23 August 2010

To,
Justice Iftikhar Mohammad Chaudhry
Honorable Chief Justice of Pakistan

Through:
The Additional Registrar
Human Rights Cell
Supreme Court of Pakistan
Constitution Avenue
Islamabad

Subject: **Crash of Air Blue Flight ED 202 - Wednesday July 28, 2010**
Request for Suo Moto Notice for Independent and Transparent Inquiry into the reasons for the Crash

Your Excellency:

Assalam-o-alaikum,

1. In addressing this urgent appeal to you, we are aware that our beloved nation and our land are facing the worst natural disaster in our history and possibly the largest calamity on our planet at this time. We, the undersigned, fully share with the rest of the nation in this period of grim challenges. Yet, we are obliged to seek your valued personal attention for the subject of this letter.

2. The crash of Air Blue flight ED-202 on Wednesday, 28 July 2010 has shattered our lives, our families, and the dreams of hundreds of close relations of the 152 human beings who perished in that terrible accident. There is not a person in Pakistan who has not felt the searing pain of this tragedy as if it was their own. We are sure the highest office of Judiciary in this country would also have felt the deep sorrow this incident has generated.

3. We remain conscious of the genuine grief and sympathy with which all Pakistanis and other people overseas have conveyed their condolences and support to us. However, even as we surrender to the will of the Almighty and try to find the strength to bear our respective, irreparable losses with fortitude, we are extremely disturbed at the manner in which the relevant authorities have handled the situation and we wish to bring to your kind attention, the grievances that we feel.

4. We are highly dissatisfied by the manner in which the Civil Aviation Authority has initiated an inquiry into this national tragedy. This shocking disregard by Civil Aviation Authority (CAA) for the search for the facts also comes parallel to the utter insensitivity shown so far by the airline Air Blue itself. To this day, neither the Chairman nor the Chief Executive nor any senior officer of the airline has taken the time and trouble to communicate with any of the bereaved families of the victims of the air crash. In fact, any information that we have regarding the initiated inquiry is through the media and no airline, civil aviation or government official has come to the aid and assistance of the victims' families.

5. Honourable Sir, the suffering of the families of the passengers whose lives perished aboard this aircraft demands your immediate and kind attention. This has been a tragedy for the entire nation that mourns the loss of 152 people. Any one of us could have been travelling on that ill fated flight and hence, it is a right of the entire nation to know what caused a brand new aircraft, being flown by a senior, well experienced pilot, on a well

known route to crash. It is a matter of **public importance** that an independent and impartial investigation be conducted to discover the true reason why 152 people were killed on 28 July 2010.

6. Honourable Sir, an inquiry, to be minimally credible, must be **independent** of any institutional or individual interests and influence. In this instance, both the CAA and Air Blue have inherent respective interests in a possible cover-up of the facts to divert attention from the likely negligence or errors committed by the Air Traffic Control unit under the CAA, or by the cockpit or maintenance crews of the airline. Thus, this is a clear case of **conflict-of-interest.**

7. For the above mentioned reason, we feel that the inquiry currently being undertaken by the Civil Aviation Authority (CAA) will be prejudiced and incomplete without the participation of independent and impartial actors. The present investigation as ordered by DG CAA with Federal Government approval, under Rule 273 of CAA Rules 1994, is not acceptable because the investigation in-charge is under the direct administrative control of DG CAA. It's a clear conflict of interest. We humbly request, therefore, that you order the Government to set up an independent inquiry board as permitted by Section 6 part XV of the Civil Aviation Rules, 1994 which authorizes the Federal Government to appoint a Board or Accident Inquiry, if it is considered in public interest, to inquire into the causes of the accident and to other such matters relating to it. It is only an independent inquiry led by a serving Judge of the Supreme Court, or a senior Judge of a High Court that will enable **all** the relevant facts and details to be brought to light.

8. With great respect even to Parliament, we cannot place faith in hearings or inquiries conducted by Parliamentary Standing Committees because of the simple, unfortunate coincidence that a serving MNA is the Chairman of Air Blue.

