

## **REPORT TO THE CHANCELLOR OF JUSTICE IN SWEDEN** (Translation from Swedish)

There are many facts which indicate that there are further circumstances and activities connected with the MS Estonia shipwreck in which the Swedish Armed Forces took part and which have been concealed from the investigating commission and still today are concealed from politically responsible quarters.

It is in the public interest to have examined to what extent FMV (Försvarets Materialverk - Swedish Defence Material Administration) and/or the Armed Forces still today are actively contributing to a cover-up of the circumstances around the Estonia shipwreck.

We know that cabinet members have expressed dismay at learning that the Armed Forces earlier has hidden the information that the civilian passenger ferry Estonia had been used for transport of military material on the cargo deck the same month in which the ship foundered.

### Background

In the film material from the official investigating commission there are images from a robot camera filming the Estonia wreck on the 2<sup>nd</sup> of October, just four days after the sinking. In these images the handrails from the inside of the closed bow loading ramp are seen cut off and thrown onto the bottom of the sea outside the ship.

These pictures prove that divers have been inside the cargo deck during the first days after the sinking.

Theoretically it could have been any divers who secretly and with unknown motive have operated on the Estonia cargo deck. In practice however not! It takes considerable underwater resources and support for such an operation and the only parties who knew the exact position of the wreck were the Swedish Armed Forces, the Finnish Armed Forces and the Finnish member of the investigating commission, Kari Lehtola. The site for the wreck had been kept secret for nine weeks from the sinking on the 28<sup>th</sup> of September and until the beginning of December. Only then did the investigating commission carry out their first diving operations. The Swedish Armed Forces were furthermore responsible for guarding the wrecksite.

The pictures of cut-off handrails have taken a new meaning after the information came that the Armed Forces was using the civilian passenger ferry Estonia for transporting military equipment on the cargo deck.

Further to material from October and December 1994 the Estonia wreck has been filmed later, i.a. in connection with the work for emptying the ship of oil and also during the investigations for covering the hull damages with sand and stone. Comparing pictures of the ramp taken in December 1994 with pictures taken at a later date it can be seen that the ramp has been subjected to great forces which were bending and breaking several strong beams and that attachment loops have been welded on.

Information about the secret diving operations on Estonia was brought up for debate in the Swedish Parliament on July 12<sup>th</sup> this year. Minister Mona Sahlin then said that an independent examination was needed of the material filmed at separate occasions on the Estonia wreck and which had been subject of the debate. The minister referred i.a. to examples which had been debated in the Parliament, among others the cut-off handrails.

The minister also promised that the government would charge SKL (Statens Kriminaltekniska Laboratorium - National Laboratory of Forensic Science) to examine the film material and stated in the debate "It is of course so that neither I nor the debate is served by having this initiative interpreted as a way to bury the matter. It is all about contributing to the continued debate with openness and transparency – not the opposite".

On June 29<sup>th</sup> the Government commissioned SKL to examine the film material with the purpose to find whether there has been changes at the wrecksite which may have been caused by human interference – however limited to the period October 2<sup>nd</sup> – December 6<sup>th</sup>. The clear interpretation of this is that there will be no analysis regarding the hand-rails which were cut off before October 2<sup>nd</sup> and which are proof of clandestine activities on the cargo deck immediately following the sinking. It is also clear that neither will there be an examination of the extensive damages inflicted on the bow loading ramp after December 6<sup>th</sup>.

It must be regarded most unlikely that some unknown party has managed to carry out diving operations on Estonia going inside the cargo deck. This against the background that the position of the wreck was not known to other parties than to the Armed Forces in Sweden and Finland and to the investigator Kari Lehtola. There is also the fact that the Swedish Armed Forces were guarding the area. Either it is some third party who carried out clandestine operations on the Estonia cargo deck with the approval of the Armed Forces or it is themselves who have gained access to the cargo deck.

Information from several, from each other independent, employees of the Armed Forces claim that Urd, a ship fitted for special duties, was used as a base for clandestine diving operations on the wreck. On board this ship Lars Mikael Gustavsson is said to have been leading the diving operations.

