

2013

Report of Activities



**A**ssociation  
ffected  
**F**light Jk5022

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Public Utility Declared dated March 5, 2013 under No. 591 440



# I. PRESENTATION



## I. PRESENTATION

### 1.1 Words from the President

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In this 5th Anniversary, there comes to your hands this Annual Report that tries to leave testimony of the incessant work that comes making the Association in its fight for achieving justice and truth during this last year.

It has been especially sad, the date of September 19th 2012. It will remain engraved forever in the families as the day in which the Provincial Court of Madrid buried the hope for achieving an Oral Judgment in which there were explained criminally the reasons of the tragedy of 20.8.2008.

On the contrary, in October 18th and November the premiere in Madrid and Las Palmas de Gran Canaria were done, of the documentary promoted by the Association titled " JK5022: A CHAIN OF ERRORS ". This documentary reports for the first time the chain of errors that took place during the smashing of flight JK5022 on August 20th 2008, in the track 36-L of Madrid-Barajas Airport when it was trying to take off.

The Association has faced from its birth the hard task of opening way in all the unimaginable areas: social, judicial, administrative, civil, etc. It was more than 25 years ago, that a plane was not smashing in Spain and we had to learn from the pain how to move in a territory which was absolutely unknown for us. Achieving the 5th Anniversary all joined around our aims, it is more than a guarantee than it will come up until the end with all its consequences.

We do not resign to believe that the death of 154 persons and the injuries of other 18 people, have not served for anything, not even to learn about the mistakes that have been committed. At least those mistakes must be corrected and avoided in order not to happen again. The AVJK5022 has presented a Review of Unconstitutionality against the lawsuit of the criminal case that was followed in Madrid Provincial Court. It is our intention to come up to the Court of Human rights of Strasbourg, if the Spanish Constitutional court was not taking into consideration our allegations.

On March 1, 2013, I was present at ICAO's General Meeting in Montreal (Canada). I was representing the entire Victims' Associations of Plane crashes of the world, as Chairwoman of the AVJK5022, and I had to give testimony of the commitment of the victims with a new regulative frame about assistance to the victims. It was approved unanimously the document of "Assistance to Victims Policy" that it will be taken to the General Assembly of September, 2013 for his ratification and possible incorporation in one of its Annexes.

We do hope that Royal decree of the Department of Transport will come promptly to reality. In this law, the Plan of Assistance to Victims of Plane crashes will be regulated. As association, we contributed to this law, as we are the only Victims' Association of Plane crashes in Spain. If an air crash returns to happen, assure the coverage and assistance to families and victims will. This was a fact that the families of the Flight JK5022 were lacking of in 2008.

## I. PRESENTATION

Likewise, we have made allegations to the future Statute of Victims who is being carried by the Ministry of Justice. Our main aim is to achieve that if it returns to happen an air crash, the professionals would not approach to families, at least 45 days after the causative fact: a person in pain is not emotionally in conditions to choose the better and more suitable thing for his future interests.

If you fly, remember it, but if you do not, do not forget that from our tragedy we have extracted the knowledge to avoid the bit path that we have walked from August 20, 2008. An air tragedy is much more than the loss of human lives, it is the impotence for not being able to demonstrate the chain of mistakes that motivate it and that so many death and suffering is uselessly. I must say that close to the firm belief that it is possible to prevent air crashes from returning to happen, if mistakes would be detected and corrected, the chain of mistakes that originate them would have not happened.

Thank you very much for the attention paid to this Annual Report of Activities.

**PILAR VERA PALMES**  
President of AVJK5022

## 1.2 Organization

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### 1.2.1 Board of Directors

After the celebration last May 18th 2013 the General Assembly, eight members of the Board of Directors turned out to be chosen, according to the Bylaws, which were modified and approved unanimously in the same General Assembly:

President:	Pilar Vera Palmés.	
Vice-Predident:	Margarita	Henríquez
Espinosa.		
Secretariat:	Henar Guerrero Durán.	
Treasurer:	Máximo Díaz Delgado.	
Board members:	Leticia Betancor Sánchez,	
	María de los Ángeles Piretti León	
	Luis Rey Nieto	
	Rafael Vidal Rodríguez	

On April 4th, 2013, Ligia Palomino Riveros resigned as Secretariat and the Board member Jose Pablo Flores García resigned too, both for personal reasons. We admire their contribution and permanent effort for the time that they have remained in the Board of Directors.

### 1.2.2 General Assembly

The General Assembly is formed by i) "Socios de número" (Numerary members), with the right of vote and the right of speak. They represent a victim or a survivor. ii) "Miembros colaboradores" (Collaborators Members), with the right of speak. They represent a relative, a friend of victims or survivors. Another member category which exists is, "Socio Simpatizante" (Supporting member). It can be anyone that wants to belong to the AVJK5022 in order to share the aims that the Association represents. The presence of this category in General Assembly is exceptional and it requires previous authorization of the Board of Directors.

During the General Assembly that took place on May 18, 2013, a wide modification of the Bylaws was approved unanimously. The aims of the Association were extended and two new types of partners were approved:



## I. PRESENTATION

**BENEFACTOR Members:** Entities (persons or companies) that contribute with economic resources to the achievement of the Association's aims.

**HONOUR MEMBER:** those people or legal entities that contribute, help, support or collaborate actively in the achievement of the AVJK5022 aims.

### 1.3 Main events

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**1.3.1.** Assistance of the President and Elena Baixeras Llano (Association member) to **the Session of AVPTF at ICAO**, on the 17th, 18th and 19th September 2012. This Work Session is reviewing Document 285 of OACI which contains the Assistance Plan to Victims and Families of Plane crashes.

**1.3.2.** The Provincial Court of Madrid, on September 19th, 2012, **CLOSED OUR CASE**. This decision shocked the Spanish society. The decision was to close the case in free no suit the criminal investigation carried out by the Court No 11 of Madrid The AVJK5022 shows its total rejection to the closure of our case through Press release, public declarations to mass media, etc. In addition to this, the Board of Directors sent to the highest authorities of Spain the Agreement of this Board of Directors, ratified by the assembly. This certification appears in the annexes followed by the answers.

**1.3.3.** The AVJK5022 presents On January 30, 2013, a **Review of Unconstitutionality** against the decision of the Provincial Court of Madrid to close the criminal case. The Association's reasoning were that this decision is considered a violation of the fundamental rights of the victims, survivors and families.LA

- I.3.4.** It finishes the production of the Documentary "**JK5022; A Chain of Errors**". On the 18th October 2012, a premiere for the Media took place in Madrid at 12 p.m. and a Preview, also in Madrid, at the Cultural Center "Conde Duque" took place at 19:30. On the 20th November 2012 a preview at University Auditorium of Las Palmas de Gran Canaria took place. Finally on the 21th November, 2012 the Public Canary Islands Television (RTVC) showed the film in opened emission for the whole Canary Islands territory.
- I.3.5.** The AVJK5022 was declared of **Public Utility** for the State Ministry on March 5, 2013. After successive requests, made by the Ministry, the Victims' first Association of Civil Aviation in Spain obtained this declaration.
- I.3.6.** ICAO's Council which took place on March 1st approved for unanimity the **Document of ICAO No 9993** on the Assistance to Victims of Aviation Accidents and their families.
- I.3.7. Royal Decree** of the Minister of Transport **regarding the Assistance to the Victims and Victims relatives of the Civil Aviation**. The AVJK5022 President has taken part in its production and though it does not fulfill the aspirations, we consider its publication to be very important. It is a huge step

given in Spain in favor of the assistance to the victims of air catastrophes. Until now it was not even contemplated as catastrophic event in the Plans of Civil Protection at national level.



(right to left )The Spanish Ministry of Transport, Ms. Pastor, and Ms. Vera, AVJK5022 President. 8/20/2012

# I. PRESENTATION



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## 2. OBJETIVES



## 2. OBJETIVES

Throughout these five years, the Association has been developing new aims. Adapting the aims to reality remained reflected in the last modification of the Bylaws in the General Meeting of May 18th, 2013.

### 2.1 Judicial Area

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Demonstrate the reasons of the Tragedy of August 20th, 2008 and those responsibilities it is one of the AVJK5022 aims. In this sense, the association presents a Unconstitutionality Review on January 30th, 2013 against the decision of September 19th, 2012 of the Provincial Court of Madrid to close the criminal lawsuit.

### 2.2 Administrative Area

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We center our activity on two different but complementary aspects in order to achieve its aims:

- a. To stimulate the creation in Spain and worldwide of specific regulations that contemplate Plans of Assistance to Victims of Civil Aviation Accidents and their families. To collaborate with other, both public and private Organisms, Entities, Associations and Foundations that chase similar aims.
- b. To contribute to improve safety, by means of promoting and spreading everything that chases the development of a preventive culture in all the segments of the air, transport both private and public, in collaboration with all the agents and professionals involved in the sector, as well as to foster in all areas of possible performance, a better comprehension of the situation in which victims, survivors and families of plane crashes stay.

## 2.3 Social area

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From the recognition that the AVJK5022 has in society and in the sector of the air transport, an unusual fact is taking place if we keep in mind the scarcity of resources that the Association has. The fact is that victims from other plane crashes approach us to request help. This help is requested from the judicial point of view, from expert's reports and even regarding medical or psychological assistance, which the Association derives towards the Organisms that have responsibility in its management.

The Association is determined to include in the "Victim Statute" from the Minister of Justice, that without any exception, not sooner than 45 days after an accident, Professionals from any country could approach families to offer their services. It is emotionally impossible that a person submitted to a strong impact could decide the best options for its future interests.

The AVJK5022 has suffered and still suffering the harassment of those, who in the first moments of the Tragedy of 20.8.2008 took positions nearby to those who were managing and directing the association, with aims which were far away from purely humanitarian objectives.

Not even the Authorities at the time stopped these pressures not now, 5 years later, nothing has been done - except the denunciation and allegations effected by the AVJK5022 - to avoid it if it returns to happen

We trust that the painful long suffering experience which have been repeatedly exposed to the different Authorities, included the Ministry of Justice, obtains its intentions.

## 2. OBJETIVES

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## 3. ACTIVITIES REPORT





### 3. ACTIVITIES REPORT

#### 3.1. Closing of the criminal lawsuit

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On September 19, 2012 the AVJK5022 received the worst news that could ever contemplate: Order 617 and 616, followed at the Provincial Court of Madrid, were decided the free no suit and closure of the previous formalities 4.373/08, raising the imputation that was weighing on both Technical personnel of Maintenance of the Air Company Spanair.

During more than 4 years, the AVJK5022 through the Popular Accusation that it represented in the Court No 11 of Madrid. On this Court were carried the investigations for the death of 154 persons and serious injuries in other 18 that survived. The Association has contributed with Expert Reports which were the result of his own investigations. This reports were defended by experts in each of the matters, with the exclusive end of clarifying the reasons that produced the most serious air catastrophe of last 25 years in Spain and that there were purified the criminal and civil responsibilities to which they were giving place.

