **5.4. MEETING WITH MINISTER OF DEVELOPMENT. HER EXCELLENCY MRS PASTOR JULIÁN, ACCOMPANIED BY STATE SECRETARY OF INFRASTRUCTURE, HIS EXCELLENCY MR. RAFAEL CATALÀ POLO AND HIS EXCELLENCY MS. CARMEN LIBREROS PINTADO, GENERAL SECRETARY OF TRANSPORT.**



Meeting with Minister of Development and the AVJK5022.

On 28th February 2012 the AVJK5022 represented by the Chairman, Pilar Vera, and by the members of the Board of Directors, Jose Pablo Flores, Rafael Vidal and Henar Guerrero, were presented to the Minister and his companions, Senior Officials of the Ministry of Development, the relationship of issues that are outstanding to respond by the Ministry of Fomento, responsible for the management and inspection of air transport in our country.

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Of all the issues raised, the major concern is the final Official Report issued by the CIAIAC, the AVJK5022 does not endorse it and rejects it by not clarifying the causes of what happened on 20.8.2008 with Flight JK5022 so don't prevent it from happening again. During nearly 2 hours, he was handed the documentation upon which our requests are based, and in particular on the discontent of the AVJK5022 with the Official Final Report.

She was informed that the importance of Spain will be part of the Group of countries that review the Circular 285 of ICAO (explained in more detail in section 5.8 of this report), in addition to the need for this ministry may be gives us subsidies in their budgets for victims and affected of air accidents - She was given a report that he bases this request-, as well as all aspects of concern to the AVJK5022 on safety in Spain, including anonymous complaints that it receives from flagrant breach by the operators of the elementary norms of safety.

It also was raised the issues that will arise for the survivors to level of medical care, and to the families on a psychological level, as well as the chain of consequences that arise from an air crash that neither the company nor the administration have given response nor intention, 4 years later of happen it.

The Association will continue exposing the fruit of their investigations to the leaders of the Ministry of Development, with the purpose of getting small achievements. We are very hopeful with this visit to the present Minister.

See **Annex I, p. 9**: Press release of the 28.02.2012

#### **5.5. MEETING WITH GENERAL ATTORNEY OF STATE: HIS EXCELLENCY MR. EDUARDO TORRES DULCE**

On 29th February 2012 the President, Pilar Vera, accompanied by Henar Guerrero, visited the State Attorney General, to communicate it the discontent of the Association with the not proceedings that have been carried out by the attorney from in Court No. 11, We have the sensation that never was on our side, on the contrary, the null activity developed and incommunicado detention which has been maintained over the more than 3 years that have lasted the judicial investigations, have made that helplessness has been full in this regard.

He recommended us we will visit to the Attorney of the case and tell him everything, as well as to tell you about our disagreement with the pretension of the Prosecutor's Office to implement the scale of traffic accidents to the hour of repair economically the damage caused to the affected, in a plane crash which should be given a specific treatment that will lay the groundwork for future aircraft tragedies.

In all the time that it was investigating the case in the Court No. 11, we haven't succeeded, until now, that the Attorney assigned receive us only, has always been in the company of his immediate superior, and even with the top of him, but in spite of this, we will ask for an interview again..

#### **5.6. MEETING WITH ASSIGNED ATTORNEY TO THE COURT No. 11 OF MADRID, MR. LORENZO BERNAL:**

On Thursday 15th March 2012, the President, Pilar Vera, accompanied by Luis Rey and Henar Guerrero attended a meeting only with the Attorney, that never before received us, to explain our feeling of helpless victims with his performance.

The lack of background in the treatment of victims of airline accidents in Spain, both social and administrative and judicial, not has obligated the authorities to create the right framework in which the dignity is the value that will prevail in the midst of so much pain despite the insistence of the AVJK5022 on all fronts unimaginable, both public and private, national, European and international, . It is incomprehensible to any human being, victim or not, that it is done a comparison of an air disaster and traffic accident in regard to repair the damage caused, facts that have nothing to do with one another.

It is hurtful that was persisted in following the path of injustice by applying the scale of traffic accident to the air accident victims. Arguments are ignored despite of the only objectives are the establishment of a culture of prevention and make flying safer for everyone. Reaching these goals is impossible while "for the Air Companies is more cheaper to pay compensation to victims that invest in safety".

He explained that the Office of the Attorney is hierarchical and that all decisions have been taken in this case have been together, after the preliminary meeting with the Provincial Prosecutor of Madrid and with the Prosecutor of the Community of Madrid, of which have been lifted and the corresponding records that even from this meeting that we held with the, also other report would be done, it follows that it does not have autonomy, which may explain in part their roles in the case.

He also announced that it is the intention of the prosecution , and that in fact was already doing the request, waiting to be given the data of the victims that had not yet, to apply this scale of traffic accidents in a flexible way.

Once again, the Association assists impotent to see that the request has been endorsed by the Court by the writings of some of the indictments individuals represented there: while some have requested astronomical figures without any basis, others have applied for precisely that they apply this scale.

#### **5.7. MEETING WITH THE ATTORNEY VICTIMS AND 2 TERRITORIAL VOCAL THE CGPJ:**

It was a courtesy visit in which he presented various topics related to the matters that has now raised the Association.

#### **5.8. MEETING WITH THE DIRECTOR GENERAL OF CIVIL AVIATION: EXCELLENCY MR. ANGEL LUIS ARIAS SERRANO.**

Last April 23rd of 2012 the President, Pilar Vera, accompanied by Henar Guerrero Duran, visited Mr. Angel Luis Arias Serrano, Director General of Civil Aviation, at the request of the AVJK5022 to raise an issue of special significance for the future victims of commercial aviation in Spain and that fits within the goals that you have entrusted in its Statutes.

The specific request was that Spain will participate in the task-force that would be responsible for carrying out the official review on the draft has been submitted by the NTSB. After listening to the comprehensive report of the President of the AVJK5022 about the arduous work carried out by private citizens with great effort and dedication, he expressed that should have the support of the Government of Spain and in that sense would be aimed at their efforts, of which he would inform us. Indeed, at the end of June, from the Spanish Civil Aviation Authority confirmed to us that Spain did not only participate but that preside over the Group, it culminates and rewards the effort made by the AVJK5022.

This visit has completely achieved the expectations we had in it, get that will support the work that had been undertaken by the AVJK5022 with Spain's participation in the Task Force of OACI as we requested, by what we express our thanks to the current holder of the DGAC by their commitment.

See the letter in **Annex II p. 10** of this Report

### - The Circular 285 of ICAO

The Chairperson of the AVJK5022 has formed part of the international working group in which they have participated associations of victims of various countries of the world, led by the Director General of assistance to the families of the NTSB, North American, who have worked very hard and for more than 14 months in the revision and amendment of Circular 285 of OACI which deals with the Assists families and affected by air accidents.

This Circular 285 of OACI was in force on the 20th August of 2008 but we don't know because it wasn't applied by the Ministry of Development, more intent on saving responsibilities that in treating the affected with the dignity that required an air disaster of the dimensions of the Flight JK5022, have done could have been avoided additional damage to the pain and suffering from affected victims. The assistance that was put into operation was an improvisation continues where the coordination between the authorities of the Central, Regional and Local Administrations, was that the chaos outside the common denominator in the days following the 20th August. Next to the affected employees were volunteers of Spanair that did an excellent job with the families that had been assigned but not their managers who behaved in a manner that is "business" rather than human.

The importance of this Circular lies in that his review was scheduled to begin in the year 2013 by OACI, however, thanks to the work of these associations, including the AVJK5022, have been developed over 3 years with an estimated to be in the Council of OACI February 2013 when it was finally approved its modification by the countries - more than 190 - that belong to that world body of Civil Aviation.

The milestone is marked because in Spain, in the absence of specific rules, if it happens again what happened to us, there will be a guide that will govern the treatment to the affected families, this will be the contribution that the AVJK5022 will make to the society, on behalf and in remembrance of the passengers on Flight JK5022, being as it's one of its objectives promote all actions necessary for victims and affected, the contribution with this Circular 285 has been in that sense and will benefit those who suffer in the future another air tragedy in Spain.

## **5.9. VISITS TO THE 3 AIR DISCLAIM ASSOCIATIONS IN SPAIN:**

**ALA: AIRLINE ASSOCIATION.**

**ACETA: DISCLAIM ASSOCIATION OF AIR TRANSPORT.**

**AECA: SPANISH ASSOCIATION OF DISCLAIM AIRLINES.**

Since the AVJK5022 were unaware the existence of these associations represent the interests of airlines in Spain of all kinds, both regular and low cost, helicopters, airplanes, etc. that is why these visits have occurred in the year 2012.

Throughout the month of April, the President, Pilar Vera in union of Henar Guerrero, has maintained various encounters with the 3 Presidents and their managers of these partnerships that bring together the airlines that operate in our territory.

The main reason was to publicize the existence of the AVJK5022 and the activity that has been developed since its creation in favour of common objectives such as aviation security and others, such as assistance to the victims and those affected, in addition to offer their collaboration in all those ends that create necessary, as well as the opportunity to provide airline tickets for the meetings that take place outside of Spain, through its affiliated companies, once it has occurred the closure of the airline Spanair that was making them available.

