



ቀን 15/01/2012

Date

ቁጥር APIB-034/12

Ref

Captain Mohammed Aziz
Investigator In-Charge,
Accident of ET Flight 409
Beirut

Dear Captain Aziz,

1. Thank you for the draft final report on the accident of ET flight 409 on which you sought Ethiopia's comments by the 16th of January 2011 in order to be appended in full to the Final Report.
2. The Ethiopian Civil Aviation Authority team has carefully studied and reviewed the draft final report.
3. The sole purpose of the Ethiopian team's comments is to provide constructive inputs on the draft final report with a view to enable the truth to emerge about the probable cause of the accident. By doing so, our objective is to contribute to the enhancement of safety in international aviation.
4. We regret that all of the critical comments and substantial inputs that the Ethiopian team had provided earlier on the preliminary draft report and subsequent draft reports were not taken into consideration and have been excluded from the draft final report.

The Draft Final Report

5. The Ethiopian team considers that:-
 - a) The draft final report presents a factually incorrect and unbalanced account of the ET 409 accident that is not supported by evidence. It disregards critical data from CVR and FDR as well as ATC transcripts indicating the disintegration of the aircraft in the air at an altitude of 1300ft.

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- b) The draft final report completely omits relevant data that would have shed light about the disintegration of the aircraft in the air such as:-
- Denial of recovery of 92% of the wreckage of the aircraft
 - Eyes witness accounts and testimonies including by ATC and other pilots flying in the area that attest to the aircraft being in a ball of fire in the air
 - Medical examination and autopsy of the body of the victims
 - Detailed information on passenger profile
 - Baggage screening x-ray records, security walk-through records, terminal CCTV records.
- c) The draft final report contains factual inaccuracies, internal contradictions and hypothetical statements that are not supported by evidence or researched data.
- d) The draft final report fails to indicate the valuable safety lessons regarding ATC fatigue and working shift hours, the use of standard phraseology by ATC, coordination among ATC units in issuing clearance for flights and separation of conflicting traffic.
7. The improvement of safety and security is a major challenge facing the aviation industry. The potential safety lessons of the ET-409 accident investigation will extend beyond Ethiopia and Lebanon.

Guiding Principles of Ethiopian Team's Review of the Draft Final Report

8. The primary guidance material used to review the preliminary draft report and the draft final report is Annex 13 to the Convention on International Civil Aviation. In line with Annex 13, the aim of the Ethiopian team is to ensure that the ET-409 investigation is accurate, objective and balanced, and does not serve a pre-determined agenda of finding a convenient cause for the accident.



9. The Ethiopian team considered the draft final report by referring to other published ICAO documents, national regulatory guidelines and industry best practice, and by hiring reputed international accident investigation experts.
10. In line with the ICAO guidelines, the Ethiopian team views that the ET-409 accident investigation should have been all-inclusive led by the State of occurrence (Lebanon) and with the full participation of the State of registry and operator (Ethiopia). The investigation should have also ensured the collection of all relevant data and the preservation of the integrity of data such as the CVR.
11. The investigation must have strictly followed the agreed steps, which are based on international best practices. These are factual data collection; analysis of the facts and conclusion; and safety recommendations.
11. In considering human factors, the Ethiopian team has assessed the performance of pilots, cabin crew, ATC and the rescue personnel in terms of what could be expected of such personnel.

Ethiopian Team Comments

12. The detailed comments of Ethiopia are attached to this letter.
13. Ethiopia hereby submits this letter and the attached detailed comments to be appended in full to the Final Report and that they be published and distributed in full simultaneously with all copies of the Final Report, as per Article 6.3 Note 2 Annex 13 to the Convention on International Civil Aviation. Ethiopia also requests that it be provided with an advance copy of the Final Report, in line with international practice.

Conclusion

14. Finally, I once again reiterate the Ethiopian team's regret that it has not been allowed to participate in the technical review and analysis work, as per Annex 13 to the Convention on International Civil Aviation.



15. If the Ethiopian team had been able to participate and contribute to the technical review and analysis work, the investigation process would have been accurate, balanced and complete.

16. Ethiopia and Lebanon share the common objective of a safe aviation industry. Though major differences have transpired between the two sides regarding the investigation process and the conclusions reached, I hope that the two countries have learned important and valuable lessons from the experience of ET-409 investigation that will contribute to the enhancement of international aviation safety.

Thank you
Sincerely,


Col. Wesenyeleh Hunegnaw
Director General

This letter and Attachments:- 68 pages.