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AviAssist urges African aviation industry to fight constructive battle on criminalisation

Hoofddorp, Netherlands, 8th November, 2011 —

At the invitation of the Africa Aviation Safety Council AFRASCO, the AviAssist Foundation urged the AFRASCO members to seek understanding of national prosecution departments of the aviation industry's traditional learning curve that starts from accidents. AFRASCO held its Annual General Meeting in Gaborone, Botswana on 8 & 9 November.

The tendency for national judicial systems to almost automatically bring criminal prosecutions following a commercial aircraft accident is a growing global phenomenon. Human error is a rare but inevitable factor in the safety chain. Prosecuting basic human error will not deter future genuine errors from occurring.

“Overzealous prosecutors attempting to criminalize aviation accidents can have a chilling effect on cooperation by aviation professionals with accident investigators. The free flow of information to understand what happened and why, and prevent recurrence of the tragedy has always been crucial to making the aviation industry ever safer” explained AviAssist Director Tom Kok. “However”, warned Kok “in order to urge judicial authorities to exercise greater restraint and adopt stricter guidelines before initiating criminal prosecutions in the wake of aviation disasters, the aviation community has to stop repeating the naïve argumentation that has been prevailing. That defensive argumentation follows the line of trying to claim conditional immunity from judicial investigation just because we should be allowed to learn from our own mistakes”.

“Civil and administrative mechanisms may exist to deal with any violation of aviation standards but these mostly do not afford an opportunity for the interest of victims and families of victims to be taken into account. This is another reason to ensure adequate emergency response planning so that victims and families of victims see that their concerns are taken seriously from the onset of an accident. In some countries, the only opportunity to consider the right of victims and families of victims is through a criminal case”, Kok told the AFRASCO members. “The growth of criminal prosecution may equally be influenced by independent accident investigation. A credible institution may at least settle some of the emotions of victims and families of victims. In some cases in Africa, a regional accident investigation organisation may be to only viable option.”

“The aviation industry has to start actively managing the relationship with Departments of Public Prosecution, where necessary with the help of a regional committee of peers such as AFRASCO to avoid vocational and national solidarity. Wherever possible, the aviation community has to work on training or sensitising judicial staff on the practical, operational & technical aspects of air transport to reduce the chances of misunderstanding between the various parties involved. AviAssist is ready to play its part hand in hand with AFRASCO throughout the region through our largely free safety magazine SafetyFocus” Kok said.

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The AviAssist Foundation is an independent, non-profit organization that pursues continuous safety improvements in African aviation. As regional affiliate of the Flight Safety Foundation, it provides safety support to African countries and companies and is engaged in education, advocacy and publishing to improve aviation safety. It assists in rolling out highly acclaimed Flight Safety Foundation toolkits in the African region and aims to replicate safety successes from elsewhere on the African continent and beyond. It does so in close coordination with ICAO, stakeholders and safety support providers. More at www.aviassist.org & <http://www.facebook.com/pages/AviAssist-Foundation/165826106812721>