The host, in principle, has been of surprise, as also were unaware that the tragedy of Spanair would have led to an association of bereaved families and survivors, but also of collaboration in all those aspects that are possible.

## **5.10. MEETING WITH THE GENERAL SECRETARY OF TRANSPORT EXCELLENCY MS. CARMEN LIBREROS PINTADO.**

Last 16th May the AVJK5022 represented by its President, Pilar Vera, and accompanied by Luis Rey and Henar Guerrero, maintained an interview at the request of the Association, in which we explained again all issues arising from the experience suffered, we believe may be useful when it comes to regulating the rights of victims, survivors and affected by air accidents.

Unfortunately almost 4 years after the air tragedy of the 20.8.2008 , still doesn't exist in our country a guide of actions to be taken to correct the mistakes that were made in the treatment given to the affected by the catastrophe, where the improvisation was the norm. We still don't understand that the Ministry of Development, who was in charge of the air transport in Spain, by more that we have visited their responsible, follow without addressing our claim that it's necessary to provide for the treatment to be followed before a new tragedy and deploy a preventive culture of aviation security on the one hand and on the other care to the victims.

Still today some of the survivors are still trying to regain their health with surgical operations difficult to achieve because the insurer doesn't pay them until both are asking the judicial route.

We are confident that this first meeting will lay the foundations for effective collaboration between the new head of the Secretariat General for Transport and the AVJK5022, that it will continue to insist - because the institutions are permanent but the people who occupy the positions that are fleeting time is responsible for removing - with the firm purpose of finding someone willing to listen to the voice of affected victims and to correct deficiencies identified by the AVJK5022 during and after the tragedy.

#### **5.11. MEETING WITH THE DIPUTIE OF CONGRESS OF THE CANARIAN COALITION: MRS. ANA ORAMAS:**

As a result of the visit we made to the Commission for the Development in September of 2011, this Member is interested in the issues that we raised at that meeting, being the only one, of all those who attended, wants to attempt to push some of the proposals that we did back.

In this line of collaboration, presented the question - see **Annex II, p. 9** - the Government asking for a response in writing, on a question of particular sensitivity to the Association: the training of professionals who verified the faults in the aircraft, which has not yet been answered.

Also we would like to inform you about the campaign to collect signatures that we did to ask for the revision of the Official Report to the European Parliament, as well as what we have accomplished with our work on the Circular 285 of OACI and that Spain will be part of the task-force to officially endorse the draft proposal that have made the associations of victims of several countries of the world led by the Director of assistance to the families of the NTSB American.

We also raised her the possibility of to intercede with the Canary TV to try to promote the documentary that are doing by the Association and is regarding to the work carried out in the last 3 years, so she agreed by contacting its maximum responsible. We also informed about the petition that has been supported by the European Parliament of ATCPetition, a partnership formed by air traffic controllers highly concerned by the aviation safety in Spain.

In general lines we offered his help as a member of the Congress and asked us to the we inform her the progress and work of the Association, which we are deeply grateful.

## 6. REVIEW OF THE OFFICIAL REPORT A-32/2008.

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We have chosen to dedicate within this memory a few lines to explain why we have come to the European Parliament to ensure that it is check this Official Report.

Although we did mention in the memory of the previous period 2010/2011 and as is also reflected in the introduction to this, on July 29, 2011, the CIAIAC, body under the Ministry of Development, to investigate formally the causes of the tragedy of the August 20, 2008 , published the final report, after having published an interim report, another more preliminary plus a Progress Note.

The conclusions of the report and stated so publicly the AVJK5022 in a press release issued after an initial assessment on 1st August 2011, offend the memory of the passengers and the dignity of the families and survivors.

The Agency is still installed in the culture of "blame the dead", i.e. the pilots, to hide the reality of the true causes and of the faults that had the plane in previous days and that culminated this 20th of August with the accident of the commercial aviation more serious happened in Spain in the last 25 years.

The AVJK5022 requested both the Minister for the Development of the previous Government as to the Minister of Development of the current, that granted the revision of this report, based on the research that has been carried out through the AVJK5022 of professional experts, without that in none of the two cases have granted, still striking that are kept in their jobs responsible for air safety, the same people with one and another Government, at least until the date of this public memory of activities.

The AVJK5022 from the firm belief that should be reviewed in order to detect and correct - through recommendations which are effectively fulfilled - the string of failures that caused it, has taken the long and difficult road to appear in the European Parliament, through its Committee on Petitions, where we have reason to hope that consider the arguments that have served our country so that those responsible for the Ministry of Development's address

It's regrettable that the death of 154 people and injury in 18 that have survived, they have not succeeded in changing the model of those official reports that are based in systematically blame to those who can no longer defend themselves: pilots and passengers, but they forget that there are 18 people who have told what happened there, before, during and after the plane crash in the left margin of the track 36-L.

In this regards, it has carried out the actions that are listed below.

See **Annex I, p. 3**: Press Release from the 1st August of 2011.



## 6.1. REQUEST FOR REVIEW OF THE OFFICIAL REPORT TO THE COMMITTEE ON PETITIONS OF THE EUROPEAN PARLIAMENT:

On May 7 was presented by the Internet on the website of the European Union, according to the procedure established, a first petition to the Commission acknowledged receipt on the part of the Secretary of the Commission, dated 24th May of 2012. Later, during the trip they made to Brussels, the Chairperson Pilar Vera and Henar Guerrero, from 28th to 30th of June, took the request with a huge dossier of documents that we are based to get the review, in addition to the 53,726 signatures in support of the same.

See **Annex II, p. 6** and following; letter of request and response of the European Parliament's Committee on Petitions.

## 6.2. COLLECTION OF SIGNANATURES.

The AVJK5022 put into operation at the internal level: through its partners and to external level: through an Internet platform: change.org, a campaign to collect signatures in support of the petition to the European Parliament, both in Las Palmas de Gran Canaria and in Madrid, in addition to the adhesions to European and world level of other associations of victims of airline accidents.



Ángeles Piretti, member of Board of Directors.

In Las Palmas de Gran Canaria, it asked for permission to install a table in front of the PLAZA OF THE MEMORY 20.08.2008 to the Town Hall which was granted, and collected over 24,000 signatures in 5 days (14th to 18th May), attended by mothers and families of the victims who are in the AVJK5022.



Luis Rey close to Court No 11 of Madrid.

In Madrid, after getting permission from the Judge Dean of Plaza de Castilla and the Town Hall, was installed a table in front of the Courts of Plaza de Castilla, from 21st to 24th May where it was collected over 15,000 signatures, the by parents who addressed the AVJK5022 to nearly everyone who entered and left the courthouse.

Other 12,500 signatures were collected by means of the Internet platform "change.org", both of Spain, Europe and other countries of the world, as it is mobilized to victims' associations from over 10 countries with which we have contact and arrived signatures and adhesions around the world.



Mari Lola Delgado and Estrella Nespereira, in Square of Memory, Las Palmas de Gran Canaria.

The more than 2,700 remaining signatures, came from various points of the Spanish mainland and France.

In total 53,726 signatures were obtained that were presented at the European Parliament's Committee on Petitions in support of the petition for review of the official report of the CIAIAC. See **Annex I, p. 10**

### 6.3. DELIVERY OF THE REQUEST AND DOCUMENTATION OF THE 53,726 SIGNATURES IN THE EUROPEAN PARLIAMENT IN BRUSSELS.

The morning 30th May of 2012 the President of the AVJK5022, accompanied by Henar Guerrero and by the General Coordinator of ATC Petition, Ignacio Ruipérez, held a meeting with Willy Meyer, Vice-president of the European Parliament's Committee on Petitions, in which he laid out the reasons for introducing the request in the Commission, in addition to delivery of a huge dossier with the arguments that accompany it.

Then the AVJK5022 met with the Secretary of the Commission, who gave him physically the 53,726 signatures and was greatly impressed by both the elaborate documentation that was submitted as the amount of signatures, stating that the would be forwarded to the members of the Commission to enable them to explore the request.



The Secretary of Petition Commission of European Parliament Mr. David Lowe y and the President, Pilar Vera

These have been the first steps of a long, complicated and difficult path in Brussels to obtain admission to proceedings that could lead to finally get what we asked for: that Spain - M<sup>o</sup> Promotion-CIAIAC, check the official report independently and with the guarantees for victims, survivors and affected that we feel does not have the that have been submitted.

Soon the AVJK5022 will defend its petition to the Committees on Petitions and transport together with the arguments on which it is based, of what we will give you information to both partners as through the media that may wish to let out the news.

#### **6.4. INDEPENDENT REPORT SPONSERED BY THE “COPAC”:**

In March of 2012, the COPAC (Official Association of Pilots of commercial aviation), ends the independent report that has been done about the causes of the accident and that she was committed to AVJK5022 at the press conference that gave jointly in Madrid on 4th August of 2011, in order to submit it to both the Spanish authorities as outside our country.

For the AVJK5022 is of singular importance this Report prepared by expert pilots and independent of the Administration, in which the causes of the accident are investigated and in the that conclude that the report of the CIAIAC A-32/2008, suffers from the necessary safeguards to prevent a new tragedy because it does not come to analyze the technical causes that produce with the rigor required, in addition to miss the truth in their conclusions and hide the causes that actually produced it.

