



24 March 2004

## PRESS STATEMENT

### IFALPA Statement re Post JL706 Trial Press Release

On behalf of the International Federation of Air Line Pilots' Associations, which represents in excess of 100,000 flight crew in more than 95 countries world-wide, we wish to take the unequivocal position that the request by the Japanese prosecutor for a criminal conviction of Captain Takamoto for actions leading to the death of a crew member onboard JAL 706 is simply wrong. A conviction in this case would be totally without support in the factual record of the event. Further, it would go against both the spirit and letter of ICAO Annex 13 concerning accident investigations, which has been fully ratified by Japan, and would go against the great weight of International practice and custom and violates the fundamental precepts of human rights and fair play.

We remain convinced that the Captain correctly manipulated the controls of his aircraft at all relevant times and did all in his power to prevent any incident. Such behaviour cannot be the basis for a criminal conviction under internationally accepted standards of fairness and equity. There must be some wrongdoing to justify imposition of sanctions by a Court. In this case there was none.

Of even greater concern to the international aviation community is the use of the entire formal accident report to support the prosecution. We believe it is clear that such use will have the obvious consequence of causing parties to subsequent investigations to be less than forthcoming with the investigators. Since the sole purpose of the investigation is to improve aviation safety, we believe that prosecution may in fact work against such improvement.

This argument becomes even more compelling when, as here, it is considered that significant technical questions remain to the conclusions reached by the Aircraft and Railway Accidents Investigation Commission. IFALPA, through our Member Association in Japan, will continue to seek acknowledgement that there is an underlying technical fault in the aircraft control system which provides the only possible explanation for the events which led to the unfortunate death of a member of the cabin staff onboard the aircraft.

The international pilot community is becoming increasingly intolerant of prosecutions of this nature. If pilots believe that certain countries may unfairly deprive them of their liberty, it is possible that they may refuse to expose themselves to this risk. This is not an arbitrary response, but a reaction to a continuing breach of International Standards of Fair Play.

IFALPA is moving forward at ICAO to prohibit this type of prosecution and has launched a worldwide campaign to familiarise the aviation community with our concerns and proposed solutions. We have received a very enthusiastic response from many countries and organizations which, if acted upon, will serve to further isolate countries, such as Japan, who prosecute flight crew members following an accident by using the formal accident report as primary evidence.

IFALPA formally calls upon the Government of Japan to establish both prosecutorial and evidentiary standards for such cases which reflect appropriate international standards and volunteers its services in the attainment of such a goal.

**All queries and comments** should be addressed to Debra Batson, IFALPA Media Communications Officer ([debratson@ifalpa.org](mailto:debratson@ifalpa.org))

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**About IFALPA** - The International Federation of Air Line Pilots' Associations represents in excess of 100,000 pilots in more than 95 countries world-wide. The mission of IFALPA is to be the global voice of airline pilots, promoting the highest level of aviation safety and security world-wide and providing services, support and representation to all of its Member Associations. [www.ifalpa.org](http://www.ifalpa.org)