9. There is a tradition in our country of not making inquiry reports of accidents of this kind public. With all due respect to concerned authorities, this is a tradition that must be overturned. Your Honour, we strongly believe that unless the inquiry is conducted by an independent board constituted under your direct and impartial supervision, the inquiry report would once again be brushed under the carpet as the fate of almost all inquiries of similar nature has been during the past 63 years. For this reason, Honourable Sir, we humbly plead to you to order an independent inquiry into the matter so that a grave injustice is not done to 152 families and the entire nation. Your able guidance and personal intervention will not only raise the spirits of the already shattered families but will also restore our nation's confidence in the CAA, airline operators in this country and the judicial system. This is the only hope of ensuring that the people of Pakistan are not kept in the dark regarding a national tragedy and there is hope for justice.

10. Honourable Chief Justice, we also wish to bring to your attention the sheer insensitivity with which we were treated by the government officials and Air Blue personnel in the immediate aftermath of the crash and only hope that no other citizen of a civilized country is ever treated this way or be made to witness what the families of the crash victims had to see.

11. We have been fed all kinds of news by the media of our country throughout the duration of this tragic incident. News channels were the only source of information for majority of us who reside in Karachi and had loved ones travelling from Karachi to Islamabad on board Air Blue Flight ED 202. All the news channels, however, only misinformed us throughout and there was no official assistance available to us either in this hour of need.

12. We, the bereaved families of the victims, were all present in Islamabad at the crash site and the Pakistan Institute of Medical Sciences (PIMS) hoping to find the remains of our loved ones and can verify that there were barely a few bodies capable of identification and there was no order or procedure being followed in the recovery or identification of bodies. It was the most disturbing and traumatizing scene to witness and we fear that it has become all the more difficult for us to overcome our loss because of what we had to experience in Islamabad. Bodies, rather pieces of bodies, some of which was flesh and most of which were burnt to charcoal lay in boxes and sacks in storage areas for family members to search through with bare hands to find pieces of their family members to identify and take home to bury. There was no procedure and anyone and everyone was allowed to walk in and pick up any body part and claim it as theirs to take possession of.

13. Honourable Sir, we have been subjected to inexplicable emotional and mental trauma and we do not know where we can get redress from. We are members of a civilized nation, independent for 63 years, entering the second decade of the 21st century and we were asked by medical and government authorities to filter through cartons full of burnt and bleeding body parts to find our mothers, fathers, brothers, sisters, husbands, wives, sons, daughters, grandparents, and friends; or whatever was left of them.

14. Sir, we have many queries and concerns and wish for the highest office of the judiciary to take notice and bring the concerned authorities to task and help improve the crisis management system in our country. Our troubled and deeply grieved minds cannot fathom why random members of the public were allowed to pick up pieces of bodies and take them home without any authorization or release of any sort. There was no proper system of storage and tactical action on part of government authorities to handle the situation effectively. We are still shocked as to why there was no assistance from any part of the government, from any Air Blue officials and Civil Aviation authorities. Who is responsible for their conduct, or lack thereof, in the face of a national tragedy, Your Honour? We beg you to take notice of such neglect and ill treatment of so many citizens of Pakistan.

15. It has also come to our knowledge that Air Blue has started making meagre compensations to the bereaved families while obtaining signatures of release of all further liabilities on behalf of the airline. The government has also promised compensation of Rs. 500,000 to the heirs. However, this amount is drastically low as compared to magnitude of loss that has occurred for the heirs of the victims. Honourable Sir, kindly ensure that 152 families, many of whom have lost the sole breadwinners of their families, are adequately compensated as per international law and an independent inquiry is undertaken immediately so that the actual cause of the accident can help determine who is liable, over and above strict liability amounts, to pay compensation. Negligence on part of airline operators, airline manufacturers, or civil aviation authorities should not be a burden for victims and their families to bear throughout their lives. This is a grave injustice which can only begin to be served through an impartial inquiry into this matter.