And all this, in evident conditions of inequality opposite to the multinationals that with a huge amount of resources, managed even not to have to appeal before the Title holder of the above mentioned Court, in spite of the repeated requests that were done from the popular representation of the AVJK5022.

This was an incomprehensible judicial decision for the survivors and affected families, legal professionals and experts, and for the whole society in general. This decision has placed the three Referees of the Provincial Court of Madrid, in interdiction. Their decision has separated them from the commanding jurisprudence and from the proposals of the title Judge Court No 11.

This judge has proposed the celebration of Oral Judgment with the accusation that it supports against two aeronautical maintenance techniques.

All this joins the frame of impunity that protects this arbitrary judicial decision of the Provincial Court regarding the persons in charge of air safety in all his slopes: from professionals, air and airport operator, manufacturer, regulator, inspection, etc. For what it can suppose for the operational safety of the civil Spanish aviation and for all the users of the plane and the affected families.

The controversial Final Report of the CIAIAC (Minister of Transport) repudiated by the families, the Association, but also by the own professional pilots, it has been discredited so much national as internationally. This report is used as alibi for the Provincial Court of Madrid to declare itself judicially in the same terms as the CIAIAC report. Its unique aim is to detect the reasons and to propose its alteration, never look for criminal responsibilities since it spreads insistently. The Administration of Justice is obligated to purify criminal and civil responsibilities, when catastrophes of the magnitude takes place like that of, the Flight JK5022; 154 deaths and injuries of for life in other 18 persons.

There are many questions set out by the AVJK5022 buy with no answer:

Why use an Official Report that does not look for any responsibility of an Organism as the CIAIAC, which does not have the necessary independence with regard to other Departments that it investigates and with which he shares functional and organic dependence?

### 3. ACTIVITIES REPORT

Why the Provincial Court dynamite a judicial investigation of more than 3 years in painful conditions for the Court that realizes them, in only 8 months?

Why did not arrange the Provincial Court Experts that could explain them the reasons of the accident, the secret failures of design, the irregular procedures of the Company, the extension WITHOUT INSPECTING the Airworthiness Certificate of the damaged MD-82, etc., but had it technical knowledge to judge them?

Why was it not even allowed that the Manufacturer of the plane, nowadays Boeing, should explain in the Spanish courts, with regard to the design failures that had been demonstrated?

And so many whys that the Provincial Court of Madrid has sealed with tons of cement in order that it could never been demonstrated the truth of what happened on August 20th, 2008 at Madrid Barajas Airport , the most serious air catastrophe of last 25 years in Spain.

The investigations carried out by the AVJK5022, the certainty of the reasons that led to the death to our families, the impotence of being able to prevent them from returning to repeat, produce the most devastating desolation among the members of the Association, close to a deep feeling of defenselessness, for not being treated as any citizen to the one that protects the Spanish Constitution.

The AVJK5022 in urgent meeting of his Board of Directors in October 6, 2012, later ratified in the agreement of the General Assembly of November 17, 2012, agreed to send to the Highest Authorities of the State, its rejection for the unexpected end of the criminal investigations carried out by the Court No 11. See in Annexes; **sent Certification and answers.**

The AVJK5022 President, in an attempt driven to despair for calming the spirits of so many parents, children, grandparents, brothers, uncles, friends, etc., defrauded by this unheard-of judicial decision, he wrote the article "I ACCUSE " that was published in written press and that can be read in the Annexes.

### 3.2. AVPTF ICAO

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On the 17th, 18th and 19th September, the President of the AVJK5022, in company of the member Elena Baixeras Llano, assists the last work meeting of the AVPTF, in Montreal (Canada). The group is composed by representatives of more than 20 countries, by the civil servants of their Agencies of Investigation of Plane Accident, as well as of the NTSB and other Organisms, except in case of Spain, which is represented by the AVJK5022 as Victims' Association and by the President of the above mentioned Group, who is the Spain ambassador in the ICAO.

This meeting reaches the works carried out since it was constituted by some countries Victims' Associations more than 3 years before. They obtain the support of the own Chairwoman of the NTSB, Ms Deborah Hersman, during the International Conference of Families that was celebrated in March, 2011 in his headquarters of Washington, at which the Chairwoman of the AVJK5022 was present. It was the tenth Anniversary of the Circular 285 on Assistance to the Air Accident Victims and their Families. It was the purpose of this meeting that the ICAO was advancing in 3 years the review of this Circular Letter. Instead of beginning study the update in 2013, it would be in this year when there would be countersigned by the Assembly. It was finally in March 2013 when the Politics was approved on March 1, 2013, during the session at which the AVJK5022 President was present in representation of the Victims'

### 3. ACTIVITIES REPORT

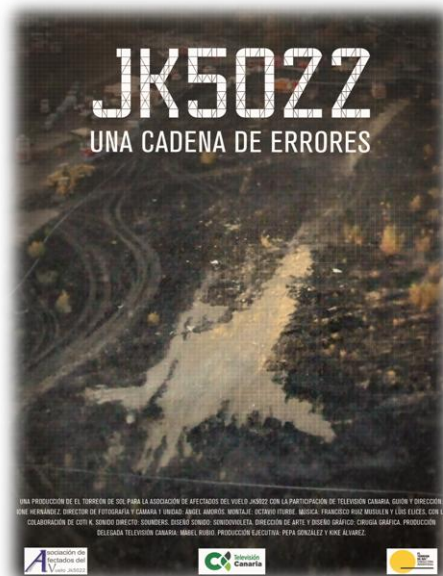
Associations of the whole world, giving testimony of the unbreakable commitment of the victims with the regulatory Civil Aviation Organism.

Unfortunately the lawsuit of the criminal case followed at the Provincial Court of Madrid, took place when the AVJK5022 President was out of Spain. She was doing a work that corresponds to the Spanish Administration, and for this reason the frustration of this judicial decision joined with the desperation of the distance and to the material inability to face to what freed itself after this news that shook the Spanish Society for what it had of unexpected and non understood.

### 3.3. “JK5022: A Chain of Errors”

When the instruction of the Court No. 11 finished in December 2011, the AVJK5022 mainly it dedicated for getting funding to develop a documentary that collect the testimony of the investigations carried out so far.

The work was more than any done foresight: besides getting funding, joined to ensure the participation of Spanish and foreign professionals, expert witnesses, people who were the August 20 in the emergency works in the Airport, survivors, families affected, etc.



The tragic memories of that day was joined the feeling of finishing a project especially painful for everyone who contributed their input, recalling some facts that even the hardest heart is still hurting. The documentary chronicles the investigation conducted by the Association, for over three years and shows first link in the chain of errors that led to the accident and that the administration has hidden in his official report of 308 pages, highlighting the failures of the Report by the Commission of Investigation of Accidents and Incidents of Civil Aviation (CIAIAC) and crying out because the necessary reforms, to make flying safer for all users of air transport, are produced.

So, in October of 2012, the work of DOCUMENTARY "JK5022, A CHAIN OF ERRORS" ends. The October 18, 2012 was held on Press Pass, in Press Association of Madrid at 12:00h, and the Premiere at the Cultural Center "Conde Duque" in Madrid at 19:30h. The Premiere in Las Palmas de Gran Canaria was held in the auditorium of the University of Las Palmas de Gran Canaria, on November 19, 2012. The President of the AVJK5022 had a few words remarks, appended to this report, for a large attendance of family and friends.

On Tuesday November 20th, the Canarian TV (RTVC) broadcasted the documentary and then a Special Program "El Envite", involving as proposed, the President of the Association, Pilar Vera Palmés, accompanied by the following people:

- Enrique Gavilán Pimental, Director of "Digital Aviation"
- Luis Lacasa Heydt, Dean of the College of Pilots.
- Francisco Martínez Alvarado (Fireman intervened in the rescue of 8/20/2008).
- Carlos Villacorta Salis, Civilian Attorney of some families who are partners AVJK5022.

### 3. ACTIVITIES REPORT

The film was well received among viewers and became a national trending topic with the hash tag (#DocumentalJK5022) in the social network Twitter.

The authorities of Central, Regional and Local Government, attended no premieres, despite the invitation extended, just two deputies in Madrid attended; Ana Oramas, Canary Coalition and Sebastián González, PP, the AVJK5022 recognizes their assistance.

The national TV channels have vetoed the documentary, as AVJK5022 has made a long pilgrimage for all of them, begging their issue to no avail.

Also, the AVJK5022 asked by letter to the Chairman of the Transportation Committee of the Congress of Deputies on October 31, 2012, the broadcast of documentary for its members, with no response to this date, see Appendices of this Report.



*10/18/2012 Broadcast in Madrid "Conde Duque"*

Instead, the request we made to the European Parliament has been answered. They recently reported us the possibility of issuing it in the third week of October this year, a day to be determined. The AVJK5022 will not miss the opportunity that the documentary is seen by members of the Committee on Transport and Tourism, in particular, for any MEP of the EU member countries, which are responsible for the preventive standards legislation air disasters in European territory.

The April 10, 2013, was broadcast in Municipal Activity Center "MATADERO MADRID" within the program "Free Display" followed by a symposium.

The AVJK5022 will still work to make the documentary has the widest dissemination within and outside our borders.

### 3.3.1 The Board gives to Ms. Vera a Commemorative Plaque

Due to initiative by Ángeles Piretti León, mother and grandmother, the Board of AVJK5022, prior to the broadcast of the documentary, presents a Commemorative Plaque, orchid and two albums of pictures to Pilar Vera. This way the Board recognizes the path as President, and since I took over the AVJK5022, representing it in all acts, both inside and outside of Spain.





### 3. ACTIVITIES REPORT

Pilar Vera, thrilled, thanks all members of the Board, and in particular to Angeles Piretti, this detail as it is a recognition of the great personal effort made to achieve justice and truth. Her work is motivated first by knowing the causes of early death of his niece, Ana Maria Vera Nespereira, and secondly by those who accompanied her on her last journey.

#### **3.4. Constitutional Court Appeal**

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The AVJK5022 he appeared before the Madrid Provincial Court, the PETITION OF REVOCATION OF PROCEEDINGS, which was rejected in December 2012. Then on January 30, 2013, they filed with the Constitutional Court a Amparo Opposition to closure of the case, which violates the fundamental rights of families, with causation of constitutionally proscribed defenseless situation and equality in the application of law.

The AVJK5022 requested the Constitutional Court to give effect to the guarantee of equal treatment of all citizens before the law

And although it is repetitive is final basing on the closure of the criminal investigation, which Spain hasn't learned absolutely nothing from the Tragedy of Flight JK5022, because they didn't extract the knowledge of this catastrophe to prevent recurrence. Of course, leaving the survivors, victims and families affected, with the distressing feeling that justice is not the same for everyone nor is it available to everyone, even if we had won that oral trial proposed by the Judge who conducted the research, we have lost the most precious thing in our lives: fathers, sons, brothers, nephews, grandchildren, etc.

