A Plane Crash, a Murder, the Killer and the Aftermath

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Vitaly Kaloyev and the Skyguide memorial to his victim

13 years after an airplane collision caused total loss of life, a traffic controller is dead, his murderer is free, and the automated Traffic Collision Avoidance System upgrade is made mandatory.

(Newswire.net -- October 20, 2015) -- In 2007, a Russian man named Vitaly Kaloyev was appointed the deputy minister of construction in the North Ossetia-Alania area of Russia. He had just finished his third year of an 8-year prison sentence, after murdering the air traffic controller he held responsible for the deaths of his wife and two children.

In 2002, Kaloyev was in Barcelona, building a house for a wealthy countryman, and on the 1st of July he was getting ready to head to the airport where Bashkarian Airlines Flight 2973 from Moscow was scheduled to arrive. He had been working in Barcelona for a little under a year at the time, and was eager to meet his family who was on the plane.

But Flight 2973 never made it to Barcelona. While flying over Germany, Flight 2973 collided with a cargo airliner - DHL Flight 611, which was flying from Italy to Belgium at the time. There was only one air traffic controller handling the airspace, and at the time he was working two stations. When he realized both planes were dangerously close to each other, he contacted Flight 2973 and told the pilot to drop the plane 1000 feet to avoid hitting Flight 611. However, the automated Traffic Collision Avoidance System (TCAS) on board Flight 2973 told its pilots to ascend, contrary to the instructions they received from the air traffic controller.

In case of conflicting instructions, the pilots are trained to ignore the TCAS and obey the traffic control instead. But the other flight received no verbal instructions, and was starting to descend, as instructed by its own TCAS. And, by the time pilots realized what was happening, it was too late. A second later, a pressurized Flight 2973 exploded as cargo Flight 611’s vertical stabilizer tore through its fuselage, cutting it in two. DHL Flight 611 had only two people on board – the pilots. But the Flight 2973 was full – 45 children, 15 adults and 9 crew. All 71 people aboard both planes perished after the two planes collided.

Kayolev was among the first relatives that arrived at the crash site. Devastated by the deaths of his family, he searched for their bodies, and somehow managed to find the still-intact body of his daughter Diana. His wife and son had fallen 36,000 feet - his wife landing in a corn field, and his son landing in front of a bus shelter.

An official investigation had concluded the air traffic controller, Peter Nielsen, was to be cleared of charges of negligence. He was still employed by the company, but had decided to retire from air traffic control work, and devote his time to his wife and children.

Vitaly Kayolev’s brother, on the other hand, said that Kayolev suffered a nervous breakdown after the crash. “I have been living at the cemetery for almost two years, sitting behind their graves,” said Kayolev of his grief. But, as the time went by, and as the officials kept denying him access to information, his grief slowly turned into rage.

Eventually Kayolev received an offer for a settlement from Skyguide, the company that employed the air traffic controller. The settlement was for 60,000 Swiss francs for the death of his wife and 50,000 for the deaths of each of his children, in exchange for his agreement not to pursue the company criminally.

Kayolev was furious that Skyguide would put a price on his loss, and decided to meet with Peter Nielsen. But the company ignored his request for Nielsen’s address, so he hired a private investigator who found the traffic controller’s home in Switzerland.

Shortly after, Kayolev flew to the Switzerland and stabbed a 36 year-old Nielsen at his doorstep. Nielsen died of his wounds a few minutes later in the arms of his children and pregnant wife. Kayolev was found at a nearby hotel, apparently in shock and unable to remember what he had done.

Kayolev was released after serving only three years of his 8-year sentence, in part due to pressure from Russian
officials, and in part because it was determined he was mentally unstable and therefore ineligible for prison. He was released from his Swiss prison and flown back to Russia, where he was greeted by an enthusiastic crowd.

Just months after the death of Nielsen, the official investigators released a report detailing system failures and management incompetence as the main reasons for accident. However, at least five other near mid-air collisions occurred before the accident took place, and in all instances pilots of one aircraft were given instructions by the air traffic control that were in direct conflict with the automated traffic collision avoidance system.

Unfortunately for Flight 2973, the International Civil Aviation Organization took no action on the recommendations which came as a result of these near-misses, and failed to mandate corrections to deficiencies in TCAS.

But in spite of the crash, as well as the stabbing which brought a great deal of international attention to the accident, it took years before major upgrades to the system were made mandatory. This December is the long-awaited due date when all aircraft, passenger and cargo, must be outfitted with a new TCAS system which, based on whether the other aircraft is complying with its orders, can reverse its orders to climb or descend, and help prevent future collisions.

Source:  http://aenlogistics.com/general-interest/a-plane-crash-a-murder-the-killer-and-the-aftermath/