The one-man investigation carried out by Johan Hirschfeldt regarding transport of military goods on Estonia supplied the information given by the Armed Forces that two shipments had been transported during the month of the Estonia sinking but that they had no responsibility for anything on board on the night of the disaster. The directive for that investigation was however so narrowly formulated that the pertinent question never was asked: What knowledge was there within the Armed Forces /FMV regarding freight of military goods on the night of the sinking, no matter which party was responsible for it? This limitation was rather unfortunate in view of the fact that FMV earlier had employed private companies for transporting military equipment from the former Soviet Union.

This is why we still do not know whether there was a military cargo on board Estonia on the night of the sinking though this may seem most likely. On the other hand we know that, following the sinking, someone with considerable resources for underwater activities has secretly entered the cargo deck.

The Estonian Government has ordered State Prosecutor Margus Kurm to investigate that which Hirschfeldt never had the mandate to do – whether there was military cargo on board Estonia the night of the sinking. The Estonian Parliament has also ordered an investigation into the same matter. When the Estonian State Prosecutor Margus Kurm, visiting Sweden, requested an interview with Lars Mikael Gustavsson the man refused to meet with Kurm. Responding to a question in writing to the Swedish Government the Department of Defence, in their written answer, neither confirmed nor disclaimed the information concerning Urd but bypassed the matter with silence.

After having completed his investigation Johan Hirschfeldt, president of the Svea Court of Appeal, destroyed his working material. This is highly unusual, albeit legal. In a hearing conducted in the Swedish Parliament he explained it saying that it was in accordance with his

understanding of the task he had been given by the Government i.e. the working material was to be destroyed. Hirschfeldt also explained to the members of Parliament that he had forgotten all that dealt with the military transport which was outside his written account. He could not say who organized the secret transports which bypassed customs and he did not remember names of responsible persons, chains of command, owners of vehicles etc.

There is not necessarily any connection between military cargo on board Estonia the night of the sinking and what caused the ship to sink. But such connection cannot be ruled out as long as these questions are not fully clarified. After all, it is a fact is that the investigation into the sinking never examined the most basic circumstances.

For instance – the cargo deck was left out of the investigation. This in spite of the fact that conditions on the cargo deck is one of the main reasons for Ro-Ro ferries being shipwrecked and is normally the first matter to be documented in detail.

The investigation never managed to explain the sinking sequences and we know now that it is impossible for a ship to sink only by taking in water on the car deck.

It is therefore in the public interest to clarify what activities the Armed Forces still today are concealing and which regard circumstances for and activities carried out in connection with the Estonia sinking.

It may be of great interest for JK to hear the following persons:

**Boris Ljunggren**, lieutenant-colonel. Served with particular responsibilities within MUST for 17 years until 1994. (MUST, Militära underrättelse- och säkerhetstjänsten / Military intelligence and security service)

In a recorded conversation with me on August 30<sup>th</sup> this year Boris Ljunggren admitted that he has great knowledge of the military transports on Estonia which were far more extensive than what the Hirschfeldt investigation showed. He knows about the channels for information and communication and the chain of command backwards from the customs official who was ordered to let the military cargoes pass without control. He also said that he knows which authorities in Sweden and Estonia were responsible but was prevented from telling me on account of his secrecy obligations.

**Nils Ove Jansson**, commander 1<sup>st</sup> degree. Second in command at MUST intelligence and SÄK. Handled all intelligence matters.

**Ingvar Åkesson**, today Director-General FRA (Försvarets Radioanstalt - National Defence Radio Establishment). In 1994 Director-General for Administrative Affairs at the Department of Defence.

**Lennart Brittner**, Has taken part in formulating the mandate for the Hirschfeldt investigation and also the Government commission to SKL in June which excludes analysis of just that matter which proves that divers have gained access to the Estonia cargo deck. In 1994 leading the intelligence unit at the Department of Defence.

In their operative capacity the following persons may be of great interest for JK to hear:

Engineer **Agne Svensson**, MANTIS-pilot (manned under-water vehicle) and technician **David Sten**. Two of the the Swedish Navy's real experts on rescue operations with mini-sub. Have taken part in most of the difficult rescue missions. Employed as civilians.