If it happens again, the AVJK5022 has done much more than what you can to avoid the suffering of others, we do not honestly believe that even today those who are responsible have done the same.

### **3.4.1 Meeting with the Constitutional Court President Mr. Pascual Sala.**

To find the justice and truth, the AVJK5022 President and Mr. Luis Rey, as Member of Board, visited to Mr. Sala. They explained him the activity of Association; prove the cause of Flight JK5022 Tragedy, Assistance of Victims and her families and improve the air safety, in which, the Association have the support by professionals.

## **3.5. VI Award of “Aviación Digital”**

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The documentary was shortlisted for the VI Aviation Journalism Award in Spanish, and the readers of "Digital Aviation", media dean of the aviation press in Spain, were named it winner, by a landslide.

The jury was composed of:

- Mr. Juan de la Cierva y Hoces, President. (Engineer and inventor who in 1969 received the first "Oscar" for his innovative work in the film world).
- Mr. Julio Fernandez, Director of Communications at GLOBALIA / URJC.
- Mr. Antonio Rubio, Head of Research of "El Mundo".
- Mr. Miguel Angel Gavia, Editor of "El Economista".
- Miss Esther Apesteguia, Executive Editor of "FlyNews".
- Mr. Enrique Gavilán Pimental, Director of "Aviación Digital"

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The award was presented on February 19 at the Press Association of Madrid, after the "III ROUNDTABLE ABOUT THE SPANISH STATE AVIATION" with Title Transparency in Air Sector Information: Alarmism or Citizen Law?

The AVJK5022 was represented by members residing in Madrid or proximity, accompanying the President Pilar Vera, who picked the award up from the President of the Jury, Mr. Juan de la Cierva. She thanked "Digital Aviation" and its promoters, the brothers Eduardo and Enrique Gavilán Pimentel, the support they have always given to the objectives of the Association and to the cause we advocate. Also addressed the Jury members and readers of old media of Spanish aviation.

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#### AVIACIÓN DIGITAL

*"The one journalism of the world specialized in Aviation in Spanish language"*  
SIXTH EDITION OF AVIATION AWARDS IN SPANISH  
FIRST AWARD for THE DOCUMENTARY "JK5022; A CHAIN OF ERRORS" TO  
MS. PILAR VERA PALMÉS  
REPRESENTING of THE ASSOCIATION OF AFFECTED OF FLIGHT JK5022  
THE JURY AND READERS OF AVIACIONDIGITAL

March 19, 2013

### **3.6. Association declared of “Public Utility”**

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The Association aimed to achieve this declaration of "public utility" that recognizes the work done by the AVJK5022 for society and the large group that uses the plane as a transport regularly or occasionally. Despite the refusal on two occasions, the strong commitment to achieve this, finally the AVJK5022 was declared this way by the Ministry of Interior - Register of Associations.

Definitely the March 5, 2013, it received official notification which was subsequently published in the Official Gazette, which can be read in the ANNEX. The consideration of "public utility" confers certain tax benefits and rights under the law, among which is the tax relief on some of the income received for its activity.

### **3.7. ICAO Council: Victim Assistance**

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As a result of the experience of dealing with families affected by the tragedy of August 20, 2008, the AVJK5022 set out to achieve a regulatory framework to protect those citizens that could suffer a similar catastrophe in the future.

In 2010, the AVJK5022 attended the Committee on Transport and Tourism of the European Parliament along with other French associations. AVJK5022 met with the MEP Christine De Veyrac, (who drawn up the report about Regulation No 996/2010 of the European Parliament and of the Council on the investigation and prevention of accidents and incidents in civil aviation), to discuss the need that the member states of the European Union have a plan of assistance to victims of air accidents and their families.

### 3. ACTIVITIES REPORT

This European Regulation was enacted in October 2010, and stated in its Articles 21, 22 and 23 this Plan as mandatory. Although the deadline to its application is finished, the Spanish Ministry of Public Works and Transport (Spanish: Ministerio de Fomento) is still developing a Royal Decree which will contain such obligation.

Also, since March 2010, the AVJK5022 attended the High Level Meeting on ICAO, where the Presidents of the AVJK5022 and the American ACFVA met. Both Associations formed a tandem to lead the mission almost impossible for ICAO to review the Circular 285 containing the *Guidance on Assistance to Aircraft Accident Victims and their Families* before the three years provided.

Despite the Circular 285 was enacted in 2001, it was not applied in the Flight JK5022 tragedy, which could have prevented additional suffering to the affected families.

In this Section 3, point 3.2, it is described the background of more than three years of hard work that culminated the last March 1st 2013 with the attendance of the AVJK5022 to the ICAO Council. The Council consists of 36 States that unanimously approved the ICAO POLICY ON ASSISTANCE TO AIRCRAFT ACCIDENT VICTIMS AND THEIR FAMILIES (found in the Annex of this report). The President of the AVJK5022 met the ambassadors / representatives of almost all the States represented in the ICAO headquarters. As result of this previous work carried out by the AVJK5022's President, the participant States reaffirmed their commitment for assisting victims.

### 3. ACTIVITIES REPORT

The ICAO President Mr. Roberto Kobeh welcomed and thanked the AVJK5022's President for making the effort to travel to Montreal to attend the Council saying her: "you can be very satisfied and return to your country with the laudable goal that brought you here fulfilled".

Although it is a success that arrives late for the families of Flight JK5022 however it will not be for those who in the future may suffer a similar tragedy.

This policy document will be presented to the 38th Session of the ICAO General Assembly held in September of this year, which we hope to be ratified and become part of one of its Annexes.



*(left to right) ICAO President Mr. Kobeh, and AVJK5022 President Ms. Vera.*

### 3. ACTIVITIES REPORT

#### **3.8. The AVJK5022 in Court**

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In the last May 27<sup>th</sup>, it was held the Judgment against AVJK5022 by the application filed by the first attorney of the Association at the Court No. 12 Las Palmas. This attorney was invited to participate by the husband of the founder Secretary to help the families in the management of the Association. That attorney claims 7,800 € for a report that never delivered nor was commissioned by the Association about the “American law firms”.

A couple of days later, the judgment of this court absolved AVJK5022 and ordered to that attorney to pay the court costs, but shamefully this attorney has appealed the decision of the court judgment .

As a result of so embarrassing incident, the President of the AVJK5022 published two articles in some media entitled "A problem seeded in the past" and "Justice and truth agree, that are annexed herein.

#### **3.9. SOS-Catastrophe: European Network Victims**

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In December 2012, the EUROPEAN NETWORK OF MAJOR DISASTERS VICTIMS - SOS Catastrophe was entered in the Register of Associations of Belgium, headquartered in Brussels. The AVJK5022 is one of its founding members, along with the French FENVAC (federation that brings together more than 80 accidents), the Italian Foundation October 8, and victims of Luxembourg, United Kingdom, Poland and Belgium.

One of the main objectives of the Network is the Victim Assistance and improve aviation safety in the Member States of the European Union, is attached an excerpt from the Statutes in the Annex.

Pilar Vera belongs to the Provisional Board, as Vice President of the European Network of Victims, representing the AVJK5022.

On 10 and June 11 this year, was held in Paris the first Assembly of the Network. Different subjects were treated and commissioning, as well as setting goals for the next semester, including is presenting the NET website, through which will be released activities.

This ambitious project to unite Major Disaster Victims in Europe has not been without great difficulties because not all countries can easily create and maintain Victims Association, as states seek to minimize the maximum the suffering of families affected, not leaving you alone to face civil and criminal processes, as has happened in Spain with AVJK5022.

Hence the logo chosen to identify the European Network of Victims of Major Disasters is:



- Three hands: one who asks for help (in orange) and the other two (blue) that protect and support.
- The shadows of the same blue as the European flag
- Three stars stylized reminiscent of the European logo (one of the three stars is the same as those of the European flag).
- The words written in French will be in English.



### 3. ACTIVITIES REPORT

The AVJK5022 intends to join forces with other victims to defend common objectives and above all regulatory progress and share experiences on plans to assist victims, survivors and families.

In Spain there is much to implement, modify and propose, as virtually air accident victims encounter a general regulation that not identifies the uniqueness of a plane crash, so the ongoing work of the AVJK5022 outside our borders, no result doubt in favor of all the victims of civil aviation and aerial work in Spain.

This effort is no longer for families that form the AVJK5022 but will be for the benefit of future victims of air transport.

Through participation in the European Network of Victims of Major Disasters, the AVJK5022 fulfills other goal posts in 2010.

#### 3.10. Other activities

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##### 3.10.1. “Action Day”: January 22, 2013.

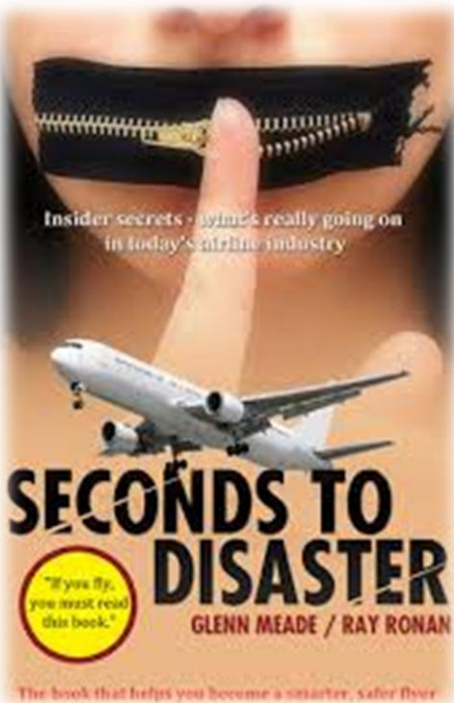
The AVJK5022 decides to support the "Day of Action" organized by the group of commercial aviation pilots at European level and especially in Spain, which took place on January 22, 2013 in the facilities of Terminal 4 at Barajas Airport . Create alert the proposed Law of the European Aviation Safety Agency on working time and rest of the aircrews, which allow a pilot to land a plane after 22 hours of activity. Scientific studies requested by the same agency, demonstrate the dire consequences of fatigue in aviation safety.

The AVJK5022 absolute rejection expressed by the assistance of some members, who wanted to accompany pilots, and by publishing the Press Release attached as Annexes. This bill is a dangerous attempt to further undermine the current conditions of air safety. The AVJK5022 reiterates its firm commitment to never repeat itself as tragedy has forever affected the lives of 172 families of Flight JK5022.



### 3.10.2. "Seconds to Disaster" Presentation

On Tuesday February 12, at the Hotel "El Madroño" (Madrid) this book was presented, written by Glen Meade and Ray Roman, who takes us through various air disasters like Air France 447 or JKK5022 Spanair. Analyzing the confluence of events that caused it, bad decisions, the inappropriate policies of airlines, the failure of regulators and, sometimes, lack of training, or a combination of them all. Also questions the economic benefit criteria airlines, which contributes to erosion the decrepit safety standards and seriously endangers the lives of both passengers and crews.