That's the cause that will continue with the COPAC that this independent report can reach the maximum possible of forums, both public and private, national and international, with the aim of discrediting the CIAIAC's report for the reasons so many times repeated not only throughout this memory but publicly by the AVJK5022.

The Association has enjoyed the support of the current Dean of the College Official of pilots who with the first anniversary – 20th August of 2009 - undertook in the place where the plane crash - between the 2 tracks 36 of the Barajas Airport - while stay at it post, it would devote all their efforts to draw from this tragedy the consequences that the motivated to prevent a reoccurrence. The Association recognizes and appreciates the strong and proven willingness of Mr. Luis Lacasa Hedyt, in these 3 years, for his work and efforts to fulfil its commitment.

## 7. MOST RELEVANT EVENTS OF THIS PERIOD.

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### 7.1. COURT No 11.

The AVJK5022 through the Popular accusation that is represented in the Court No. 11, persists in its struggle for justice and truth, by what has been opposed to the upper body to this, the bill of closure of the instruction, considering that have not been investigated all lines of investigation open to clarify the causes of the tragedy of the 20 of August of 2008 and by attributing the cause of the air tragedy to the commission of a crime of 154 reckless homicide and 18 reckless injury in 18 survivors only to 2 service technicians accused, removing the imputation to the other 3 Managers of Spanair charged and denying the imputation of the manager responsible for Spanair, Director and Executive Services of the Barajas Airport, as requested by the AVJK5022, after the presentation and ratification of the corresponding Reports Expert Advice on judicial headquarters, in addition to considering that both the removing of the allegations such as the rejection of others, lack of motivation that justifies them, and surprising extraordinarily that the official report of the CIAIAC has been key element in that bill close, even more than the own Report of the expert body Collegiate - Experts - appointed by the judge to advise in the investigations.

The AVJK5022 has sufficient evidences to say that with the closure of the instruction is not debugged the responsibilities which led to the tragedy.

The following is a synthesis of recent events, before 12nd December 2011, date on which the judge closed the investigations by opening the phase of the oral trial. See **Annex I, p. 5**: Press release of the 13<sup>th</sup> December 2011.

#### **-Ratification of the expert report presented by Spanair.**

On 1st September the defence of Spanair presented his Expert Report that ratified their experts on 19th, 20th and 22nd of the same month. In addition to a fault of plane McDonnell Douglas by Boeing on the design of the towers (alarm system of bad configuration for takeoff), the report blamed the tragedy to a responsibility of the pilots in that not confirmed properly the configuration of the slats and flaps for taking off. The company offers as reasons for this "poor discipline" the first interruption of the flight after been seen an error in the indication of the probe RAT, the desire to minimize delays in the output, the discomfort the passengers and the distraction caused by the presence of a third person in the cabin.

The survivors who are in the Association, and the AVJK5022, supports without any doubt, considered sleazy and morally reprehensible that to the passengers are the cause of the tragedy, It has been true, it probably would have formed an altercation of public order that would have prevented the plane will take off, in addition to that the investigations that have been done show that the error string is not limited to the pilots, but to the own services of the Company, the manufacturer, the Authorities, etc.

**- Stamens of manager of Spanair:**

The days 23rd , 27th and 28th September, stated the four accused of Spanair by the bill of 6.6.2011 , three of them at the request of the AVJK5022 on the basis of the expert reports submitted.

The media these days recorded the inputs and outputs of several charged between races, escorted by the security of the Court and hiding from the cameras.

**- Testifying of Maintenance Manager of Iberia.**

On 17th October 2011 the Director General of maintenance of Iberia came to the Court, at the request of the defenses of the accused, against what the AVJK5022 presented an appeal considering that he has not witnessed the accident and that is disadvantaged with the admission statements that are not witnesses or expert witnesses.

See **Annex I**, p. 4 and following.

**- Ratification of the Expert's report of the TMAs:**

On 24th October 2011 was ratified in the Court the expert report submitted by the defences of the accused and that evaluates the job of the maintenance technicians, aimed to save his responsibility.

**- Ratification of the Expert's report of the AVJK5022 on technical evaluation of the relay R2-5**

On 25th of October of 2011 ratifies the Expert Report for the technical evaluation of the tests being performed by R2.5 the month of March 2011, presented by the AVJK5022, which show a design failure as a decisive factor in the disaster of the flight JK5022.

**- Ratification of the Expert medical report on Emergencies:**

On 27th and 28th October, it was ratified the expert opinion submitted by the AVJK5022 carried out by a physician expert in Emergencies and Disasters, which analyzes the late activation of the Emergency Plan of the airport, with the purpose of clarifying the truth of what happened after the tragedy, especially with those who had chances of survival of the assists have come to the scene of the accident with more advance and quickly.

### - Witness testimony from Director of AESA in Court No 11

On 28th October of 2011 and at the request of the defences of the maintenance technicians, went to declare Mrs. Isabel Maestre, Director of the Spanish Agency for Aviation Safety, that echoed some of the media, among whom, we collect a fragment that was published by the media "Digital Aviation (AD)": " Legal sources have pointed out to AD that the appearance of the Director of AESA, last Friday, which lasted 2 hours, this would have clarified that the ambiguous letter, that no expert report on the MEL, would have been prepared by the Directorate of Security of Aircraft of AESA, whose maximum responsible is Mr. Luis Rodriguez Gil, and not by itself for what did not ratify".

### 7.2. II ROUNDTABLE ON SAFETY.

The digital publication Digital Aviation ([www.aviaciondigital.com](http://www.aviaciondigital.com)) organized on 30<sup>th</sup> September, in the Conference Hall of the Press Association of Madrid, the II roundtable on air safety and security that came different professionals of the sector; air traffic controllers, pilots, mechanics, civil servants, firefighters, etc. , and for the first time the victims of an aircraft accident.

The AVJK5022 was represented by its President, Pilar Vera, accompanied by José Pablo Flores and Luis Rey, which intervened in the same, obtaining the support of the presents. The intervention of the AVJK5022 can be viewed on the Youtube Channel of the Association.

### 7.3. INAUGURATION OF THE SQUARE OF THE MEMORY 20.08.2008



**SQUARE OF MEMORY 20.08.2008:** The President of Cabildo of Gran Canaria, José Miguel Bravo de Laguna, the Mayor of Las Palmas, Juan José Cardona y the President of the AVJK5022, Pilar Vera.

On 30th November 2011 was dedicated in Las Palmas de Gran Canaria the square of the Memory 20.08.2008 , as a result of the intense efforts that made the AVJK5022 for that the City of Las Palmas, the destination of Flight JK5022 remained to their passengers and, in particular, those that were originating in or living in it and who perished in the tragedy. This square was achieved with the change of Mayor, with the local elections, due to his sensibility with our cause.

The event was co-chaired by the Mayor Mr. Juan Jose Cardona and the Municipal Corporation, accompanied by the President of the Cabildo of Gran Canaria and the civil and military authorities, since the highest municipal authority wanted to honoured to the passengers on Flight JK5022 with the assistance of the civil and military society in the City of Las Palmas, as said in the heartfelt words who said.

By the AVJK5022, were its President, Vice-president and members of the Board of Directors, in addition to numerous partners and the general public, who attended the discovery of the wall of glass that gives its name to the square, which contains the names of the 154 deceased and the memory of the 18 survivors, through the text that appears at the foot of the same and that says:

***"In the collective memory of Las Palmas de Gran Canaria is the crash of flight JK5022, which occurred on 20TH of August of 2008, in which 154 people died and 18 survived, many of them canaries. This square symbolizes the presence of a past that beats in the hearts of our city"***

See **Annex II**, p. 1: words of the President AVJK5022.

#### **7.4. BASKETBALL MATCH TRIBUTE TO MRS. MARISA REY MURILLO**



On 27TH November of 2011 and taking advantage of the displacement to Las Palmas for the opening of the Plaza of the memory, was organized with the basketball club Gran Canaria dedicate the match of that day to his Marketing Director who perished in the tragedy of the 20.8.2008 , Mrs. Marisa Rey Murillo, with assistance from their parents who picked up a plaque with her photograph on it which reads the legend: ALWAYS IN THE MEMORY, donated by the Club. They were accompanied by the President and Board of Directors of the AVJK5022.

#### **7.5. BANKRUPTCY OF THE AIRLINE SPANAIR.**

As is pointed out in the introduction, on 27th January of 2012, the airline Spanair ceases in its activity, suspending all their flights and without prior notice to the Ministry for the Development that surprise with this announcement by what must deal with the consequences that arise from such reason.

The AVJK5022 through a press release and several interventions in media makes public its position: solidarity with the direct and indirect employees of the Company to lose their jobs but also quiet because such drastic measure would avoid possible accidents of tragic consequences for all, remembering that 3 years before 20th August of 2008, faced with strong economic problems produced as a result of the successive sales that were made by its owners and due to the nefarious management of their executives, which culminated in the air tragedy more serious in the past 25 years in Spain, in which 154 people die and survive 18 with physical injuries and emotional for life.

The reasons for the closure Spanair are economic in nature, because they can't finance their current owners, and also of air safety, fear that it would be another disaster to continue developing its activity in the circumstances they find themselves in.

