

## Pilots' mistakes come to light 29 years later

Source:

**Erros dos pilotos vêm ao de cima 29 anos depois**

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<https://jornaldoalgarve.pt/erros-dos-pilotos-vem-ao-de-cima-29-anos-depois/>

*This article was originally in Portuguese. I (Cor ten Hove) had it translated into English with [www.DeepL.com/Translator](http://www.DeepL.com/Translator) (free version). In order to prevent possible cumulative translation mistakes I did not have the article translated further into Dutch.*

*In the article there are some errors. Some of these errors may be caused by a language problem between the journalist and the source quoted in the article.*

*In the translated article I underlined errors/interesting remarks. At the end of this article I will comment on some.*

Article:

This week marks 29 years since the date of the biggest air crash in living memory in the Algarve - and the biggest on the Portuguese mainland. Almost three decades later, a court decision and an American TV series - National Geographic's famous May Day - have revived the debate over the causes of the tragedy. *JA [Jornal do Algarve]* tells you the whole story of the disaster and the latest developments in the case that is still before the courts.

Exactly 29 years after the accident involving a DC-10 belonging to Dutch airline Martinair that killed 56 people on the runway of Faro airport, there is still news - in the investigation, in the courts, and even on TV, as the second episode of season 22 of National Geographic's "Mayday Air Disasters" series, which premieres in Australia in a few weeks, and soon after in the US and Europe, will prove.

A source with knowledge of the whole investigative and judicial process that has been going on since that fateful day on December 21, 1992 (29 years ago Tuesday), and also of the investigative bias of the documentary series, assured *JA* this week that, contrary to what has always happened in the conclusions of the official reports, the television episode will focus above all on the human factors involved in the disaster.

The episode will help to further support the thesis of the *Anthony Ruys Foundation*, according to which the investigation that exonerated the pilots of flight MPH495 of major blame for the tragedy was poorly conducted. This thesis has been upheld in court, since a few weeks ago, according to the latest ruling in the case brought by the passengers and families of the victims against the Dutch State, the foundation was able to prove that the state investigation was not properly conducted. A court decision that resulted in further compensation for the plaintiffs.

But what were the conclusions, which the judges have now found to be "lame"? To find out, we have to go back to 8.30am on that Christmas eve day when the plane was trying to get onto runway 10/28, 2.480 metres long, flying over the Ria Formosa marshes. Crosswinds made air navigation dangerous, and the aircraft was shaken in heavy rain. Aggravating the situation was a rare phenomenon called "windshear", which consists of downward gusts of wind that, if they catch an aircraft, even if it is at high power, push it down.

"The plane landed, hit, went off the runway and was turned upside down. It broke into two pieces," they described on the spot

### *Rare phenomenon pushes plane down*

According to the source we have been quoting, who does not wish to be identified, this rare phenomenon caught the aircraft in mid-flight, on approach to the runway, and to compensate for the weather influences, the pilots decided to enter zero speed, that is, in practice, to "brake hard", causing the plane to suddenly lose speed. This "braking" and the consequent speed of almost zero, causes the aircraft to lose support and fall very quickly over the runway, from an estimated height of 150 metres. After all, the so-called air cushion (a bit like the balance in two-wheeled vehicles) only works when there is speed. With less speed, the windshear is even more relentless. It was 8:33 when contact with the runway was made.

According to our source's description, "the contact with the pavement is too sudden, too intense. The energy load is very high and this load was excessive for the structure of the plane. The right side gear, which absorbed the greatest amount of energy, broke and pierced the right wing and the fuel tank. And the first explosion occurred. The plane goes off down the runway. The structure can't withstand the forces it's subjected to. Then it ends up going off the runway". Technically, there was an ARC (Abnormal Runway Contact), a faulty contact with the runway. In practice, a serious accident occurred and 56 of the DC10's 340 occupants (327 passengers and 13 crew) died. Among the dead were two flight attendants. There were 106 seriously injured and 178 uninjured or lightly injured.

Among the passengers were 12 children and eight babies, in a crash that had 284 survivors: a rate of 84% survivors, considered high, which led some to say that - apart from the terrible tragedy for the victims - it was a "Christmas miracle". Most of the 56 who lost their lives, 45, died of charring, 10 of head trauma and 1 of asphyxiation.

### *An official report without "human factors"*

According to the passengers' association, which has always accused the pilots (in practice, the co-pilot, since he was the one who single-handedly brought the plane down) of Dutch nationality of crucial flight choices, arguing that instead of braking, they should have "borne down" the plane even before contact with the runway, a technical term meaning to increase speed, aborting the landing and "getting out of there".

An alleged error in evaluating the intrinsic conditions of the flight made them insist on landing, against all odds, leading the aircraft to ignite, crash and break up.