16. We therefore appeal to you as a courageous and widely-respected Chief Justice of Pakistan to convert our humble letter herein into a petition and, by taking Suo Moto notice, order the Government to hold an independent inquiry which is **NOT** conducted by the CAA itself and **NOT** compromised by any means, for any interest as this alone will ensure that the truth is found, is then made public, and those responsible for this great tragedy are held to account as they should be.

17. In this regard, we humbly request that the following steps be taken:

a) This accident should be declared a national tragedy in view of it resulting in the largest number of deaths in an airplane crash in the country's 63 year history.

b) The current inquiry led by CAA should be stopped forthwith and an independent inquiry ordered to be undertaken by the Federal Government under the relevant law. All findings, however damaging to anyone, be made public.

c) Air Blue should be stopped from contacting individual families and from offering any compensation **before** the completion of an independent inquiry ordered by the Chief Justice of Pakistan.

d) All the evidence collected so far including the findings of CVR and DFDR to be sealed and handed over only to the newly appointed, independent inquiry team.

e) The independent Board of Inquiry should appoint a team of experts (local and/or foreign) as per relevant law and include representation of the bereaved families in the team so that transparent information-sharing can take place.

f) The team conducting the inquiry be given access to all relevant Ministries and officials i.e. Ministry of Communication, CAA, ATC and Air Blue records and files, including access to the Black Box data and records of the AirBus Industries and other relevant vendors/manufacturers of the critical aviation components and equipments.

g) The team be given a defined time-frame to complete the inquiry.

h) The report of the independent Board of Inquiry be made public.

i) Any compensation to the heirs of the victims be made only **after** determination of the cause of the accident.

j) Compensation should be made as per global/international standards and conventions.

k) The Government should set up a special wing within the National Disaster Management Authority (NDMA) which can take charge of such catastrophic situations in the future. Standard Operating Procedures (SOP) should be ordered to be formulated immediately and made effective at the earliest to ensure the safety of citizens and handle crisis-management efficiently.

l) DNA testing, which was a big help in this situation, should be made a standard procedure in the future for such incidents.

We thank you for your valued attention and await your urgent action on our request.

With profound respects and high regards,

Junaid Hamid (husband of Passenger Mrs. Andaleeb Junaid)
Contact: 0302-829 3492

(please refer attached Appendix – A for listing and signatures of some of the bereaved families of the ill-fated Air Blue flight ED 202)

Appendix - A

The next of kin of some of the victims of the air crash:

1) Junaid Hamid h/o Passenger Mrs. Andaleeb Junaid (age 38)
Resident of: 21-B/2, Khayaban-e-Badbaan, Phase 7, D.H.A. Karachi
Phone: 0302-829 3492
Sons: Raiyaan (8), Azaan (6) and Shayaan (3)
Mother: Mrs. Abida Masud
Siblings: Misbah, Zeeshan and Amna

2) Umar Farooq f/o Passenger Abu Bakar Izhar (age 32)
Resident of: 78/2, Khayaban e Badar, Phase 5, DHA. Karachi. 75500
Phone: 021-35846742; Cell: 0300-829 4064
Wife: Maha Khan
Siblings: Warda Umar and Maryam Ahmed

3) Muhammad Ali Faraz s/o Passenger Farooq Nadeem Siddiqi (age 61)
Resident of: 37/1/1, 10th Street, Off Khayaban e Bokhari, Phase 6, DHA, Karachi.
Phone: 021-3584 2375; Cell: 0300-202 3856
Wife: NurulAin Hyder Nadeem
Siblings: Farrukh, Fawad, Khawar, Farida, Fasiha.

