

M/S Estonia organizations in Estonia and Sweden

Letter to the Governments of:

The Republic of Estonia
The Republic of Finland
The Kingdom of Sweden

parties to an agreement, dated 23 February 1995, regarding the M/S Estonia.

and to

The Kingdom of Denmark
The Republic of Latvia
The Republic of Lithuania
The Republic of Poland
The Russian Federation
The United Kingdom of Great Britain and Northern Ireland

who subsequently acceded to said agreement

letters delivered through respective Stockholm embassies

Subject: The ro-ro ferry M/S Estonia, shipwrecked 28 September 1994

On 15 December 1994 the Swedish government decided that no attempt was to be made neither to recover the 852 victims missing after the disaster, presumably trapped inside the wreck, nor to salvage the ship.

Although M/S Estonia carried the Estonian flag and sank in international waters the Swedish government, with the stated purpose of protecting the sanctity of a grave, passed a law criminalizing underwater activities at the site of the wreck

Following Swedish persuasion a number of countries have acceded to an agreement with the purpose of strengthening the protection of the wreck as a final place of rest for the victims of the disaster.

Work on a planned concrete cover over the wreck was, in June 1996, ordered to stop.

Three years after the accident JAIC, The Joint Accident Investigating Commission of Estonia, Finland and Sweden issued a final report. The result of their investigation came immediately under heavy criticism for being incomplete, misleading and in parts false.

In March 2005 the Estonian government formed a Committee of Experts to investigate circumstances regarding transport of military goods on M/S Estonia. Headed by the Estonian state prosecutor Margus Kurm a first report was issued 31 August 2005 in which the Committee could neither confirm nor refute an argument that military equipment was transported on M/S Estonia on her last voyage.

Having received further directives the investigation proceeded and a second report came on 10 March 2006. This dealt with a number of issues, i.a. where the JAIC investigation was found remiss, false or misleading and told of instances where Swedish and Finnish officials had been less than cooperative in assisting the Committee.

Over the last five years the Swedish Parliament has every year been dealing with multiparty motions proposing a new and independent investigation of the sinking of M/S Estonia. Up till now all have been turned down, this years motion shared that fate end last month.

As per resolution A.849(20) in the SOLAS convention there is an obligation for countries to reconsider their findings and to reopen the investigation of an accident when new evidence has emerged which may materially alter the findings in relation to the cause of the accident.

The unproven theory, put forward by JAIC, that the sinking was caused by loss of the bow visor has repeatedly been challenged. The equally unproven information stating that there is a hole / holes in the underwater hull may completely overturn the JAIC theory if verified.

The JAIC investigation failed to find a valid explanation of how and why the ship sank in little more than half an hour. In an effort to close that gap the Swedish government has through VINNOVA, The Swedish Agency for Innovation Systems, awarded funds to two consortia for a research project where the expected output "is an explanation of the most probable scenario for the sinking sequence".

In 2005 a high-ranking member of the Swedish judiciary was charged by the government to investigate whether the ship carried military goods on the fatal voyage. The investigation however failed to address the heart of the problem - was there military goods on board M/S Estonia on her last voyage and if so – what importance did such transport have for the outcome of the journey? The given instruction was to find out only whether any such cargo had been transported for the Swedish Defence Forces.

The VINNOVA research project has in a similar fashion been limited by a proviso that JAIC:s description of the sinking sequence should be used as a starting point for the study. The conditions for the study also refer to the law banning underwater activities making it clear that examination by divers or ROV surveys are out of the question.

The only means of getting undisputed information vital for answering the question - why did she sink - is thereby excluded. Considering that the bottom part of M/S Estonia's hull never was fully examined, such information is essential.

Summing up the situation, 12 years after the disaster:

- Admittedly the cause and sequences in the sinking are not known.
- No responsibility has been assigned (except for the shipyard which was blamed for having built a flawed bow visor, 14 years before the accident).
- Public and private investigations continue to produce facts omitted from the official investigation. It may be assumed that more is coming.
- The circumstances which formed the basis for the international agreement protecting the wreck site have undergone fundamental changes. (see: The Vienna Convention on the Law of Treaties, i.a. PART V article 62).

The real cause of the sinking needs to become known – for the safety of all who travel on the ferries, for the society that should not be left with unanswered questions about an accident of such magnitude, as a matter of respect for the lives lost and for the peace of mind of those who lost a loved one.

We entreat all who read this letter to use influence to:

- amend / modify / recall / revoke or suspend all practical or administrative measures prohibiting inspection of the wreck and/or the securing of new evidence.
- have an independent group of experts, working in a transparent manner, to make a new investigation of the sinking of M/S Estonia.

8 May, 2006

AgnEf



B. Calamnius

EHVM



Ü. Veide

ELA



H. Kaskel

FAE



G. Claesson

SEA



L. Berglund

AgnEf Arbetsgruppen för utredning av M/S Estonias förlisning
The Working Group for Investigating the MV Estonia Shipwreck
Odd Fellowvägen 29, 127 32 Skärholmen, Sweden

EHVM ML "Estonia" Hukupohjuste Väljaselgitamise Mittetulundusühing
Association for clearing up the actual reasons of MV Estonia's shipwreck
Roosi 14, 80014 Pärnu, Estonia

ELA Estonia Litigation Association
Tartu mnt. 8-5, Otepää, Estonia

FAE Föreningen Anhöriga Estonia i Lindsberg
Association for Families of Estonia Victims in Lindsberg
Gullsåtra, 718 92 Frövi, Sweden

SEA Stiftelsen Estoniaoffren och Anhöriga
The Foundation for the Estonia Victims and their Relatives
Box 925, 781 29 Borlänge, Sweden

Available on the Internet:

Kurm Report: August 31, 2005 at: <http://www.valitsus.ee/brf/doc.php?32989>
March 10, 2006 <http://www.valitsus.ee/brf/index.php?id=33333>

Copy to: IMO, International Maritime Organization, UK
ITF, International Transport Workers Federation, UK
NTF, Nordiska Transportarbetarförbundet, Sweden
SPF, The National Board of Psychological Defence, Sweden
VINNOVA, Sweden
SSPA Sweden AB, Sweden (coordinator SSPA consortium)
Hamburgische SchiffbauVersuchsanstalt GmbH, Germany, (coordinator HSVA consortium)
Tribunal de Grande Instance, Nanterre, France
Margus Kurm, Chairman, The M/S Estonia Investigating Committee appointed by the
Estonian Government, Estonia
Margus Leivo, Chairman, The M/S Estonia Investigating Committee appointed by the
Riigikogu, Estonia