But these pilot responsibilities do not appear in the "rosary" of the official report, which attributes the causes of the accident to two factors, without ever directly blaming the two men in the cockpit (there was a third, a flight engineer), using what experts call "human factors": the very high rate of descent caused by the reduction in overall speed and the crosswinds are the two "probable causes" of the disaster. Then, says the official report, there are the contributory factors, which are eight in number: the instability of the approach, the premature reduction in power, the incorrect wind

information provided by the air traffic controller. Also the absence of approach lights, incorrect assessment by the crew of runway grip conditions, automatic aircraft control mechanisms having been switched off too early. Late action by the crew to increase power. Degradation of the wing lift coefficient, caused by heavy rain.

### *A cascade of lawsuits*

The report's failure to mention the "human factor" displeases passengers and relatives of the fatal victims, but also the Portuguese government, which has taken *Martinair* to court and accused the captain of negligent homicide. The Court of Évora acquits him. And *Martinair* sues *Ana Aeroportos*, which it accuses of having given incorrect information to the pilots about the weather conditions. But the two parties end up reaching an agreement, with money in the middle.

Then the war moved on to the *Anthony Ruys Foundation, of passengers and relatives, who put Martinair and the Dutch state in court*. According to them, *Martinair* would be guilty of the incorrect piloting actions of its aviation employees. And the state would be responsible for omissions and a badly conducted investigation process in Amsterdam and The Hague. This process against *Martinair* has always proved right for the company. Until now, the courts have always safeguarded the pilots' actions.

And it is because of all these setbacks of the passengers' representatives that the latest court case against the Dutch state, which the foundation won and according to which the case was badly handled by the official bodies of Amsterdam and The Hague, of what is now called the Netherlands, gains even more emphasis.

Specifically, the Dutch judge swears, the state manipulated information, conditioned the investigation, interfered in it, and truncated the translation of the original document into Portuguese.

In contrast to this discrediting of the investigation is another *new development, also in recent weeks, although still without judicial force: the Dutch state has recently launched a new investigation into the right-hand train*, whose breakdown caused the fuel tank to ignite, because a few years ago a mechanic at *Martinair* (which has since been taken over by the *KLM/Air France* consortium) told Dutch TV that, as the person responsible for maintaining the aircraft, he was coerced into giving the go-ahead for the use of that train, which should already have been replaced twice. He accused the company of forcing the plane to use that train once again. The train had weaknesses, according to the mechanic.

The TV interview forced the Dutch Public Prosecutor's Office to do a new investigation into that right train. And that investigation ended last week. Conclusion: the train was flawless. So the official thesis that the plane was in perfect condition continues. It is not yet known whether there will be judicial reactions but it is strongly suspected that this case will probably persist beyond the three decades since the disastrous event that gave rise to it.

The question of the alleged guilt of the pilots is a subject dear to our source, who puts this guilt into perspective, stressing that there was no malice or even negligence in the management of the landing, so that "one should not speak of guilt, much less before the courts have ruled". And none have ruled on guilt.

"They are normal people, like us. They didn't come looking at the beach or with their glasses. They are professionals, they did their best, they failed in risk management. The commander and the pilot are good when they do risk management well," he concludes.

*Translated with [www.DeepL.com/Translator](http://www.DeepL.com/Translator) (free version)*

### **Some comments to this article by Cor ten Hove:**

#### **On the anonymous source**

Should not all alarm bells be ringing when a source, who doesn't reveal secrets, wants to remain anonymous after almost 30 years? Why is there a need for anonymity after all these years? Is there a conflict of interest? Has the source an ulterior motive? Is the source partial to the 'case'? Member of the Aviation Community? Is the source not as knowledgeable as he/she claims? Is the need for anonymity because of the source's conclusion that the pilots failed in risk management?

#### **Errors - untruths**

\* the 'case' is, as far as I -Cor ten Hove- know, not before any court anymore after the January 2020 The Hague verdict;

\* Anthony Ruys Foundation was no part of the court cases against *Martinair* and the Dutch State: the Anthony Ruys Foundation ended its activities in 2011.

\* On windshear

The investigators doesn't mention 'windshear' as 'probable causes' or 'contributing factors' (page 129/130 Non-Official Translation of Investigation Report);

In an annex to the Investigation Report the American *NTSB* doubts the unexpected windshear theory.

\*'the co-pilot, since he was the one who single-handedly brought the plane down', this is incorrect/misleading.

See *Non-Official Translation* Page 18: Later, at about 80 ft radio altitude, the CWS was switched off and the aircraft control was manual, probably due to opposite actions on the control wheel by the captain and the copilot.

#### **Risk management**

*"The commander and the pilot are good when they do risk management well".*

Because of the many, also commercial, pressures in aviation, well risk management should be a basic requirement for all active in and for the aviation industry.