### 3. ACTIVITIES REPORT

Follows the words of the President:

"When Prusi (SEPLA President, Pilots Syndicate) and Fran Hoyas handed me a copy of this book in English, I was struck by his title, SECONDS FOR DISASTER because the Association which I chair is made up of people who suffer the consequences of higher air disaster of the past 25 years in Spain, which will be fulfilled soon five years.

After all this time, of extensive research looking for the truth of what happened that August 20, 2008 at Barajas Airport with Flight JK5022, surprised to encounter this book that delves into the tangle of interests now converge in the air transport, in which prevails above all the economic profitability, sacrificing even the essence of safety.

The most dramatic consequence of a plane crash are its victims, crew and passengers, people who die violently in most cases for reasons that could have been avoided, at least in our case. Victims suffer neglect and incompetence of public and private managers, obsessed maximize benefits in the prosperous and turbulent air transport business, they forget that transport people and not others substitutable goods.

The primary objective of the Association is to achieve justice and truth for the 172 passengers on Flight JK5022, but also try to avoid any recurrence of another air disaster because not follow established most elementary norms of good sense and prudence, which unfortunately are not included in Aviation Manuals, and should be the first requirement of all those responsible for air transport.

For all that, I recommend this book that it should read by everyone, fly or not, because in each of his lines with an entertaining and straightforward language, reveals aspects that go unnoticed by passengers on the plane because they are not visible but they can do serious damage to the point of not reaching destination. I think it fits in preventive culture among all aviation safety professionals, government, industry, operators and victims, we are required to implement, because it is not worth reacting when the tragedy occurred.

Thanks to Fran Hoyas because he has been the public face that this book has been translated into Spanish, to Prusi for their strong support and also to the authors. Spanish victims we thank very sincerely all its commitment to aviation safety and criticism of a system that can and should be improve.”

### **3.10.3. Appointment of Pilar Vera Palmés as Collegiate of Honor of COPAC**

The College of Aviation Pilots Commercial (COPAC) in its Board of Directors held on November 12, has decided to appoint Ms. Pilar Vera Palmés Collegiate of Honor in recognition of her work at national and international levels for aviation safety and accident prevention and recognition of air accident victims. The COPAC thus thanks and recognizes her effort, commitment and courage and her support for the pilot profession and this Institution.

### 3. ACTIVITIES REPORT

The December 10, Day of Our Lady of Loreto, Patroness of Aviation, the Dean of COPAC, Mr. Luis Lacasa Heydt delivered her this recognition, a Commemorative Plaque, in a simple and emotive act. Below, was broadcasted the documentary JK5022; A Chain of Errors for all professionals and the audience.



#### 3.11. Open Issues: Subcommittee on Aviation Safety

Remains outstanding AVJK5022 request made to the President of the Transportation Commission of the Congress of Deputies, both the previous and the present, creating a **AVIATION SAFETY SUBCOMMITTEE** as a way of channeling all matters of concern to professionals, operators, users and victims of air transport, as well as incidents that occur, so that lawmakers know firsthand the state of safety in Spain.

However, despite the promises made by Messrs. Deputies who part of the Commission for decades, it seems that none of them have interest in supporting the creation of the desired Aviation Safety Subcommittee.

Proof of this was the appearance of the current **Secretary General for Transport** (Ms. Librero Pintado) on November 27, 2012 to report that ICAO Audit performed to the Spanish civil aviation system in March 2010. After the request was performed by the AVJK5022 to the current Minister of Transportation, because we alarmed by the detection of more than 60 black holes in safety in Spain. The absence of Deputies who form the Commission was depressing, from the point of view of the citizen, and those who attended were dedicated to making partisan statements rather than asking about the serious problems identified by the Audit Service of ICAO. It is all recorded in Bulletin No. 218 of the Daily Record of the Congress of Deputies.

Previously on November 7, 2012 made an appearance in the same Commission the **President of the CIAIAC** (Ms. Arnaldo Valdes) to report about the activities undertaken by the Agency in 2011 It was well reflected the lack of training and interest of the few Members of the Commission who attended on the functions performed by that dark Agency mispronounce even reaching their initials, and without going into the soporific action of the President. Except Canary Coalition, Ms. Ana Oramas, whose intervention was accurate and correct. Accordingly, it is recorded in Bulletin No. 206 of the Daily Record of the Congress of Deputies.

### 3. ACTIVITIES REPORT

Perhaps it was those two days, 7 and November 27, 2012 in the Transportation Commission of the Congress of Deputies, explain the refusal to formalize the Aviation Safety Subcommittee, for evidentiary large differences in terms of knowledge on both sides: those who suffer the inefficiency of the system and who should legislate to correct them.

Air safety commits to an entire country through their rulers, of any ideology or condition, professionals from diverse specialties, aircraft operators, airport operators and, at their side, VICTIMS, seeking the truth about their tragedy air, but they also put their knowledge and effort available to a system that should make it impossible for air disasters are not repeated.

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## 4. CONCLUSIONS





### 3. ACTIVITIES REPORT

The campaign of AVJK5022 made after the publication of the Official Report of the CIAIAC, on July 29, 2011, to call for revision because it understands that neither recognizes the causes of the crash of Flight JK5022 and therefore cannot correct, nor meets the criteria of independence required the death of 154 people and serious injuries to 18 others survived. In this sense carried SIGNATURE COLLECTION IN SUPPORT OF THE PETITION OF THE AVJK5022 TO THE EUROPEAN PARLIAMENT seeking review of the report.

This campaign brought hope to families who struggled in the collection, but was cut short with the sending of the letter from Brussels on November 12, 2012 - attached as Annexes - and was received in late December, which it was filed the petition. Despite of this, the AVJK5022 has returned to Europe with the filing of a Complaint in February 2013 setting out a series of breaches of various European Regulations in drafting the CIAIAC Official Report on the Tragedy of Flight JK5022, yet is awaiting resolution.

It is also still open the civil process. Once again, the families face the judicial universe in unequal conditions. The AVJK5022 is concerned about the various outcomes that will have different civil suits. If finally pay compensation is cheaper than invest in procedures to ensure that passengers arrive at their destination, will not improve air safety.

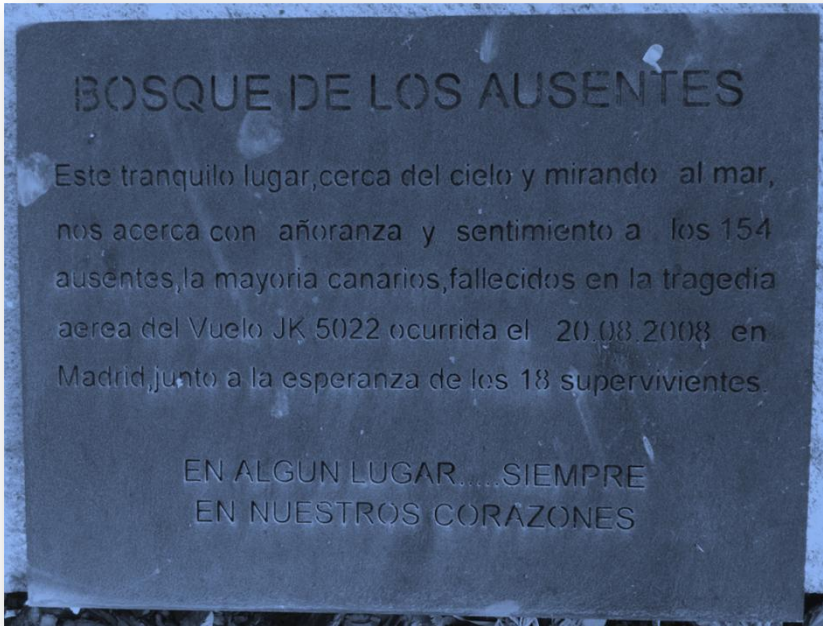
To record again, the determined will of the AVJK5022 of explore all possible paths leading to the discovery of the truth, to the purification of responsibility and of the death of 154 people and injuries to another 18 nor go unpunished nor be forgotten it because *a nation that forgets its history is condemned to repeat it*.

The eternal question not be cleared until it is proven that in the Tragedy of Flight JK5022, pilots were not solely responsible, they paid with their lives, and were the final link in a chain of errors that continues, they know they will be protected the administration of justice.

When catching a flight, the question is; do they have followed all safety steps? or all will depend again on possible human errors?



## 5. ANNEXES



## 5. ANNEXES – SENT CERTIFICATIONS AND ANSWERS

### DOÑA LIGIA PALOMINO RIVEROS WITH NATIONAL ID CARD [REDACTED] 30-T IN HER CAPACITY AS SECRETARY-GENERAL OF THE ASSOCIATION OF AFFECTED OF FLIGHT JK5022

CERTIFY: That the Board Meeting held simultaneously between Las Palma and Madrid, the Sabbath day October 6, 2012, was agreed to forward the unanimously Agreement Adopted to the State Authorities: SM The King, Prime Minister, President of the Congress of Deputies, President of the General Council of the Judiciary, Ministry of Justice, Attorney General, Minister of Transport and the Prime Minister and President of Parliament of the Canary Islands and says:

*"After the shameful ruling by the Provincial Court of Madrid on September 19, by dismissal procedure and close the penal investigation of accident of Spanair occurred on August 20, 2008 in Barajas Airport, which killed 154 people and 18 survived with life-long consequences, the AVJK5022 reads as follows:*

- 1) *Deep upset because Official Report of CIAIAC, discredited internationally, has been the groundwork of the humiliating decision of Section 15 of the Provincial Court of Madrid*
- 2) *Absolute rejection of the fact that, after four years of criminal investigation, the Provincial Court of Madrid in barely eight months has decided that all the work done by the AVJK5022 , AN EFFORT WITHOUT LIMITATION through Experts who have explained their research in court, and work driven by the trial judge has been for nothing. Giving way to a dangerous SITUATION OF IMPUNITY for aviation professionals, that let them to stay on land again without identifying the fault and sent the passengers of the plane to the death, as in the case of Flight JK5022.*
- 3) *Spain has not learned or corrected anything in the civil aviation system, on the contrary, the deteriorating situation and upheaval of the last four years becoming more and more present danger of another tragedy*
- 4) *AVJK5022 has gone to European and international fora, where it has been evidenced that the Official Investigation Agencies are light years ahead of the archaic, outdated, incompetent and ineffective CIAIAC which remains well since its inception; without updated and with a model of Official Report which systematically "blames the dead", befouling his memory and permanently putting at risk users of the plane, because it not identify the causes that lead to accidents and not correct them.*
- 5) *It is for history , The inactivity, helplessness anunspeakable actions of prosecutor assigned to this painful case will go down in history. The victims have felt the greatest helplessness when not disrespect that as citizens we deserve.*

- 6) *As citizens affected by biggest air disaster of the last 25 years in Spain, if there is a new catastrophe in future for similar reasons to Flight JK5022 , we hold directly responsible all the authorities to which we are addressed . Because after more than four years have not changed / replaced the rules, systems and even changed the people who contributed to our great tragedy. They will cause terror and horror that have joined us since August 20, 2008.*
- 7) *The AVJK5022 is without righteousness, justice that not only asked it but also which we work in flagrant regime inequality before multinationals that we face. A country such as this, which condemns its citizens to live without peace, it is condemning himself and his future generations.*

And for the record for the appropriate purposes, I sign this Certification. with the approval of the President, signed by all members of the Board, with seal and registration number of the Association, in Madrid October 31, two thousand twelve.