The reflection that produces in us the disappearance of a scheduled airline in Spain is that for the Canary Islands and Balearic Islands - for which in the case of the first aircraft is the main means of transport to move, is that your space will be occupied by low-cost airlines in which premium cheap tickets more than security with all that that entails.

Immediately raise doubts about the incident that may have this closure on legal procedure that is still in Court No. 11 in Madrid and the coverages required of the company, but there is an insurance policy covering the contingencies arising from the accident of the 20.8.2008 in the Barajas Airport.

See **Annex I, p. 7.**

#### **7.6. DELIVERY TO THE AVJK5022 THE AWARD SAFETY&SECURITY, SEPLA**

On 10th December of 2011 the Sepla, during the course of the Annual Dinner to its partners pilots to commemorate the day of the Patron Saint of Aviation, Our Lady of Loreto, decorated to the AVJK5022 with the Award SAFETY&SECURITY, on the proposal and through its President, Mr. Javier Martinez de Velasco, having become a benchmark in the fight to improve aviation safety in Spain, as well as for their continued work of awareness with the public opinion on the problems affecting the aerospace sector in our country.

The award was collected by the members of the Board of Directors Rafael Vidal and José Pablo Flores due to the President was absent for familiar affairs. They appreciated the concession and urged to the pilots not to allow to take off an plane that is not in position to do so.

See **Annex II, p. 5.**



## 8. CONCLUSIONS

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It's going to perform the 4th anniversary the next 20th August of 2012, of our tragedy and since the AVJK5022 the feeling of loneliness that invades us in this fight so unbalanced, is accentuated with the oversight on the part of society and the media, each time it costs us more reach the hearts of all those who went out with the pain that we invaded on 20th August of 2008.

That's the cause that the work being conducted by the Association on all possible fronts, has a special significance with the monuments that they remember or commemorate the tragic death of 154 people and injury to the 18 survivors, without memory there is no memory and this leads to oblivion.

Also with the activity that has been developing the most complete solitude, in the Court No. 11 in Madrid, where it has been used to fund Experts presenting with conclusive reports on the 3 phases of the accident: before, during and after. There have been many days in the corridors of the Court, holding firmly, the witnesses, statements and other acts that have been held there..., we have been a few but sufficient to be representing those who are not.

All the families that belong to the Association should to know that the union that we have presented to the society, the court and Administration have been decisive for this cause will not be closed falsely, so that the battle will move to other places that still we hope to be able to attain justice and truth.

The experience of all this time has also shown that nothing is achieved with having representation in the court if you are not working in favor of their members, if not promotes activities that allow defend them, if only is limited to expect that others will do a job that submit their fees.

The justice doesn't visit anyone, otherwise, it can only be achieved if it is searched, therefore, we find it incomprehensible that still many families think that they're going to get by the fact of expect it, if there were such a mechanism by which each human, without doing anything, it will be repaired the damage that would infringe, would probably not have produced this tragedy.

The hardness that assumed be every day at the head of this association, to devote the hours, days and months, you can only have their compensation if at the end of this path, we get what we are aiming for: justice, truth and greater air safety for all: users of the aircraft and professionals of the sector: that NEVER MORE can fly an airplane that isn't in a position to do so.

The AVJK5022 is also facing an unfortunate and unjust professional relationship with the that he was an attorney of the AVJK5022 in its early stages, which, like all the families know, took advantage of the situation of helplessness and vulnerability of the victims (including actions that are not requested), to later claim some astronomical fees for their services that do not correspond to reality; in addition to a complaint of damage to its image and honor to 5 of its members, including a survivor and the current President of the Association that she was neither a member or partner during the first year in which had professional relationship with the Association.

We are convinced that if the association wasn't behind the anniversaries probably neither would mark, or the monuments would be in the conditions they are in. Thanks to the daily work of hard silent and the most committed people in this association, this tragedy is remembered - for the sake of all- cannot remain in oblivion, because without any doubt, our tragedy would have disappeared more than what it is, although some families, from the inside and outside the Association, think the opposite and think that all this can be achieved easily, we share one misery but not at work, nor the effort and the cost of the permanent memorial to those who are not. In addition, as we showed in the last Assembly, we are doing a tremendous work in order to obtain funds that facilitate the realization of our purposes. Any economic help will be appreciated.

We will continue up until the holding of the oral trial, until this story of our lives has an end that it may be that all hope, but if not outside as well, nobody will be able to tell us that we didn't do much more to what we as citizens and as human beings, committed to a fight to not even our own administration faced, if it happens again, we have met with our consciences, we are not sure that everyone can say the same to the families that are affected.

A year more, this memory reaches your hands, if you're partner is made especially for you, for this reason we ask you to read with attention, contains the effort and dedication of the few people that still we continue to believe that at the end of this complicated path awaits us the peace that will come from the hand of justice.

If on the contrary, you aren't a member but you're concerned about the safety of air navigation, you can also contribute to the work carried out by the Association of the form that you can do, well becoming a partner, or if you are into a plane, denouncing what you see is not well through the AVIATION SAFETY AGENCY of the Ministry of Development.

**Finally, if you or your family or friends, are users of the plane, help us to fly safer for all, get partner or sympathizer, between all we can do that.**

Thank you very much.

Pilar Vera Palmes

President of AVJK5022

At the end of this document has been leaked to the press -**Annex II. p. 11** - an audit of the OACI was held in July 2010 that it exposes the serious black holes of the operational safety of the Spanish civil aviation and legitimizes the criticism that the AVJK5022 has been carried out on the final Official Report TO32/2008.

Also the COPAC - see **Annex II. P. 14** - has made public its report against the CIAIAC fulfilling the commitment that was next to the AVJK5022 in the joint press conference of the 3.8.2011 .

The urgency to print this memory leaves for the next occasion a more thorough assessment by the AVJK5022

## 9. GLOSSARY OF ABBREVIATIONS AND WEB LINKS

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**ACFVA** Federation of Victims of airplane crashes in the USA.

**AENA** Spanish Airports and Air Navigation: [www.fomento.es](http://www.fomento.es)

**AESA** Air Safety Agency: [www.aesa.es](http://www.aesa.es)

**AVJK5022** Association for Affected by the Flight JK5022. [www.avjk5022.com](http://www.avjk5022.com)

**BOEING** Heir of MCDONNELL DOUGLAS manufacturer of the MD82

**CIAIAC** Commission for the Investigation of Civil Aviation accidents and Incidents [www.ciaiac.es](http://www.ciaiac.es)

**CC** Canarian Coalition . [www.coalicioncanaria.org](http://www.coalicioncanaria.org)

**COPAC** Official Association of Pilots of Civil Aviation. [www.copac.es](http://www.copac.es)

**DGAC** Directorate General of Civil Aviation. [www.fomento.es](http://www.fomento.es)

**EASA** European Agency for Aviation Safety. [www.easa.com](http://www.easa.com)

**FAA** United States Federal Aviation Administration [www.faa.gov](http://www.faa.gov)

**FENVAC** National Federation of the victims of disasters France. [www.fenvac.fr](http://www.fenvac.fr)

**NTSB** National Transportation Safety Board USA. [www.ntsbt.com](http://www.ntsbt.com)

**OACI** World Organization of Civil Aviation. [www.icao.es](http://www.icao.es)

**SEPLA** Spanish Labor Union of Air Line Pilots. [www.sepla.es](http://www.sepla.es)

**TOWS** Take Off Warning Sitem.

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 [www.avjk5022.com](http://www.avjk5022.com)

 [www.facebook.com/AVJK5022](http://www.facebook.com/AVJK5022)

 [www.twitter.com/AVJK5022](http://www.twitter.com/AVJK5022)

 [www.youtube.com/AVJK5022](http://www.youtube.com/AVJK5022)

# ANNEX I: OFFICIAL PRESS NOTES

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## **FRENCH EXPERT 17/05/2011**

The Association of Affected of Flight JK5022, according to the news appeared today in various media on expert reports, wants to inform:

1) The Association has been working tirelessly through the popular accusation that is being represented in No. 11 Provincial Madrid Court, providing and presenting all desirable initiatives to clarify what happened on August 20, 2008 at Madrid-Barajas, on Flight JK5022.

2) The Association has knocked in all possible doors: diverse air transport Professionals, Associations, Groups, Airlines, etc ..., trying to find Spanish Experts that would be able to make impartial surveys that it would allow us, to find the failures, mistakes and those who were responsible of the same ones. As no answer has been found, we have to hire a French Expert. Curiously in France, this expert is a Judicial Expert who is normally hired by the Ministry of Justice in order to help the Court which investigate the reasons that causes plane crashes. In Spain, the victims are the ones who must hire this kind of experts.

3) The Association's line of action is centred exclusively on the Court, far from interested filtrations that lead to nothing or at least, these filtrations do not help to know the truth, because the victims although WE WOULD GAIN THIS CRUEL BATTLE, we have already lost the most important thing: to ours. Those who are not in every house for already 33 months. Also for those who survive the tragedy, who try first to recover his health and later on, the life that they had, before the take off of that plane that should never have taken off. This one is the only truth that is marking our lives, our work and our commitment to honor the memory of the passengers of the Flight JK5022, aiming that IT DOES NOT RETURN TO HAPPEN NEVERMORE.

All the rest and the attempts of manipulating this one tragedy it stays in the morality and principles of each one.