4) Nazeer Shah b/o Passenger S. Ashiq Hussain Shah (age 62)
Resident of 85 George Street, Erskpneille, Sydney 2043, Australia.
Phone: + 612 9550 6605
Local Address: C/o. Nazeer Shah
35/1, Khayaban e Badban, corner 9th Street, Phase-V, DHA Karachi
Phone: 021-3585 0697, 3585 1562 cell. 0321- 251 4861
Wife: Mrs. Rashida Shah
Children: Shah Jahan (34), Safdar (30) and Shaheen (28)
Siblings: Nazeer, Basheer, Javed, Khalid, Ashfaq, Faiyaz

5) Mohammad Amjad b/o Passenger Mohammad Aftab (age 57)
Resident of 18773 McFarland Avenue, Saratoga, California, USA.
Phone: +1-408-370-9244
Local Address: C/o Mohammad Amjad
Phone: 021- 3534 6991 & 2 , Cell: 0333-205 7777
Wife: Mrs.Samina Aftab
Children: Belal (24), Nadia (26),
Siblings: Javed, Amjad, Arshad, Babar, Humayun.

6) Tariq Saleem b/o Passenger M. Zafar Saleem (age 44)
Resident of 27/2, 20th Street, Khayaban-e-Tanzeem, Phase 5, DHA, Karachi
Phone: 021-3587 0905, Cell: 0300-820 0788, 0322-200 5414
Wife: Mrs. Mehreen Zafar
Children: Maham (15), Usva (15), Simra (10) and Bisma (7)
Siblings: Arshad, Jawed, Hamid, Mrs. Asifa Amir, Mrs. Farah Saeed, Ms. Ghazala Saleem

7) Haris Lodhi s/o Passenger Mrs. Shireen Lodhi (age 51)
Resident of 120-S, Block 2, PECHS, Karachi 75400.
Phone: 021- 3587 5571 ; Cell: 0322-222 4277
Husband: Nusrat Hameed Lodhi
Children: Waris (special person), Shehryar and Mrs. Huma Fatima
Mother: Anwer Begum
Siblings: Javed, Ather, Afzal, Surrayya, Amna,

8) Ghazanfar Ahmed Mughal b/o Passenger Mohammad Ali Mughal (age 28)
Resident of: M103/1, Khayaban-e-Ittehad, Phase 7, DHA. Karachi.
Phone: 021- 3585 7248 & 9, Cell: 0333-233 4236
Wife: Kiran Ali (26)
Children: M. Rayan (2 months)
Parents: Mashkoor Mughal and Azra Mashkoor
Siblings: Mansoor (31), Samreen (29)

9) Omair Khan b/o Passenger Owais Khan (age 26 – married 4 days ago before crash)
Resident of: R-80, Abid Town, Block 1, Gulshan-e-Iqbal, Karachi.
Phone: 021- 3498 9003 ; Cell: 0345-222 5636
Wife: Romaisa Iftikhar (see No 12 below)
Parents: Nisar Ahmed Khan and Tahira Nisar
Siblings: Mrs. Saeed, Mrs Afaaq, Mrs. Raza, Mrs. Atif, Imran.

10) Kh. Iftikhar Ahmed f/o Passenger Romaisa Iftikhar (age 18 – married 4 days ago before crash)
Resident of: RB-18, Gulshan-e-Asghar Society, Airport, Karachi.
Phone: 021-3460 0748; Cell: 0300-928 0351
Mother: Mrs. Zarkha Iftikhar
Siblings: M. Billal (12), Laiba (9), Humaira (7), Hassan (6)

11) Lt. Col (Rtd) Shaikh Shamim Akhtar f/o Passenger Hassan Adeel (age)
Resident of: H. No. 74, Street 59, Sector I-8/3, Islamabad.
Phone: 051- 443 3083 ; Cell: 0300-500 2625
Mother: Mrs. Durdana Shamim
Siblings: Areeb, Zafeer, Nabeel, Ali

12) Mrs. Farida Tariq w/o Passenger Capt. Tariq Subhan (age 60)
Resident of: H. No. B-90, Block C, North Nazimabad, Karachi.
Phone: 021-3662 5243; 0300-239 5089
Daughters: Mrs. Amber Wajih and Sara Tariq
Mother: Akhtarunnisa
Siblings: Capt Shahid Subhan, Arif Subhan, Shariq Subhan, Shahida Saleem.