Vº Bº  
LA PRESIDENTA

M. PILAR VERA PALMES

Asociación de  
afectados del  
Vuelo Jk5022  
C.I.F. G-76009935  
C/ PEDRO MEDRANO, 6  
28029 - MADRID

MARGARITA HENRIQUEZ ESPINOSA  
VICEPRESIDENTA

MÁXIMO DÍAZ DELGADO  
TESORERO

Y EL RESTO DE VOCALES DE LA JUNTA:

LUIS REY NIETO

JOSE PABLO FLORES GARCIA

RAFAEL VIDAL RODRIGUEZ

ANGELES PIRETTI LEON

LETICIA BETANCORT SUAREZ

YAZMINA CABRERA SUAREZ

5. ANNEXES – SENT CERTIFICATIONS  
AND ANSWERS



THE HOUSEHOLD OF H.M. THE KING  
THE GENERAL SECRETARY

ZARZUELA PALACE

Madrid, 7 of December of 2012

Lady Dona  
M<sup>a</sup> DEL PILAR VERA PALMÉS  
President of the Association of Affected of Flight JK5022

C/ Pedro Medrano, 6  
28029 - MADRID

Dear President:

I am pleased to acknowledge receipt of the Certificate of the resolution adopted by the << Association of Affected of Flight JK5022 >> which has recently submitted HM King and various authorities, criminal investigation associated with Spanair accident occurred on August 20, 2008 in Madrid-Barajas Airport, the contents of which His Majesty has taken cognizance.

Sincerely,

ALFONSO SANZ PORTOLÉS

jp



PRIME MINISTER

Jorge Moragas

DIRECTOR OF OFFICE OF  
PRESIDENT

Madrid, June 10, 2013

Ms. Ligia Palomino Riveros  
Secretary of Association of Affected of Flight JK5022  
Pedro Medrano, 6  
28029 MADRID

On behalf of the Prime Minister, and with a delay hopefully we apologize, I appreciate the confidence shown in the shipment of your writing.

Yours sincerely,

## 5. ANNEXES – SENT CERTIFICATIONS AND ANSWERS



MINISTRY  
OF JUSTICE

The Minister

Madrid, December 14, 2012

Board of AVJK5022  
C/ Pedro Medrano, 6  
28029 MADRID

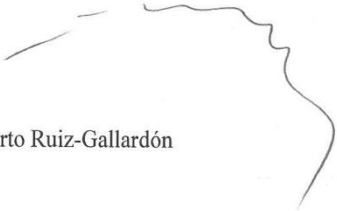
Dear friends:

I received the communication that you send me to mark the ruling issued by the Provincial Court of Madrid, on the file of the criminal investigation, permanent stay of proceedings of Spanair accident.

First of all, I want to pass on my gratitude for your confidence to refer the letter, which I assure you I read with all the detail and interest always dedicated, as I am well aware of the tireless work and effort that the Association of Affected by the Flight JK5022 is conducted.

As you well know, the Ministry of Justice can not interfere in court proceedings and must respect and abide by the decisions of the Courts, which have attributed the authority to judge and to execute judgments.

Receive with affection a strong embrace,



Alberto Ruiz-Gallardón





*Canarias Parliament*



Ref. S. de Actuación Parlamentaria

(AH/JS)

**EAP-34**

The Bureau of Parliament, at a meeting held on December 11, 2012, adopted the agreement specified in respect of the above subject:

"9. - WRITTEN AND PRIVATE PARTNERSHIPS

9.2. - From the Association of Affected of Flight JK5022, on agreement of the Extraordinary Board October 6, 2012.

Agreement:

Having regard to the letter of reference, presented in the General Register of Parliament, dated December 3, 2012, number 8,155, remembers moving to Parliamentary Groups, to their knowledge, without further ado.

This agreement and the letter received will be forwarded to the parliamentary groups.

Also notify the sender.

What is communicated for information and effects.

In the House of Parliament, to December 13, 2012.

Fdo.: Salvador Iglesias Machado.



5. ANNEXES – SENT CERTIFICATIONS  
AND ANSWERS



*Congress of Deputies*



Madrid,

2013

280/001685/0000

Doña Ligia Palomino Riveras. Secretary General of the  
"Association of Flight JK 5022 Affected"

Pedro Medrano 6  
Madrid  
28029 MADRID

Dear Petitioner:

We inform you that the Committee on Petitions of the Chamber of Deputies, in its session of February 20, 2013, has taken notice of the request and, after consideration, adopted in respect of the same. the agreement literally transcribed below:

**Expte.:** 280 / 001685 / 0000

**Author:** Doña Ligia Palomino Riveras. Secretary General of the "Association of Flight JK 5022 Affected"

**Purpose:** Demonstration of their discomfort with the ruling issued by the Provincial Court of Madrid on 19/09/2012, to file criminal investigation with prejudice free, Spanair accident occurred on 20/08/2008 in Barajas Airport.

**AGREEMENT:**

Move to:

Chairman of the Committee on Industry, Energy and Tourism  
Excellencies, Messrs. spokesmen Committee on Industry, Energy and Tourism

Hello to you carefully.

President of Petition Commission

Gabino Pucho Rodríguez-Acosta



Madrid, 28

2012

Ref: 052429/2012A01

Calle Trafalgar, 27 29  
28071 Madrid  
Teléfono 917 005 868 Fax 917 005 867  
E mail:atencionciudadana@cgpj.es

Ms. Ligia Palomino Riveras  
Association Of Affected Of Flight Jk5022

c/ Pedro Medrano, 6  
28029 Madrid

We acknowledge receipt of your letter dated October 31, 2012, in relation to the order made under Section No. 15 of the Provincial Court of Madrid.

In response, inform you that the Inspection Service has analyzed the letter and found no evidence of disciplinary responsibility, but a mere disagreement with the judgments, so it sent it to this unit. In the area of our expertise, please note that we can not reimburse claims affecting the judicial function of judges and magistrates, ie the power to prosecute and enforce judgments. The Constitution reserves exclusively to judges the power to judge and execute their sentences dictated. In line with this principle, the Judicial Power Act expressly prohibits all government bodies of the judiciary intervene in court proceedings and the resolutions issued by judges and magistrates.

Discrepancies about sentences can only be channeled through opposition media resources and providing procedural laws, within the deadlines and requirements they establish, and not through the complaints system as defined in Regulation 1 / 1998.

This communication is for information only and does not affect any actions could assist in defense of their rights. The exercise periods of the same are not affected or suspended by the presentation of your writing.

Yours sincerely,



Esperanza de Ancos Benavente

5. ANNEXES – SENT CERTIFICATIONS  
AND ANSWERS



OFFICE OF PUBLIC PROSECUTOR  
TECHNICAL SECRETARY

GENERAL REGISTRY  
Seide  
001 Nº 201200014212  
07/12/2012 13:59:57

N/Ref: S.T. 531/12-L

Ms. Ligia Palomino Riveras  
ASSOCIATION OF AFFECTED OF FLIGHT JK5022  
C / Pedro Medrano # 6  
MADRID 28029

Dear Mrs.:

I acknowledge receipt of the Certification issued in his capacity as Secretary General of the Association of Affected of Flight JK5022, which records the the Agreement unanimously adopted last day October 6, 2012 by the Special Board, and in which is expressed the deep discomfort of resolution of the Audience Madrid Provincial agreed to file the criminal case by the magistrate's Court '11 Madrid for the crash of Spanair plane occurred on August 20, 2008, and by the intervention of the Attorney assigned to that Court.

For the Attorney General State notes the contents of this agreement.

Take this opportunity to greet carefully,

ATTORNEY LIEUTENANT OF TECHNICAL SECRETARIAT



Fdo. José Miguel de la Rosa Cortina

III. OTRAS DISPOSICIONES

MINISTERIO DEL INTERIOR

**2795** Orden INT/400/2013, de 28 de febrero, por la que se declaran de utilidad pública diversas asociaciones.

A iniciativa de las correspondientes asociaciones, podrán ser declaradas de utilidad pública aquéllas que reúnan los requisitos establecidos en el artículo 32 de la Ley Orgánica 1/2002, de 22 de marzo, reguladora del Derecho de Asociación.

En virtud de lo anterior, y previa instrucción de los oportunos expedientes, según establece el Real Decreto 1740/2003, de 19 de diciembre, sobre procedimientos relativos a asociaciones de utilidad pública, resuelvo:

Primero.

Declarar de utilidad pública las siguientes asociaciones inscritas en el Registro Nacional de Asociaciones del Ministerio del Interior:

Denominación	N. Nal.
Asociación de Afectados del Vuelo JK5022	591440
Asociación EOF Equipo de Orientación Familiar	165240

Public Utility Declared dated March 5, 2013 under No. 591 440

III. OTHER PROVISIONS

DEPARTMENT OF THE INTERIOR

**2795** Order INT/400/2013, of February 28, which was declared of public utility various associations.

At the initiative of the respective associations, may be declared of public utility those that meet the requirements established in Article 32 of the Organic Law 1/2002, of 22 March, regulating the right of association.

By virtue of the foregoing, and upon instruction of appropriate records, in accordance with Royal Decree 1740/2003, of 19 December, on the procedures relating to public utility associations, I resolve:

First.

Declare the following public utility associations registered in the Register National Associations of the Ministry of the Interior:

Designation	No. Nal.
Association of Affected of Flight JK5022	591440

ene. BOE-A-2013-

ene. BOE-A-2013-2785

APPENDIX

**Doc 9998**  
**AN/499**



# ICAO Policy on Assistance to Aircraft Accident Victims and Their Families

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Approved by the Council  
and published by its decision

First Edition — 2013

International Civil Aviation Organization

### FOREWORD

An aircraft accident is an unexpected and usually a catastrophic event. Concerns for persons who have suffered and loss as the result of aircraft accidents have led to increased efforts within the aviation industry to establish which the needs of victims and their families can be timely addressed.