Madrid, 17 th May 2011

**ABOUT CIAIAC (CIVIL AVIATION COMMISSION FOR  
AIR ACCIDENTS AND INCIDENTS INVESTIGATIONS,  
MINISTRY OF TRANSPORT) FINAL REPORT  
01/08/2011.**

This Report is a TOTAL INSTITUTIONAL FAILURE and in some way it answers to the expectations that the victims had deposited in the Department of Transport. It has shown once again, that it is not with the citizens.

The report has not taken into consideration those facts which are already proved at the judicial jurisdiction. Those facts must be also respected by the Air Civil Administration. On the contrary, the CIAIAC uses some of the already proven facts to conceal the already demonstrated truth.

This Report confirms the commanding culture of throwing the fault to the deaths, and it stops investigating, in spite of the existence of serious indications that are in the base of the accident. These indications are repeated every day in every plane that is flying, and as a consequence of this, it does not fulfill his purpose of improving the air safety.

The Spanish DEPARTMENT OF TRANSPORT is neither with the citizens nor with the victims of a system of transport that has not assured the life of the users who use it, therefore WE DO NOT TRUST in the interests that guide them to protect all of us. This report is an undoubted proof of what we affirm.

On the contrary, we still have confidence in Justice, where already firm and sure steps have been given to verify the truth and to find those who were responsible for the accident. It is in their hands where we put ourselves to obtain the purposes that the AVJK5022 (Association of Victims of Flight JK 5022) chases.

Madrid, 1st August 2011.

## **WITNESSES INTERVENTIONS ON COURT NO. 11, 16/10/2011**

The AVJK5022 (The Association of Affected of Flight JK 5022) before it takes place the Witnesses interventions indicated for Monday 17th October, at 10:00 in the Court N ° 11 of Madrid, for the Iberia Airline General Maintenance Manager, by request of the defenses of some of the imputed ones, wants to mean:

1 °) The request is based on a private letter directed by above mentioned Mr. Castañeda to the President of ASETMA, entity that was expelled from the Judicial Procedure by actions not according to the purpose of the investigations that there are realized.

2 °) This Mr. Castañeda does not treat itself as a witness, since it was, the day of the accident, not either in the plane, nor in any place of the airport from the one he could have seen or known anything with relevancy. The parts that have wanted to expose his theses in the investigations that are carried out, they have done it across Expert Reports, which have been presented and later ratified in judicial headquarters. The pretension to make happen for a witness whom one has not presented as Expert (probably because only it issues subjective opinions), it is inadmissible in Law.

3 °) This AVJK5022 that painfully faces in Court N ° 11 the defenses in an evident regime of inequality (mainly for material resources), sees clearly harmed in his procedural interests having accepted this witness intervention, which is not witness not expert, and it certainly does not help to know the truth of what happened in the air tragedy of 20.8.2008.

Madrid, 16th October 2011.



## **CLOSING OF JUDICIAL INSTRUCTION ON COURT N° 11 13/12/2011**

### **THE ASSOCIATION OF VICTIMS OF FLIGHT JK5022 REJECTS THE NONSUIT OF THE PERSONS IN CHARGE OF THE SAFETY AND MAINTENANCE OF THE COMPANY.**

The Examining magistrate's court n ° 11 of Madrid, in his pronouncement of 12th December, attributes the reason of the air tragedy that happened in the Airport of Madrid-Barajas on the August 20th 2008, the commission of a crime on the part of two of the technical personnel of maintenance which have been imputed. But, at the same time, he has reminded the nonsuit of other 3 persons in charge of safety and maintenance, which up to yesterday, they were imputed. The lack of esteem of new imputations had been requested by base in expert reports in the procedure.

The AVJK5022 has received this reduction of the area of the imputations as terrible news for the air safety in Spain, and it states the following reasons:

1. The Pronouncement of Transformation, which closes the phase of instruction of the judicial process, supposes AN INEXPLICABLE CHANGE OF CRITERIA on the part of the Judge with regard to the recent pronouncement of last June 1, by which the imputations were extended to 3 executives of the company and in which the Judge exposed a wide and reasoned motivation of imputation. Since then they have passed five months without the defenses having practised interventions that might have spoilt this pronouncement.

2. The AVJK5022 finds that the present pronouncement lacks in motivations that justifies the change of criterion. We think that hereby THE CAUSES AND THE PEOPLE WHO MAKE THE ACCIDENT HAPPENED ARE NOT IDENTIFIED. A plane crash is the result of a chain of human and technical mistakes, but, the pronouncement is based only on the last links of the above mentioned chain, mechanics and pilots. On the one hand, General Managers and Chief Executive Officers are not considered responsible for the accident, but on the other hand they are totally responsible for security and maintenance policy of the airlines

3. In the moment of the accident, the internal safety systems flights of the company were infringing the law and air security regulations due to its inefficiency, lackness or just by its badly functioning. The fact that no one in charge of security systems is imputed in this judicial process is a big damage for the whole air sector. Airline companies are allowed to delegate their safety and security ONLY in the action of mechanics and pilots. Unfortunately it continues happening this way, the multiple safety fences diminish to TWO.

Our Association puts as the first aim " To know the truth and the causes of the accident " in order to avoid to happen a tragedy like we are suffering. From the beginning of the phase of instruction, the AVJK5022 has not stopped in the work which is being followed in the Court nº 11. For this reason our aim is to find the truth and the identity of the people who were responsible for this accident. In order to take to Court ALL the persons involved in the major air catastrophe that has suffered Spain in the last 30 years, the Association is going to present a REVIEW to today's pronouncement.

We work to make no useless the death of 154 persons and the draft in life of 18 survivors . We demand the UNAVOIDABLE improvement of air security in Spain.

When we catch a flight, nowadays the following question is still on hold: Will all the safety fences have been respected or everything will depend finally on the possible human mistakes that could happen?

The Chairwoman of the Association cannot attend the Media today, due to a serious familiar matter.

THE BOARD OF MEMBERS OF THE AVJK5022

## THE CLOSING OF SPANAIR, 01/02/2012

The AVJK5022 wants to express its solidarity to all Spanair's employees. It is the same solidarity that we felt and that we cannot forget the days later to the air tragedy of 20.8.2008, when they overturned day and night, leaving of side their family and their life, leaving aside their condition of employees of the Company, and proving nearness, comprehension and humanity that we do not feel with their Executives. The Association asks the Authorities to help these more than 4000 families to go forward, and in some cases, they have not only lost their work, but their passion for flying.

We do regret, that at the moment, there are only 2 Technical personnel of Maintenance imputed, which assume sorrow requested by the Association, and not the high Executives of the company which intervned before, during and after the accident. They have so much for responsibility, due to their incapacity of decision, which unleashed the most serious air catastrophe of last 25 years in Spain.

With regard to the instruction carried out by the Judge of Court N ° 11 of Madrid, it saddens us deeply the readiness with which it has been closed. We do think that the disappearance of the reinforcements that this Court had to confront so complex task would have something to do with this decision. This closing of the judicial instruction has not allowed the Association to conclude the investigations that were being followed with regard to other responsibilities of the regulatory Organism of the Air Transport. The Association shows its confidence in which it could do it in the coming future.

Neither we do understand the reasons why the manufacturer of the plane - BOEING - has not answered the requests of information that the judge has dealed the Judge and that they have not been answered. This is supposed to be “disobedience” and “obstruction” to justice ...

The Association wants to show to public opinion the discomfort of the relatives who are in the AVJK5022, with regard to the judicial procedure is development. The only thing that they want to achieve is justice and relief to the pain that it has supposed in their lives, the disappearance in such a dramatic way of their children.

The Association as a group and his adherents at individual title are not going to spare a drop of effort to try to know the truth of the what happened 20.8.2008. It is our duty to sit in the bank of the defendants to whom it estimates, above all, those who were the main persons in charge of the tragedy.

Association of Affected of Flight JK 5022

## VISIT TO THE MINISTRY OF JUSTICE 21/02/2012

The Association of Affected of Flight JK5022 (AV JK5022) has visited today the Ministry of Justice, Sr. Alberto Ruiz-Gallardón. It has been to him exposed diverse matters related to the air tragedy happened On August 20, 2008 in the Airport of Madrid-Barajas, the most serious air accident happened in the last 25 years in Spain.

It has been emphasized by the AVJK5022 that the closing of the instruction last December 12 is precipitated and it stops without finishing the lines of investigation that were carried out. As an example of it, it must be said that the Judge-Instructor neither has achieved that the giant BOEING answers his requirements and even,Boieng has not been even prepared for obstruction and / or not collaboration with the justice, which is inadmissible for the victims.

The Association has also transmitted to the Secretary of Justice his deep worry for the stagnation of the District Attorney of the case. During more than 3 years which has lasted the judicial investigation, the District Attorney can be stated by his scanty interventions , though he Association shelters the hope that during this intermediate phase deployment all his activity in defense of the victims.

The aspiration of the AVJK5022 takes also root in the penalty, as it happens in The United States where it is prohibited to approach the victims up to spent 45 days of the causative fact, so that the professionals could not harass the victims with the signing of contracts for their judicial representation, while they are under the emotional impact unable to decide the most suitable thing for their interests.