**Lars Mikael Gustavsson**. Dive leader on Urd according to information obtained.

**Claes Drougge** (Ocean Marine Modules Sweden AB in Åtvidaberg). Diving expert specialized in deep diving. Was diving on Estonia according to information obtained.

**Claes Hansson**. In 1994 employed at Sjöfartsverket (National Maritime Board) in Norrköping. Has good knowledge of what happened the first days after the sinking.

**Hans Jacobsson**, rescue leader. Was in 1994 employed at Marinkommando Ost (MKO) (Naval Command East), Muskö, now employed at FMV. Unique expert knowledge of diving and under-water operations.

A useful knowledge is that KSI (Kontoret för Särskild Inhämtning - approx. Office for Particular Acquisitions) in 1994 reported directly to the Supreme Commander and had no obligation to report to MUST. The Supreme Commander was an independent authority and did not come under the Armed Forces Headquarters until 1994.

It is also useful to know that at MUST there are three different levels for the secret archives. The first archive contains usually classified material. The second holds qualified classified material with stamps showing double frames. There is however a third archive, beyond these two – the so called numbers archive – where the classifying stamp is green. The material in that archive is not sorted according to headings but by numbers. The contents are of particularly sensitive nature, often about matters regarding foreign relations, reports from FMV etc. That is the archive which is of greatest interest for JK in the present matter.

With a view to the nature of this matter the persons to be interviewed by JK must be heard under oath and liable to punishment. In order to make the examination possible JK must, for the hearings, request that the Government lifts obligations regarding secrecy. That should be possible in view of Mona Sahlin's statement in the Parliament: "It is all about contributing to the continued debate with openness and transparency – not the opposite".

There is now a large group of competent persons who are working for an increased transparency regarding the circumstances in the Estonia sinking. In the Swedish Parliament there is a group with members from all seven political parties represented in the Parliament. The knowledge in these matters is far greater than what comes out in this report to JK. We can provide JK with social security numbers as well as phone numbers and addresses to several of the persons mentioned above. Within the Armed Forces there is also a growing number of persons who are prepared to talk.

**The information contained in this report should however be fully sufficient for JK to examine the matter.**

The undersigned has a negative experience which is at the base for the present action. After the organisation, in which I earlier was active, filed a report to the police against Bofors (Swedish manufacturer of weapons systems) nothing happened. County police commissioner Stig Age did not start an inquest although the material supplied with the report proved that a crime had been committed. Authorities and politically responsible persons dismissed the report and the suspicions of crime as conspiratorial alternatively casting doubt on the aim and purpose of the report.

Only after we had informed that there was some further material with copies taken and kept in safe places Stig Age was obliged to act. Not by starting an inquest, as prescribed by law, but by reluctantly appointing a preparatory inquest which is alien to the proper handling. Later on the information came that we had been reported to SÄPO (Swedens National Security Service).

Almost a year went by before the investigation got started. SÄPO informed that they soon had realized that it was Bofors who was the criminal party and not us who had reported them. In December 1989 the Svea Court of Appeal found three senior officials of Bofors guilty of gross smuggling.

In a democratic society based on principles of justice the citizens must be able to have trust in the countrys armed forces. This is of prime importance not the least because the national armed forces nowadays is used contributing to international efforts at peacekeeping.

The circumstances surrounding the Estonia sinking are of such grave nature that it is necessary to have an investigation into what information the Armed Forces is concealing about participation in and knowledge of operations connected with the Estonia sinking. Similarly it needs to be known what knowledge there is on the matter of military cargo on board the ship the night of the sinking. It needs also to be investigated to what extent such military operations have influenced or rendered impossible a proper investigation of the sinking.

I therefore submit that JK will investigate

What the Armed Forces and its earlier employees know about the secret diving operations on Estonia during the days immediately after the sinking and for what purpose these operations were undertaken.

060912

Lars Ångström  
Member of Parliament, serving in the Defence Committee

Note:

The Chancellor of Justice in Sweden (Justitiekanslern) is appointed by the Government. Being a non-political civil servant it is possible for him to carry out his duties in a completely independent way.

Among the JK duties are to be the Government's counsellor in legal matters. The office has an important role in the supervision of the authorities and the civil servants, and is to take action in cases of abuse.