During its 32nd Session in October 1998, the International Civil Aviation Organization (ICAO) Assembly considered subject of assistance to aircraft accident victims and their families, acknowledging that the policy of ICAO should ensure that the mental, physical and spiritual well-being of victims involved in civil aviation accidents and the are considered and accommodated by ICAO and its Contracting States. Following discussions, Assembly F A32-7, inter alia:

- called on Contracting States to reaffirm their commitment to support civil aviation accident victims and their families;
- urged Contracting States, in cooperation with ICAO and other States, to promptly review, develop and implement regulations and programmes to provide that support; and
- urged the ICAO Council to develop material citing the need for the establishment of regulatory programmes by Contracting States and their air operators to support aircraft accident victims and their families.

Resolution No. 2 of the International Conference on Air Law, held in Montreal from 10 to 28 May 1999, recognized tragic consequences that flow from aircraft accidents. The conference was mindful of the plight of aircraft accident victims and their families and took into account their immediate needs. In so doing, the conference urged air carriers to make advance payments, without delay, based on the immediate economic needs of aircraft accident victims and their families. The conference also encouraged States that are parties to the Convention for the Unification of Certain Rules for International Carriage by Air, adopted on 28 May 1999, at Montreal, to take appropriate measures under national law to promote such action by carriers.

In 2001, in response to Assembly Resolution A32-7, ICAO issued the *Guidance on Assistance to Aircraft Accident Victims and their Families* (Circ 285). In 2005, provisions were included in Annex 9 — *Facilitation* to enable entry into the State in which the accident occurred of family members of the victims of an accident.

Assistance programmes, in support of aircraft accident victims and their families, require cooperative participation by the air operator, airport operator, State of Occurrence, non-governmental organizations, and service providers and commercial companies. Irrespective of the scale of an accident, the victims and their families should receive appropriate assistance. Because of variations in the size and circumstances of aircraft accidents, the extent of the assistance required to provide family assistance will vary considerably. Therefore, planning for such events is necessary that in the event of a major aircraft accident the assistance provided to the victims and their families is adequate and sufficient.

Information regarding the progress of the accident investigation should also be provided to accident victims and their families in a timely manner. It should be emphasized that an aircraft accident investigation, the sole objective of which is the prevention of accidents and incidents, is separate from the provision of family assistance.

The purpose of this document is to set out ICAO policies regarding the provision of assistance to aircraft accident victims and their families, and to encourage States to incorporate these policies when planning, developing, and implementing their legislation, regulations, policies and procedures related to family assistance.

The following ICAO documents contain guidance material and provisions for the implementation of these policies and information on facilitation related matters:

- *Guidance on Assistance to Aircraft Accident Victims and their Families* (Circ 285); and
- ICAO Annex 9 — *Facilitation*

## 5. ANNEXES – ICAO POLICY ON ASSISTANCE TO AIRCRAFT ACCIDENT VICTIMS AND THEIR FAMILIES



ICAO Policy on Assistance to Aircraft Accident Victims and Their Families

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Public Utility Declared dated March 5, 2013 under No. 591 440



### SECTION I. GENERAL

1.1 Family assistance is the provision of services and information to address the concerns and the needs of the aircraft accident victims and their families.

1.2 Determining the extent of the family and who is entitled to assistance is perhaps the most difficult and most important aspect of the planning process. The concept of family differs between cultures and populations. The most prudent approach from the onset is to keep the definition broad and inclusive, with due consideration for existing specifications in States related to persons, other than family members, who can be responsible for the legal affairs of a deceased victim.

1.3 The provision of family assistance requires the commitment of resources in several areas, including those regarding:

- a) information about the occurrence;
- b) emergency response to the accident;
- c) coordination of travel to and lodging at a family assistance centre, as well as assistance to those not traveling;
- d) coordination of a visit to the accident site, where access is practicable;
- e) support for immediate financial needs;
- f) information about the location and status of the victims, and the recovery, identification and disposition of remains;
- g) information regarding the recovery, management and return of personal effects;
- h) social, emotional and psychological support; and
- i) information about the progress of the investigation and its objective.

1.4 Proper coordination is critical to establish an effective short- and long-term response to the needs of victims and families. The Council strongly encourages States, air operators, airport operators and third parties to apply, without delay, the ICAO policies in this document regarding the provision of assistance to aircraft accident victims and their families.

*Note 1.— ICAO (Circ 285), Guidance on Assistance to Aircraft Accident Victims and their Families provides additional information and guidance material on the provision of family assistance.*

*Note 2.— The following terms are used in this document: aircraft accident, aircraft accident investigation authority, air operator, airport operator, coordinator/coordinating agency, family, providers of family assistance, State of Occurrence, survivor, and victim. The definitions of these terms can be found in Appendix A – Glossary of Terms.*

## 5. ANNEXES – ICAO POLICY ON ASSISTANCE TO AIRCRAFT ACCIDENT VICTIMS AND THEIR FAMILIES

### SECTION II. ICAO POLICY

#### STATE READINESS

2.1 An aircraft accident is an unexpected and usually a catastrophic event. The size and scope of an aviation accident will influence the types of family assistance needed, as well as the amount of financial, personnel and equipment resources needed to provide adequate and sufficient assistance. The scale of the family assistance response will be directly related to the number of people impacted.

2.2 Family assistance may require national legislation, regulations and/or policies to ensure that the necessary resources and commitment to provide assistance are available at short notice. Effective coordination of the parties involved is considered essential.

2.3 The Council recommends that States:

- a) reaffirm their commitment to ensure that adequate and sufficient assistance is provided to aircraft accident victims and their families;
- b) establish legislation, regulations and/or policies addressing family assistance plans to ensure that family assistance providers have the necessary financial, personnel, and equipment resources, and that systems are available at short notice to provide assistance to aircraft accident victims and their families in a timely manner;
- c) ensure that their family assistance plans consider the following factors: recipients of family assistance; types of family assistance to be provided; when family assistance should be provided; family assistance providers; periodic review and exercise of the plan; and enactment of legislation, regulations and/or policies necessary to implement the plan;
- d) establish legislation, regulations and/or policies required to implement effective coordination and control of the efforts to provide the required family assistance;
- e) require that air operators implement family assistance plans, and ensure that these plans are exercised regularly, supervised and audited as necessary;
- f) require that airport operators implement family assistance plans, which can be part of their Airport Emergency Plans, in coordination with air operators, and ensure that these plans are exercised regularly, supervised and audited as necessary; and
- g) require air operators to have proper arrangements with airports in which they operate, so as to facilitate the provision of family assistance as required.

#### FAMILY ASSISTANCE PLAN

2.4 A detailed, well-considered plan that is periodically exercised is critical to the provision of family assistance. The need to provide such assistance may occur with little or no warning, requiring an immediate response, and may involve large numbers of trained personnel, significant expense and dedicated resources.

2.5 The Council recommends that a family assistance plan should consider the following factors:

- a) recipients of family assistance;
- b) types of family assistance to be provided;



## 5. ANNEXES – ICAO POLICY ON ASSISTANCE TO AIRCRAFT ACCIDENT VICTIMS AND THEIR FAMILIES

### GOVERNMENT

#### STATE OF OCCURRENCE

2.12 The Standards and Recommended Practices (SARPs) regarding facilitation related matters for family assistance are specified in ICAO Annex 9, Chapter 8, Section I, *Assistance to aircraft accident victims and their families*. Section I specifies the State of Occurrence as being responsible for these SARPs. Other States involved in the occurrence may also share these responsibilities.

2.13 The Council recommends that States designate and specify in their regulations and/or policies a coordinator/coordinating agency to ensure that the various family assistance providers work in an efficient and coordinated manner so as to provide the most appropriate and timely assistance possible. The coordinator/coordinating agency may also be the point of contact between the families, the government agencies and non-government organizations.

*Note.— When the location of the accident cannot definitely be established as being in the territory of any State, the State of Registry should be the one responsible for providing family assistance to accident victims and their families. States nearest the scene of an accident in international waters are expected to provide family assistance as they are able and respond to requests by the State of Registry.*

#### AIRCRAFT ACCIDENT INVESTIGATION AUTHORITY

2.14 The Council emphasizes that an aircraft accident investigation referred to in Annex 13 — *Aircraft Accident and Incident Investigation*, which sole objective is the prevention of accidents and incidents and not the apportionment of blame or liability, is separate from the provision of family assistance. However, the accident investigation authority has a responsibility to provide relevant, timely and validated information to the families and the accident survivors regarding the progress of the investigation, provided that it does not compromise the objective of the investigation.

2.15 To ensure the timeliness of the release of validated information to accident victims and their families, the Council recommends that the accident investigation authority, or other appropriate authority, consider appointing a liaison person as a focal point to ensure effective communications with other providers of family assistance, and to coordinate visits to the accident site by the families and survivors when required, and when access is practicable.

#### CIVIL AVIATION AUTHORITY

2.16 The civil aviation authority is usually responsible for the regulation, certification and oversight of the aviation industry. In some States the civil aviation authority issues regulations and/or policies mandating that air operators and airport operators have family assistance plans.

2.17 The Council recommends that civil aviation authorities or other appropriate authorities establish legislation, regulations and/or policies to require that air operators and airport operators have family assistance plans and resources to provide timely and effective assistance to aircraft accident victims and their families. Such plans should be supervised, exercised and audited as necessary.

### NON-GOVERNMENT ORGANIZATIONS

#### AIR OPERATOR

2.18 The air operator is in the best position to develop and maintain an accurate passenger manifest to facilitate the identification of who may be involved in an aircraft accident. The air operator is also in the best position to notify the families of accident victims, and to provide the passenger manifest to other authorities who will be involved in providing family assistance.

## 5. ANNEXES – ICAO POLICY ON ASSISTANCE TO AIRCRAFT ACCIDENT VICTIMS AND THEIR FAMILIES

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ICAO Policy on Assistance to  
Aircraft Accident Victims and Their Families

2.19 The Council recommends that States ensure that air operators have their family assistance reviewed, exercised and updated periodically to provide timely and effective assistance to aircraft accident victims and their families.

### AIRPORT OPERATOR

2.20 Because airports are often the places where families and friends first gather to receive information regarding an accident, airports need to have plans to provide assistance to accident victims and their families, with immediate care and support following an accident. Such plans are to be implemented in coordination with operators so as to facilitate harmonization of the assistance to be provided. To this end, the Council acknowledges following an accident, all airports associated with the operation may need to be involved in the provision of assistance including the airport of departure, destination airport and alternate airports.

2.21 The Council recommends that States ensure that airport operators have their family assistance reviewed, exercised and updated periodically to provide timely and effective assistance to aircraft accident victims and their families.

### THIRD PARTIES

2.22 The Council recommends that States, air operators and airport operators consider the experience and services of third parties in the development of family assistance plans, such as:

- a) aid agencies with extensive experience in dealing with families and disaster survivors, and which are often able to provide services, such as crisis counseling and support for the families of accident victims; and
- b) specialty commercial companies that can assist in the provision of family assistance, such as handling calls from family members, providing on-scene family assistance coordination, and managing the identification, custody and return of personal effects.