Finally, the AVJK5022 has exposed the enormous worry of the families for the not renewal of the reinforcements of the Court N ° 11 of Madrid. This means that if the reviews interposed by the AVJK5022 are admitted and Court N ° 11 of Madrid is not provided again with the necessary resources, the judicial investigation will enter on a lethargy mainly caused by the density of the ordinary matters that takes the above mentioned Court, improperly of the magnitude and scope of this one air catastrophe.

Madrid, 21.02.2012

## **VISIT TO THE MINISTRY OF TRANSPORT, 28/02/2012**

The Association of Affected of the Flight JK5022 was received by the Ministry of Transport, Mrs. Ana Pastor Julián, it has been exposed to her diverse matters related to the consequences derived from the air tragedy of August 20, 2008 in Madrid, the most serious happened in the last 25 years in Spain.

For the AVJK5022 they were represented by their Chairwoman, Pilar Vera, accompanied by the Members, Jose Pablo Flores, Rafael Vidal and Henar Guerrero, which they exposed to the Secretary of Transport, to the Secretary of State of Infrastructures, D. Rafael Catalá and to the General Secretariat of Transport, Mrs. Carmen Librero, the main topics which are being carried nowadays by the Association.

The Association has shown its total and absolute non-conformity, with the Final Report that it was elaborated by the CIAIAC. This report do not fulfill the principal aim of it, which is preventing from returning to happen more accidents for the same reasons.

Also the contributions that the AVJK5022 has done to the reform of the Circular letter 285 of OACI inside the Workgroup formed by the ACFVA and the NTSB.

The discrimination of the victims of plane crashes at the moment of receiving helps, opposite to the victims' wide range that they have the support of the Departments that are competent on the topic that affects them.

The opposition of the AVJK5022 to air rates improvements to low-cost carriers. This supposes an unbalanced air transport market and it dangers the air security.

The Secretary of State for Transport promised to study the topics to give an answer.

Madrid, 28.02.2012

## **SIGNATURES REQUEST IN ORDER TO REVIEW THE FINAL REPORT BY THE EUROPEAN PARLIAMENT, 16/5/2012**

The AVJK5022 was constituted soon after the air tragedy of August 20, 2008 in which 154 persons died and survived 18, in order to investigate the reasons of the accident, to find responsibilities and to achieve that NEVERMORE it returns a catastrophe that could have been avoided. Its aim is that flying will be surer for all the users of a plane.

The AVJK5022 has installed a table for requesting signatures in the Plaza of the Memory 20.08.2008 in Las Palmas of Great Canary, from the Monday 14th May until Friday the 18th , in schedule from 9 to 14 each of these 5 days.

These signatures will be used to support the REQUEST PRESENTED UPON THE EUROPEAN PARLIAMENT by the AVJK5022 in order to review the OFFICIAL REPORT elaborated by the Department of Transport of the Government of Spain (CIAIAC).

The Association makes a call on the whole Canary Islands society to mobilize massively in order to obtain supporting signatures. What it finally will be obtained, it will benefit AIR TRANSPORT SAFETY that it affects to air transport users.

We are grateful in advance for the coverage and diffusion that this one Campaign has had. All contributions will help us to achieve our AIM which is to make FLYING SURER FOR ALL.

IN SOME PLACE.....ALWAYS IN OUR HEARTS.

PRESS-AVJK5022

# ANNEX II: DOCUMENTS

## **INTERVENTION: MRS PILAR VERA PALMES - CHAIRWOMAN AVJK5022 - INAUGURATION SQUARE OF THE MEMORY: 30.11.2011**

Mr. Mayor of Las Palmas, Mr. President of Gran Canaria Island Government, Ms. Lieutenant of Mayor of the Town hall, Mr. and Ms. Councilmen and Councilwomen, Authorities, Friends....

That 20th August 2008, Spain was in complete shock facing the major air catastrophe happened in our Country in the last 25 years. Specially, the Island of Gran Canaria trembled with pain, due to the fact that more than the half of the passengers proceeded or lived in the Island and great part of them in the City of Las Palmas de Gran Canaria.

Nostalgia and pain for each of the 172 passengers: children, young and elderly people, including passengers and crew members, who entrusted on the Flight JK5022, which truncated life to all victims and made physics and emotional injuries to the rest.

39 months have passed from that tragic date. Immediately after, the Association of Victims of Flight JK5022 assumed the most complicated commitment: to know the truth of what happened and to transform air security rules and laws. Our aim is to make flying surer for all. This includes an effort in which almost nobody believes and that it is difficult to deal with.

The Association fights also against oblivion, which is erasing memories. We have the great conviction that LIVING IS TO NOT FORGETTING.

The City of Las Palmas de Gran Canaria has witnessed from its foundation in 1478, of all the events that have marked its history, where many of their citizens are remembered today in streets, squares and parks, maybe this one Plaza is the first one honoring a collective memory of so many native Canarians who made their last trip to eternity together.

This Plaza of the Memory 20.08.2008, located in such an emblematic site of our City, will serve not to forget the major air tragedy of the commercial aviation happened in the capital of Spain in the last times, which unwanted protagonism relapsed into the Island of Gran Canaria, destination of the Flight JK5022. We are sure that this square will not make insensitive all those who pass by, it will make them think at least for an instant, the consequences of not respecting air security procedures that provoked a chain of failures which were the origin of this catastrophe, that still today we are trying to decipher, in complete loneliness.

Strength does not come from physical capacity , it comes from the indomitable will that keeps up, more than 3 years later, facing complexes interests which have approached this one tragedy with aims quite different from the drama that for the families it still endures.



Small things represent the sum of life, and for us, the dignity of this Plaza takes root in the strong emotive load that it will represent in the heart of our City. It will remember the death but also the life of those who managed to survive in the middle of the fright that took place after the impact.

In this wall of crystal, clean and transparent, it appears the names of 154 persons who died and there is an allusion to 18 survivors. Passing by and stopping around will accompany us and it will relieve the moments in which we feel, that we cannot support so many sorrow, so many sadness, so many absence... In this unequal fight for obtaining justice and truth, we will not be ourselves, if we give turn back to the sacrifice and suffering that it represents so many useless deaths.

The Municipality of Las Palmas de Gran Canaria, which more citizens lost in this tragedy, contributes with this Plaza to honoring eternally. This Plaza symbolizes this city commitment in order to not forget that the plane is the natural way of transport for most inhabitants of Gran Canaria. In the dignity of its simplicity, it takes root in the reconciliation that takes place today between the affected ones and the Town hall, because there must had been a political change during the last municipal elections, in order to materialize the sensitivity of this Municipality with those who lost their life in such a tragic and violent form.

We will not return to be quiet when anybody asks us in Madrid the reason why Las Palmas Town Hall was not honoring the memory theirs citizens. Now we will answer proudly that this one Plaza of the Memory makes the 20-08-2008 date immortal.

For the Association, it is very important, to exile the CULTURE OF THE OBLIVION, because only with the force of the memory, our aim will to come up to the end. To prevent has to be cheaper than paying indemnifications, when life has already gone because the limits of prudence were exceeded.

Gratitude is the memory of the heart and in ours it will remain engraved forever, the recognition and nearness of Juan Jose Cardona, and of M<sup>a</sup> Carmen Hernández Bento, who accompanied us on the inauguration in the Park Juan Carlos I of Madrid and she was a witness to what it had been done there by its Town hall. Our gratitude also to Gloria Marrero, Councilwoman of District for his particular implication.

Our recognition to Lidia Lopez, Juan Espino, and Gema Martin, they have been the link between the Association and the Town Hall to carry out this simple but wished Project, also to the civil servants who have taken part in his construction.

Mr. Mayor, Mr. Cardona, many and deeply felt thank you, without you this had not been possible. It have been understood the weeping without tears of a few citizens committed in not giving up itself to achieve an almost unattainable challenge and it has acceded to this one dedicated Plaza of the Memory to 20.8.2008, putting something more than the mere will of attending to our request: the respect to the scope of the Association of working in favour of all those who use the plane as usual way of transport.

The Association of Victims of Flight JK5022, first in the history of our country of Victims of commercial aviation, chases the dream of opening a way that it is constructing, with a lot of effort but ferreous will, working without truce to achieve that nevermore a plane that is not in conditions to do it would take off. We expect for the help and the collaboration from all: of the users of the air transport denouncing to the media the incidents that they observe as passengers because to make it can save their life, but also the persons in charge who have in their hands the management of the transport and the flight safety at all the levels, because if they do not do it, they will be indirectly guilty of what it would happen again.

For them, for each of the Passengers of Flight JK5022, it is our duty to avoid a similar accident to happen again...

IN SOME PLACE....ALWAYS IN OUR HEARTS...

THANK YOU VERY MUCH TO ALL ...

**LETTER OF THE PRESIDENT OF THE SEPLA,  
AWARDING TO AV JK5022 THE “SAFETY AND  
SECURITY” AWARD**



Madrid, on 30<sup>TH</sup> November 2011

Dear Ms. Vera,

It is a great pleasure to report to you on behalf of the Spanish Union of Air Lines Pilots' (SEPLA) which has decided to grant to the Association the award " Safety and Security " for turning a reference for air safety and security. Thanks to its impeccable labor, the Association of Victims of Flight JK5022 has achieved that its voice is recognized in important national and international forums on air safety and security, as well as to arouse to public opinion about the problems of the aeronautical sector.