13) Abdul Ghafoor f/o Passenger Usama Ghafoor (age - 20)
Resident of: Masjid Muddassar, KDA Scheme No 1, Tipu Sultan Rd., Karachi.
Phone: 021- 3452 4611; Cell: 0300-2579725
Mother: Sara Bibi
Siblings: Basit (28), Majid (26), Rashid (25), Zahra (23), Hafsa (16), Marium (15), Ahmed (10)

14) Mrs. Kiran Siddiqi w/o Passenger Amir Siddiqi (age - 44)
Address: C-128, Block A, North Nazimabad, Karachi.
Phone: 021-3670 2134, 3663 6207 ; Cell: 0300-824 5034
Parents: M. Alam Siddiqi and Najma Siddiqi
Children: Rayyan (11), Sulaiman (9), Haider (6), Noor (4)
Siblings: Asim, Umer, Ali

15) M. Omer Bin Laiq b/o Passenger M. Owais Bin Laiq (age - 22)
Member Youth Parliament of Pakistan – Shadow Information Minister
Address: F-2, Rafa-e-Aam Society, Malir Halt, Karachi.
Phone: 021-3492 1614; Cell: 0333-348 5655
Parents: Laiq Ali and Ghazala Ali
Siblings: Saniya (19) and Areeba (16)

16) Syed Murtaza Yahya uncle of Passenger S. Arsalan Ahmed (age - 22)
Member Youth Parliament of Pakistan – Member Standing Committee for Information
Address: A-353/13 Block 15, Gulistan e Jauhar, Karachi.
Phone: 021-3462 1252; Cell: 0300-266 3401

17) Wajih ul Haq b/o Passenger Shams ul Haq (age 31)
Address: Area 2-A, Street 1, Block 4, Landhi 03, Karachi.
Phone: 021-3502 3548; Cell: 0321-389 3031
Parents: Anwar ul Haq and Zareena Khatoon
Wife: Sahar Bano
Children: Mohammad (8 months)
Siblings: Akbar, Noor, Qamar, Yasmin and Amna

18) Nasir Ahmed f/o Passenger Bilal Nasir Jamaee (age 22)
Member Youth Parliament of Pakistan – Shadow Information Minister
Address: Flat No 7, Block C-10, Rabia City, Gulistan e Jauhar Block 18, Karachi.
Phone: 0300-224 5366
Mother: Fareeda Nasir
Siblings: Jamal, Mariam, Ayesha, Amna

19) M. Fahad Rasheed b/o Passenger M. Faisal Rasheed (age 35)
Resident of: 98/1, Street 5, Khayaban e Rahat, Phase 6, DHA. Karachi
Phone: 021-3585 0293: 0333-210 9143
Wife: Mrs. Maria Faisal
Children: Marsha (6), Jenna (3)
Parents: Rasheed Qureshi and Najma Rasheed
Siblings: Sadia Nadeem, Faiza Samie, Khalid Rsaheed

20) M. Fahad Rasheed b/o Passenger M. Atif Rasheed (age 28)
Resident of: 98/1, Street 5, Khayaban e Rahat, Phase 6, DHA. Karachi
Phone: 021-3585 0293: 0333-210 9143
Wife: Mrs. Fatima Atif
Parents: Rasheed Qureshi and Najma Rasheed
Siblings: Sadia Nadeem, Faiza Samie, Khalid Rsaheed

21) Mrs Tazeem Akhtar w/o Passenger Constable Malik M. Ajmal
Address: H. No. 13, Lane No 12, Qayyumabad B Area, Korangi Rd., Karachi.
Phone: 0346-378 5679
Children: Abdul Aleem, Iqra, Junaid, Hira.

22) Col. (Rtd.) Khurshid A. Bokhari f/o Passenger Syeda Kiran Bokhari Alvi (Age 29)
Address: House - 1, Lane - 21, Sector - A, Phase - II, DHA, Islamabad - 44000.
Phone: 051-256 3229 ; Cell: 0321-516 1954
Husband: Ali Ali (021-3601 5791)
Mother: Mrs Raana Bokhari
Siblings: Usman, Sara, Umer