### FAMILY ASSOCIATIONS

2.23 The Council acknowledges that family associations provide assistance to their members in various ways and, in some cases, have provided assistance to the families of victims of other aircraft accidents. Family associations can offer unique first-hand experience and insight regarding the provision of family assistance and can serve as interlocutors regarding the handling of certain family assistance issues.

2.24 The Council recommends that States, during the development of their family assistance plans, take into account the experience and support that family associations can provide.

2.25 The Council further recommends that States consider supporting the establishment of family associations as necessary.

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## 5. ANNEXES – ICAO POLICY ON ASSISTANCE TO AIRCRAFT ACCIDENT VICTIMS AND THEIR FAMILIES



ICAO Policy on Assistance to  
Aircraft Accident Victims and Their Families

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### APPENDIX A

#### GLOSSARY OF TERMS

The following are definitions of the terms used in this document and in the context of providing family assistance to aircraft accident victims and families:

**Aircraft accident.** An occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the propulsion system is shut down, in which:

a) a person is fatally or seriously injured as a result of:

- being in the aircraft, or
- direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or
- direct exposure to jet blast,

*except* when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew, or

b) the aircraft sustains damage or structural failure which:

- adversely affects the structural strength, performance or flight characteristics of the aircraft, and
- would normally require major repair or replacement of the affected component,

*except* for engine failure or damage, when the damage is limited to a single engine, (including its cowling and accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, landing gear doors, windcreens, the aircraft skin (such as small dents or puncture holes), or for damage to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or birds (including holes in the radome); or

c) the aircraft is missing or is completely inaccessible

**Aircraft Accident Investigation Authority.** A government agency, body or commission that has the primary responsibility for the investigation of aircraft accidents, as per Annex 13.

**Air operator.** A person, organization or enterprise engaged in or offering to engage in an aircraft operation.

**Airport operator.** A person, organization or enterprise engaged in the operation of an airport.

**Coordinator/Coordinating agency.** The person or organization required to ensure that the necessary resources are brought into the proper relationship in order to provide accurate information and the offer assistance to the victims and their families.

**Providers of family assistance.** Entities having a role in providing family assistance to accident victims and their families, such as government departments and agencies of the State where the accident occurred; the operator; the operators of airports; third parties (such as non-governmental aid agencies, commercial companies); and family associations.

**State of Occurrence.** The State in the territory of which an accident or incident occurs.

**Survivor.** A victim who is not fatally injured as a result of the aircraft accident.

**Victim.** An occupant of the aircraft, or any person outside the aircraft, who is unintentionally directly involved in an aircraft accident. Victims may include the crew, revenue passengers, non-revenue passengers and third parties.

— END —



## I ACUSSE by Pilar Vera

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I accuse all those who allowed the Flight JK5022 not reach its destination. Sowing death and desolation in 172 families won't be able never recover peace. The Spanish legal system has decided that the easiest way to solve a problem is to recognize that it not exist. 154 dead and 18 survivors injuries, is the hurtful and tragic truth only for families that each of the hours of the days that have passed since four years ago mourn the absences those we have lost.

I accuse the Spanish judicial system of turn our backs to the victims. Recent times have been a heap of nonsense and decisions that, far from bringing peace to families, have made them more harm: children of Córdoba, Marta del Castillo, Sandra, Jeremi, Sara ... Not to mention the dying of ETA who will die in his bed surrounded by his family, the same person as no mercy when he pulled the trigger or left an honest citizen buried alive for more than 500 days.

I accuse the hierarchical Prosecution , which is more concerned with defending the powerful than of the victims . The prosecutor of the Court No. 11 assigned to the case, has not done anything that benefited of victims, has been confined to "talk" to the judge and with the state attorney and go in their directions: one of them left over. We have perceived him, and acted, as an enemy rather than as a defender of the weak. Hearing the statements of the attorney E.Esteban , produces moral and human disgust. We are citizens whose intelligence were offended again trying to manipulate reality .

The 3 Speakers from the Audience have set a dangerous precedent: not knowing what happened on August 20, 2008 and refuse to investigate. Close the case like was done, the irreversible way, shows that have not wanted to learn the truth because in their minds of judges, removed from reality, they refuse to go deeply into the specialization that involves judging air tragedy. It is easier to consolidate the culture of "blame the dead", the style of denying the obvious: here there has been a plane crash, has not was learned anything or by the CIAIAC or by the injustice of believe that this tragedy is arranged with money. I curse all those who think they can repararnos even a thousandth of the damage they have caused us. This is not a question of money but of dignity, which they has not been had with his unjust decision by clarifying legal via the air disaster, rather than by the memory of the deceased, for the benefit of the whole society using the plane as a transport medium.

WELCOME ALL, THANKS FOR BEING HERE TODAY...

Why make the documentary? It will be the unique footprint, like the aeroplane's one, which leave the work it has done the Association in favour of the passengers on Flight JK5022. What you are about to see is the strong persistence will that has guided our steps during the last 3 years looking for the causes that led to the greater air disaster of the last 25 years in Spain.

Today, we know what happened: why the plane crashed, why they were shipped without knowing the fault they had, why there were not more survivors, why the emergencies were delayed, and why why why... And finding out, it shows the extent to which this truth has been buried by those who had the obligation to discover it.

I have led the Association in the last 3 years, I have sacrificed my family, friends, time, knowledge and resources to the service of a cause in which I firmly believe. I read in the House of Gandhi in Bombay: "The dreams in the beginning seem impossible, next improbable and then after, when we commit ourselves become inevitable".

Today, I would like to remind a special person in my life who died on the 11th December last year the fate did that the judge made public the Closure of the Instruction at the same time as bid goodbye forever. My dear brother MARIO, my tireless travel companion, civil servant of the Las Palmas' Council and above all things, a good person, he told me before he left, victim of a cruel disease, that I should never give up, because even if it did not have strength to continue, no one could deprive me to achieve the dream of justice and truth:

I don't know where you are, but I know the place that remains in my heart and in my life and I would like to believe that you've found our niece Ana, she was the origin of this unequal war, find an explanation to her early death was extended to all who accompanied her in her last trip.

Fear not, this documentary does not have a single tear, nor anything that smite sensibilities: the wreckage of the plane are the ribbons that has left so

## 5. ANNEXES – WORDS FROM PRESIDENT BROADCAST OF DOCUMENTARY



much suffering in our soul, the mark left by impacting with the ground, it is engraved with fire in our hearts and the relay and the wiring harness, it is the judicial mess in which we have been and we continue to find ourselves: we'll take the cause outside of Spain, in order to obtain the peace which justice gives and which has been refused to us in our Country.

As President of the AVJK5022 I am not here to do what I want or like, but what I must do: changing the structures of security in the air transport in Spain requires spur the consciences of those who can do so because they have in their hands the management, legislation and enforcement of the rules that govern it, as eternal homage to the 172 people of the Flight JK5022.

It has been very difficult to summaries in 75 minutes, the investigations, interviews, resources, and so on. Thank again for the professionalism of the producer “El Torreón del Sol” and to the Director, I already had the opportunity to do so personally in Madrid. Thanks also as well to the Rectorate and Management at the University of Las Palmas de Gran Canaria which has received here this night, it was not easy to find a place.

Without the Canarian Television's collaboration, it would probably have taken much more time, therefore, our thanks to its General Director, Guillermo Garcia, to Angel Baez, the Head of Programming and Content, and to every single one of those who have contributed in making this documentary comes true.

It will remain in history the "Chain of errors" that led to our tragedy, told by the victims and affected, along with professionals to confirm their independent research and think about the credibility that has built up the Association at this time. In front of the incomprehensible legal file of the criminal case by the Spanish justice, this show will explain what happened on August 20, 2008, for blush of all those who contributed to the Oral Hearing is not held that would have allowed us to test the chain of errors that occurred that day for what have died 154 people and causing any

harm and consequences in other 18 who represent the hope of life before so much death useless.

I trust that what you are going to see explain what happened, but I also excite you and make you feel how hard it has been for us to face in flagrant regime of inequality to infinite resources of the multinationals which finally won this unbalanced battle: we tried above our possibilities because we sincerely believed that we could make possible the dream of achieving justice and truth.

Finally, I would like to remind you the anagram of the NTSB (National Transportation Security Board) that which says: WE DRAW FROM THE TRAGEDY THE KNOWLEDGE FOR THE SAFETY OF US ALL, it is what has made this Association in Spain compared to the idleness of the they are obligated to do so and persist in their reactive culture of "blame the dead", instead of preventing the air accidents by correcting the causes that produce them, from serious and effective investigations. I encourage to all of the present to remind that **THOSE PEOPLE WHO FORGOT THEIR HISTORY, THEY MAY REPEAT IT...**

The JK5022 is already in Spanish History and particularly in the Canary Islands, let us do our best in order to prevent out tragedy to be repeated

Many thanks to all of you...

## 5. ANNEXES LETTER TO COMMISSION OF MINISTER OF TRANSPORT



Madrid, 31 de Octubre de  
2012.

**ILTMO. SR. D. CELSO DELGADO**  
DIPUTADO PARTIDO POPULAR  
**PRESIDENTE COMISION**  
**FOMENTO CONGRESO**  
DIPUTADOS  
**MADRID/**

**SUBJECT: DOCUMENTARY SCREENING "JK5022: A CHAIN OF ERRORS"**

Dear Mr. President,

As you already know - since you and all members of the Commission of Public Works and Transport belonging to the Congress of Deputies received an invitation - the last October 18th was pre-released in Madrid for the Press and Public the Documentary sponsored by the AVJK5022 and entitled "JK5022: A CHAIN OF EVENTS". Only two Deputies attended to this event.

Given that :

- it is the first documentary made by the victims of the major disaster in civil aviation air that occurred over the last 25 years in Spain,
- virtually nothing has changed within the system that provoked it,
- the testimony presented not only are from the affected families but also from aviation professionals,
- additionally it shows the investigations carried out by the AVJK5022 in Court and off the Court,

Our Association considers essential this documentary to be known by the legislature and in particular by the Deputies who have in their hands to promote all the changes necessary to succeed that NEVER AGAIN a tragedy as that of Flight JK5022 occurs.

I ask you:

1st) to communicate to the Presidency of the Congress of Deputies, otherwise to the Board of Spokesmen of all political groups, our offer/request to show the mentioned documentary in Parliament on the date chosen according to the tight Agenda of Your Honor. If it is not possible, please indicate us whether we should request our petition through the Office of the President of the Congress. (This documentary will screen at the European Parliament on a date to be determined).

2nd) to communicate to the Speakers of the Commission of Public Works and Transport, our offer/request that the document be envisioned by the members of the such Commission in date to be determined, but in any case, before the end of this year.

As everything is possible, whatever the reason you would decide not to accept our request, I would like you to notify it in writing.