The delivery of the award will be effected next Saturday, the 10<sup>th</sup> December at 21:00 hours in a dinner in commemoration to Our Lady the Virgin of Loreto, mistress of the aviators, who will be carried out in the Hotel Silken Puerta of America.

Please let us know as soon as possible if you or somebody on your behalf would come to gather this award.

Looking forward to hearing from you.

Javier Martínez de Velasco

President of SEPLA.

## REQUEST TO EUROPEAN PARLIAMENT COMMISSION AND ANSWER FROM THE EUROPEAN PARLIAMENT COMMISSION

**Requested by:** ASOCIACION AFECTADOS VUELO JK5022  
**Representated by:** Pilar Vera Palmés – Presidenta AVJK5022 -  
**Address:** – C/. Pedro Medrano, 6 - 28029-MADRID –  
**Web:** [www.avjk5022.com](http://www.avjk5022.com)  
**Country:** ESPAÑA- **Phone number:** + 34. 91/314.22.22 – 644/57.08.15 -  
**Emails:** [pivepa@telefonica.net](mailto:pivepa@telefonica.net) – [presidencia@avjk5022.com](mailto:presidencia@avjk5022.com) -  
**Web:** [www.avjk5022.com](http://www.avjk5022.com)  
**Request Title:**

REVIEW OF THE OFFICIAL REPORT OF THE ACCIDENT OF SPANAIR JK5022 FLIGHT WHICH TOOK PLACE ON 20<sup>TH</sup> AUGUST 2008, IN MADRID (BARAJAS AIRPORT) ISSUED BY THE DEPARTMENT OF TRANSPORT OF THE GOVERNMENT OF SPAIN.

### **Request:**

- 1) The Association of Victims of Flight JK 5022 (AVJK5022) is composed by more than 1.100 partners: survivors, families and friends. This association was created as consequence of the Spanair Airline Plane crash happened in the Airport of Madrid-Barajas, where 154 persons died and 15 adults and 3 child survived.
- 2) The AVJK5022 considers, from professional and expert investigations that have been done, that the Official Report issued by the Department of Transport of Spain does not fulfill its main and only aim: to prevent to happen another air tragedy for the same reasons that those of the Flight JK5022. This means that the report does not contribute to protect the life of the users of the plane as a way of transport.
- 3) The entire document is a deceit, with incongruous and contradictory argumentations, and it comes to false conclusions with a total lack of respect to the victims and to the survivors to whom also the report makes guilty, forgetting that they are witnesses (they were saved from row 9 towards ahead) of what happened before the plane was trying the takeoff.
- 4) The European Regulation 996/2010, of 20<sup>th</sup> October 2010, wih deals about the investigation and prevention of accidents and incidents in the civil aviation, does not establish that the Final Report is explained to the Judicial Authority. This report should only fulfill in accordance with the Spanish and European regulation.

- 5) The majority of the Recommendations made in the final report refers to Foreign Entities on which the Department of Transport is not competent nor have a way of verifying that those recommendations are being followed. Acting this way, no attention is paid to Spanish Air Transport Regulatory Organisms which must watch for the operational safety and security, fulfilling with improvements and modifications that would allow to avoid another plane crash to happen.

We do ask to have this request in consideration, and we do enclose the following documents:

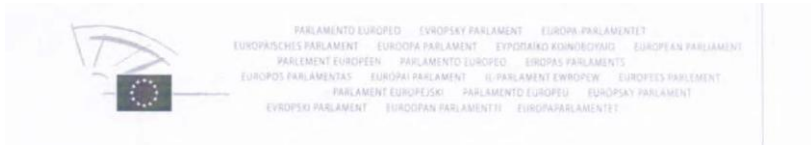
- Annexes I (Summary of the facts which are the main causes of this Request);
- Annexes II and III (Activities of the Association during 2009-2010 and 2011).
- Annexe IV (Report A-032/2008 from which we do request its Review )

Thank you very much for your attention.

Kind regards,

PILAR VERA PALMÉS

LUXEMBOURG, 24<sup>th</sup> May 2012  
To Mrs. Pilar Vera Palmés  
Calle Pedro Medrano 6  
28029 Madrid



Dear Mrs. Vera,

On behalf of the General Secretary, I accuse receipt of your request transmitted by e-mail on 07.05.2012.

Your request has been registered with record number 0635/2012. We do ask you to indicate it in all your mail.

Your request has been transmitted to the Commission of Requests, which once it will declare its admissibility, if this is the case, it will only examine your case.

The decision about the admissibility of your request will be communicated to you directly by the Requests Commission.

I must point out that the procedure of examination of your request can be delayed during a relatively long period, due to the of the amount of received requests.

For any matter related to your request, we ask you to address yourself directly to the secretary of the Requests Commission- European Parliament- rue Wiertz- B-1047 Brussels (fax number 00 32 2 2846844)

Kind regards,

Gabriel Sanchez Rodriguez

Head of Unit

Gabriel SANCHEZ RODRIGUEZ  
Jefe de Unidad

## WRITTEN QUESTION TO GOVERNMENT ASKED BY THE MP FROM COALICIÓN CANARIA



*Congreso de los Diputados*

*Ana María Oramas González-Moro*  
DIPUTADA POR SANTA CRUZ DE TENERIFE



### TO THE BOARD OF THE SPANISH PARLIAMENT

ANA ORAMAS GONZALEZ-MORO, Member of the Parliament by Coalición Canaria-Nueva Canarias, according to article 190 of the Regulation of the Spanish Parliament, she presents the following QUESTION TO THE GOVERNMENT, with request of WRITTEN ANSWER:

In relation to the denunciation moved to the Department of Transport by the " Association of Victims of the flight JK5022 " about the concession of licenses of maintenance of aircraft (LMA) to technical personnel of the company Iberia, what actions has it opened the Department of Transport to check the veracity of those licences?

Madrid, 22th May 2012

Signed by Ana María Oramas

## LETTER TO THE GENERAL MANAGER OF THE SPANISH CIVIL AVIATION ORGANISM

*To Mr. Ángel Serrano Arias  
General Manager of the Civil Aviation Organism  
Secretary of Transport  
MADRID*

Madrid 16<sup>th</sup> July 2012

Dear Ángel Luis,

I just want to show on behalf of the Association our gratefulness for your decisive contribution to make Spain to chair the OACI's TASKFORCE that it has already begun its meetings for the Review of the Circular 285 ( which is the assistance to families on Air Accidents) on the basis of the work of this Group which is being led by the General manager from the NTSB. The Association which I chaired has taken part, as many others with some others Associations of Families Affected by Air Tragedies, in may internationals forums.

Among the initiatives in which this Association has taken part, a special satisfaction constitutes this Circular 285 because, though it was on in August 20<sup>th</sup> 2008, it was not put into practice for reasons that we do not know. Without doubts, the application of Circular 285 would have avoided pain, nevertheless, with our effort we will try that an event as the one we suffer will not happen again and Circular 285 would be used to relief the effects of a similar tragedy.

We trust that the works, which are being undertaken, will end successfully and we hope that this document would be approved on the next OACI General Meeting which will take place in February 2013. Once achieved the suffering of families affected by a plane crash in any place of the world will be soften by a measure similar to the one reflected on Circular 285.

Once again, thanks in advance for your efforts.

Kind Regards,

Pilar Vera Palmés

Chairwoman AVJK5022

C/ Pedro Medrano, 6- 28029- MADRID



## PRESS

NEWS APPEARED IN "EL PAÍS" 30/07/2012

### Spain continues without correcting failures in their air security and safety system denounced in 2010

An audit on the Spanish air security & safety system detected 40 'black holes', coincidental some with Spanair's accident.

*By Francisco Medrano, Madrid 20<sup>th</sup> July 2012*

The OACI (International Organization of Civil Aviation), is an Agency of UN, which detected across an audit, in July, 2010, the existence of 40 failures in the Spanish air security and safety system, some very serious and linked with Spanair's accident in Madrid –Barajas Airport, which happened two years before. The Department of Transport, under socialist mandate, admitted that they all, except one, were true. Two of those failures had a decisive role in the major Spanish plane crash (154 dead men). Still today those failures are not fixed.

**The manual of flight.** " Spain has not established in its regulations concerning operations of aircraft the requirements that demand to airlines (AOC) to elaborate procedures to guarantee that the manual of flight updates with the introduction of the changes that the condition of matriculation has approved or arranged like obligatory ". This accusation of the OACI was cardinal because one of the elements that are mentioned as a possible cause of Spanair's accident is that the above mentioned company did not transpose to its manual the norm that it was implanted in the USA following the manufacturer's suggestion.

Ana Pastor (State Secretary of Transport) assures that already 77 % of the deficiencies have been solved.

The final report on the Madrid- Barajas accident recognized the importance of this point: " As a consequence of the MD-82 of Northwest Airlines accident in the airport of Detroit, Mc Donnell Douglas issued a telex in 1987 directed to all the operators of the planes of this type where it was recommended that the checking of the TOWS - alarm that it allows to know if the device is formed to fly – were realized before every flight. All the operators in The United States had incorporated this change in his operational procedures (...) After The accident, in October, 2008 the operator [Spanair] checked his manual of operations in order that the functioning of the TOWS was verified before every flight ". If the manual had got up-to-date before the accident, the crew would have verified that such alert was not working and, therefore, it could have indicate them that they had the flaps unfolded. They did not have them. And the plane crashed.