Thank you for your kind attention, I look forward to hearing from you

Yours Sincerely,

PILAR VERA PALMES –  
PRESIDENTA AVJK5022 –  
C/. Pedro Medrano, 6 – 28029-MADRID

### Those facts pose consequences

The next day 27 Monday, the AVJK5022 will face a trial in which appears as demanded by a lawyer who claims by a report on "advice with american law firms" that never received nor it was ordered, why it is not paid. Going back to the months following the August 20 2008, date of the greater air disaster of the past 25 years in Spain: 154 dead (most canaries) and 18 survivors, the news in the media was the harassment of families by American law firms that used all kinds of ways: meetings, press conferences, telephone pressures, etc... to get customers between people broken of pain and without knowing what they were facing, relying on the help of professionals that were provided to do this and used all kinds of strategies to capture them. In the case of my family, they were found all the doors closed firmly, that wasn't our path and the time elapsed just for giving us the reason.

The AVJK5022 was born with very firm will but with very few resources to carry out the objectives that had their statutes, among whom was imposed as the first of them in those dates, debug responsibilities. It was easy to fall into the trap of all those who approached with the most diverse proposals, none of which were found to be responsible since its constitution until October 2009, in which i become part of the Association, they thought that confidence was going to be so expensive with time.

If there is something that joined us then and it continues to do so now in the Association, first is the firm determination of knowing what happened and the second one is avoid it happening again. This tragedy we carry into our soul because we face every day that has passed since that fateful date to the absences of those who are not.

Nor this is my Association even though I has dedicated my life since April of 2010 in which I was elected President until the present, and there is no harsh divisions because they would have made public, nor have they paid millionaires disbursements to the Professor of Criminal Law that has embodied the indictment of the Popular AVJK5022 on Court No. 11 Madrid simply because we do not have to deal with it, nor is it true that the lawyer who filed a lawsuit in Barcelona belongs to the Association, only represents of a part of their partners, nor much less that it was the cause of the file in the United States because it is produced by Forum non convenient (Latin for "forum not agreeing") the 3.22.2011, long before it has taken any decision by the Court cited that soon will hold such a trial.

Those facts pose consequences, leftovers from the senselessness inhuman to believe that we are all equal before the law, nor even less. The AVJK5022 only wanted and fought for a trial, who proposed the holder of the Court No. 11 in Madrid and the High Court cut short with file, there had been washing the dirty rags that probably hiding under the carpets in the comfortable offices in which the decisions are taken not sound... we are going to leave it there. Taking stock of the work done by the AVJK5022 to today it is encouraging, its consideration as a "public utility" of the past 3.5.2013 shows to what extent has brought its generosity to work in favor of the society that uses the aircraft as a way of transport, something to which the Canaries are no strangers. To those who put price to the lives of others even i wish that pass through our cavalry, only to think of how much they are worth their children, parents, brothers, sisters, grandchildren, etc... For us it is an additional curse to the suffering that those that we falsely suggest that even this disaster can be solved with "this".

## 5. ANNEXES – ARTICLE BY PILAR VERA “THE JUSTICE AND THE TRUTH AGREE”



### The justice and the truth agree

It will complete the 5th Anniversary of the Tragedy of Spanair flight JK5022 of 20th, august 2008: in this flight went 172 people between passengers and crew, most of them were born or lived in Gran Canaria. The families mostly of them opt to dedicate our knowledge, our time and our energy to that this catastrophe that relapsed in our lives in a violent way, neither it was unpunished neither it forgot. So we have spent all this time, fighting against the impossible one of achieving justice and truth, words that symbolize our reconciliation with the System that allowed that flight never arrived to their destination.

In this cruel and painful path, every day that has lapsed since then it has tested us like human as for the absence of those who are not so the hard it is to face in flagrant regime of inequality for all those who have infinite resources for crash air like the flight JK5022 pass to the anonymity without any responsible, when the reality it is completely different.

We are seeing in these years as the work of the Prosecutor is basic in the cases that attends and that confuses the citizen, from prevent the King's daughter imputed goes to declare, to oppose the decisions of the judge in cases of obvious corruption, passing through omissions vociferous as in the case of flight JK5022 from the Association that we denounced when we had the opportunity.

We fought and we are doing for a judgement in which the truth could shine that we know today: the causes for the MD-82 “Sunbreeze” couldn't take off, and consequently crashed on 36L landing track at Barajas airport, but the audience in a few months cut short that possibility, depriving families affected to obtain the peace that gives truth and justice.

However, the AVJK5022 has had to go to the Court like requested by payment of a fee of 7,800 € for a report that neither is commissioned him nor were we given and we only knew when it was transferred the demand, which we have been acquitted a few days ago. There was also to go to another court to declare for a lawsuit that finally was archived in which are asked for an amount of 150,000 €. In addition to defend ourselves against another note of fees for 245,000 Euros that continues being processed. All of this three because a lawyer who approached the Association ready to “help” and was presented by the husband of one of its founders. I am convinced if those responsible that the Association had been then, they get to say that their services were approaching these figures, sure that neither would have enabled him to represent them, simply because they did not have resources to cope with these payments.

“Extract of the tragedy the knowledge for the safety of us all”, is the motto of the us NTSB that the AVJK5022 has made for itself, we will extract from these sad episodes judicial the knowledge to prevent others people in the future “will be able to new victims for believing that the “initial help” isn't going to make with the pass of time in a trick that shames and shameful memory and the memory of the deceased: Never should the AVJK5022 go to the courts by these unfortunate events.

When the justice and truth agree, the result cannot be other than the peace that we need to be able to continue to live with the tragedy that never leave us to the victims, survivors and affected by the Flight JK5022.

## **PRESS NOTE – ACTION DAY**

The AVJK5022 expresses its complete rejection of the proposal of the Law of the European Aviation Safety Agency about working time and rest aircrews. This bill would allow a pilot could land a plane after 22 hours of continuous activity, although scientific studies requested by the same European Agency itself demonstrates the terrible consequences in aviation safety that fatigue entails. It is a dangerous attempt to further undermine the current conditions of air safety.

The AVJK5022 reiterates their strong commitment to never it is repeated the tragedy which has affected 172 families of Flight JK5022.

Also expressed support for the “Action Day” called by Spanish pilots, which will take place on day 22 at the airport of Barajas, in the same sense.

Madrid, January 18, 2013



## Purpose

The Network pursues the following on-profit goals of international scope on behalf of any victim of a disaster occurring in a European country and any European citizen who is victim of a disaster arising in the rest of the world:

- (a) To create mutual support group for European disaster victims, in particular by advising members of their rights and by facilitating the exchange of experiences and information;
- (b) To create solidarity for the victims of disasters in Europe, in particular by the development of high quality services and efficient support for disaster victims throughout Europe;
- (c) To represent the collective interests of the victims of disasters to European institutions, among which the European Commission, the European Parliament, the Council of Europe, as well as to any international organization or firm dealing with the consequences of a disaster;
- (d) To ensure access to quality justice for victims in all European countries;
- (e) To promote fair and equal compensation for all damages to victims across Europe, regardless of their nationality or the country of occurrence of the disaster, , that is transactional or judicial;
- (f) To contribute to the search of the causes of a disaster and that all the consequences are taken into account and learned upon, in particular with regard to the collective security;
- (g) To assist in any action or debate concerning the improvement of risk prevention and safety;
- (h) To encourage, to support, to promote and to develop the creation of national structures for victims of disaster.

## 5. ANNEXES – NOTIFICATION TO MS. PILAR VERA OF COPAC- COLLEGIATE OF HONOR



Ms. Pilar Vera Palmés  
Association of Affected of Flight JK5022  
Calle Pedro Medrano Nº 6,  
28029 - Madrid

Madrid, November 20, 2012

I have the satisfaction to inform you that the College of Aviation Pilots Commercial (COPAC) in its Board of Directors held on November 12, has decided to appoint you Collegiate Honor in recognition of your work at national and international levels for aviation safety and accident prevention and recognition of air accident victims.

The COPAC thus want to thank and recognize your effort, commitment and courage and your support for the pilot profession and this Institution.

The December 10, Day of Our Lady of Loreto, Patroness of Aviation, celebrate a simple act that will deliver you this recognition. Until then, we are at your disposal for any comments you see fit.

That is all for the present and, in the meantime, I remain, receives a warm greeting,

Luis Lacasa Heydt  
Dean of COPAC



COLEGIO OFICIAL DE PILOTOS  
DE LA AVIACION COMERCIAL  
Calle Trespaderne, 29- 2ª planta  
28042 Madrid  
Tel 91 590 02 10  
Fax 91 564 25 85

## 5. ANNEXES – COPAC NOTIFICATION TO MS. VERA COLLEGIATE OF HONOUR



ЕВРОПЕЙСКИ ПАРЛАМЕНТ PARLAMENTO EUROPEO EVROPSKÝ PARLAMENT EUROPA-PARLAME  
EUROPAISCHES PARLAMENT EUROOPA PARLAMENT ΕΥΡΩΠΑΪΚΟ ΚΟΙΝΟΒΟΥΛΙΟ EUROPEAN PARLIAMENT  
PARLEMENT EUROPÉEN PARLAIMINT NA HEORPA PARLAMENTO EUROPEO EIROPAS PARLAMENT  
EUROPOS PARLAMENTAS EUROPAI PARLAMENT IL-PARLAMENT EWROPEW EUROPEES PARLEMENT  
PARLAMENT EUROPEJSKI PARLAMENTO EUROPEU PARLAMENTUL EUROPEAN  
EVROPSKY PARLAMENT EVROPSKI PARLAMENT EUROOPAN PARLAMENTTI EUROOPAPARLAMENTET

Commissione per le petizioni  
La Presidente

Bruselas,  
IT/mjd/IPOL-COM-PETI D(2012)48477]

319061 12.11.2012

Sra. Da. M. Pilar Vera Palmes  
C/ Pedro Medrano 6  
28029 Madrid  
ESPAÑA

Subject: petition 0635/2012

Dear Madam,

The Committee on Petitions of the European Parliament have received your request in which you asked us to review the official report on the crash of Spanair Company on August 20, 2008 at Barajas Airport, Madrid.

The members of the Commission carefully examined your request in order to determine whether the issue that you raised fits within the scope of EU activities for which we are responsible. Unfortunately, I must inform you that this is not the case for your request.

The European Parliament can not interfere in the investigations conducted by competent authorities of the Member States, neither in unresolved criminal cases or archived cases by the corresponding National Courts. For this reason, we are not competent to carry out a review of the report mentioned or to require to Spanish authorities to do it. The petitioners must seek review of that report through legal proceedings in the corresponding Member State.

Hence, I regret to inform you that I must proceed to refuse your petition, being unable to take any action thereon, in accordance with Article 201, paragraph 8 of our Rules.

Yours faithfully,

Erminia Mazzoni,  
President of the Committee on Petitions

(Literal translation from original version by E. Baixeras)

Erminia Mazzoni,  
President of the Committee on Petitions

Association of Affected  
of Flight JK5022



[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)