***A minimal list, a maximum disaster.***

*The MEL is the list of minimal equipment with which a flight can take off properly. In Spanair's accident it is showed constantly. The plane departed with a breakdown which was already known (the heating was ignited in land). The mechanics did not meet the reasons and they just limited themselves to disconnecting the electrical source which feeded the TOWS, so*

*that the alarm that operates if the plane is not formed to fly did not jump. The plane took off because the MEL could apply " without need to try to locate the origin of the breakdown ". What failure made unoperative the TOWS? There are many hypotheses and a fact: it did not work. The MEL was not demanding that the TOWS was verified. Not even the manual of Spanair's flight was forcing to checking it before every takeoff, since it happened in the USA from 1987.*

But after the tragedy, the update of manuals was not extended in Spain to all the airlines. The OACI detected that the problem was surviving in 2010. It started to be develop , under socialist mandate, it was promised to be solved in February, 2012, but it was not like that. Already with Conservative Party in power, it continues without being developed and it is not foreseen the date of implementation because this point must be regulated firstly by the EU. Therefore, four years later this danger still survives.

**Minimal equipment.** The MEL, list of minimal equipment that must work in a plane to fly safely, was another important factor on Spanair's accident of 2008.

Should the flight have departed without solving a failure (the heating was ignited in land and it was sharing electrical supply with a key alarm, the TOWS)? How could that MEL be authorized without foreseeing a response to a breakdown in his manual? " The MEL which was in use allowed the departure of the plane ", said the investigators. And the OACI at this point made it clear: " The National Air Security Agencies are responsible for the initial approval and the modifications of the MEL. Nevertheless, the above mentioned process does not include the coordination between the aspects of operations and airworthiness. Likewise, the mechanisms have not been established to assure that the approval of the MEL should correspond to the types of aircraft and the concrete authorized operations ". The reproach was clear. The MEL cannot finish off in bulk. That works or not the heating can be irrelevant ... or determinant if the flight can produce ice in the wing. The Transport Department, under socialist mandate, foresaw to solve those deficiencies in June, 2011. But they were inherited waveringly by the new conservative Secretary of State, Ana Pastor (PP). Those deficiencies are in " advanced draft " and they will be concluded before 2013. From the department one assures that when Ana Pastor took possession she did not find a plan of the follow-up and execution of the 40 alert deficiencies which were two years before denounced by the OACI. The department assures that nowadays 77 % of such failures are corrected and the rest will be solved before the end of the year. But beyond the percentage degree of fulfillment of requirements of the OACI, which makes Spain very well placed on a worldwide scale, the photo on his air safety and security that OACI threw in 2010, it was devastating.

It was denounced that Spain was not imposing on his air services providers of air services and of maintenance, a system of management of operational safety (SMS), and a constant procedure of identification of dangers. Spain was not even governing a state plan (SSP) to supervise such a private system. And such plan, which is still hanging, is vital: it looks for risks which are continuous in all the operational factors. For example, continuous mistakes of flaps or TOWS.

## Critiques to the Official Investigation Commission.

The report questions the Official Investigation Commission to fulfill its main aim in an effective way.

*By Francisco Medrano, Madrid 29<sup>th</sup> July 2012*

In July, 2010, when OACI's audit was realized, Spain had learned a few initials: CIAIAC (Commission of Investigation of Accidents and Incidents of Civil Aviation), because it was investigating Spanair's accident. But the OACI questioned his efficiency. "The CIAIAC has ten vacant positions for investigators and another technical personnel of his organization [his current employees consists of 22 experts]. The limitation of the number of investigators in the CIAIAC has damaged its aptitude to fulfill all its tasks in an effective way, especially with regard to the conclusion of the research reports ". It was the way OACI criticized CIAIAC that it long years in clarifying the accidents.

Spanair's accident of 2008 was solved in 2011, but it costs also for his precedent: McDonnell Douglas's plane that almost smashes in Lanzarote in 2007 because also it took off inadvertently without the unfolded flaps. The report was reached in 2009. One year before it would probably have served to avoid the tragedy in Madrid. OACI was also accusing CIAIAC of finding out late and of reporting badly. "The obligation of immediate notification of serious incidents to the CIAIAC has not been systematicly fulfilled by AENA (Spanish Airports and Air Navigation Organism) ". But not only there was delay: "Some initial notifications [of accidents and incidents] have not even been sent to the OACI and the reports have not been systematically envoys ". And the third black hole which was added: "The majority of the serious incidents linked with the air traffic have not generated an investigation for the CIAIAC ".

CIAIACs professionalism was also questioned. "Some investigators with several years in the CIAIAC have not received the basic course of investigation of accidents and incidents ", it not only he basic course there are not even "examinations and tests of pieces or components of aircraft ". But there was another factor that it was rendering useless, according to the OACI. The CIAIAC could issue dozens of advices on air security and safety after every accident, but the Government was not forced to answer CIAIAC advices, and even less to assume them.

AESA (State Agency of Air Security) " does not possess sufficient personnel for inspections to manage all the tasks of vigilance of the operational safety ". As a symbol of so many descontrol, there was a Law of 2009 which fixed that all the international airports had to be certified in Spain. One year later, no airport had been a certificate. Not even Madrid-Barajas Airport.

## PRESS RELEASE FROM COPAC ( SPANISH OFFICIAL ASSOCIATION OF COMMERCIAL AVIATION PILOTS) 01/08/2012



### COPAC concludes that the report of the CIAIAC on Spanair's accident is ineffective for the prevention of accidents.

- The COPAC locates numerous deficiencies and false, distorted and secret information in an independent review from Spanair Safety and Security report of the CIAIAC.

- The COPAC requests the reopening of the technical investigation to rectify the numerous mistakes of the report and to find the reasons that provoked the accident of the JK5022.

The COPAC has made an independent review from the Report of the Commission of Investigation of Accidents and Incidents of Civil Aviation (CIAIAC) A-32/2008 on the accident of the JK5022 happened on August 20<sup>th</sup> 2008. In an objective and technical way, the review of the COPAC puts in evidence the lack of rigor of the report and the mistakes and lack of knowledge of the CIAIAC in some matters, specially in the operational part. Those mistakes do not allow the report to achieve its main purpose which is anticipating accidents and incidents in the future.

Beside confirming that it is an incomplete and partial report, the review realized by the COPAC reveals numerous mistakes, false, distorted or directly hidden informations. In addition to this, the review of the report reveals the inefficiency of the aeronautical authority as for supervision and control of the different procedures that are under its responsibility for air safety and

Among the numerous detected deficiencies, for the COPAC stand out those that in a more significant way concern the result of the investigation of the CIAIAC, as **the extension of the Certificate of Airworthiness** of the aircraft without any inspection, in spite of the fact that the plane in this moment was needing a complete renovation, a question that the CIAIAC does not investigate sufficiently.

Another relevant aspect is the fact that the **data analysis program for the fleet of MD-80**, one key element for the prevention and safety of the flights, was not in full functioning in the moment of the accident, and as the aeronautical, knowledgeable authority of the situation, it did not take measurements.

Regarding **the tests of flight in malingerers** to reproduce the maneuver of takeoff before the accident realized by the CIAIAC, the COPAC thinks that his results cannot be used for any conclusion. The series MD-80 is not certified to realize takeoffs without flaps not slats in safety conditions. Therefore, it is a circumstance not contemplated by any operator or crew .

The CIAIAC hides a fundamental fact to understand the action of the Commandant in relation with **the readiness to fly** of the damaged aircraft, as it is by the Spanair's MEL (Minimum Equipment List), approved by the Civil Aviation Board of Management, the crew was depending on the decision of Maintenance with regard to the technical condition of the aircraft. Provided that Maintenance determined that the plane could effect the flight, the Commandant could not request the change of plane, due to the fact that it did not exist circumstances that were making the flight unsecure.

In addition, the technical report of the CIAIAC does not bear in mind the studies realized by international organizations on the interaction of **the functioning of the alarm of the TOWS** and the reaction of the pilots to avoid a takeoff without flaps. Those studies demonstrate that due certified pilots, do take into consideration the notice of the TOWS and they react with rapidity and determination to avoid a situation of danger for takeoff without flaps.

Nevertheless, in CIAIAC report it has not even been established the reasons why the system of alert TOWS did not work, a fact that undoubtedly had avoided the accident and his tragic consequences.

In August 2011, after the publishing of the report of the CIAIAC, the COPAC promised to realize an independent review of it with the participation of a group of international and national experts. At the beginning of 2012 this review was finished and the COPAC put it in knowledge to the Department of Transport, to the Transport Commission of the Spanish Parliament, to the main Parliament groups and to the CIAIAC, requesting at the same time the reopening of the technical investigation to rectify the numerous mistakes of the report. Until now the COPAC has not had any response.

Nevertheless, once again the COPAC requests the reopening of the technical investigation of the accident of Spanair's MD-82 in order to know the reasons that produced one of the worst air tragedies of our aviation and to prevent it from returning to happen again.