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IFALPA Calls on Tokyo Supreme Court to overturn controller convictions

Chertsey 30 October: The International Federation of Air Line Pilots' Associations (IFALPA) calls on the Tokyo Supreme Court to overturn the convictions of Hideki Hachitani a student air traffic control officer and Yasuko Momii, his supervising officer who were handling the flights involved in the January 2001 near miss between two Japan Air Lines flights. According to the report into the incident by the Ministry of Land, Infrastructure and Transport a JAL907 a 747-446 Domestic and JAL958 a DC-10-40 came within less than 100 metres of each other. Quick thinking and skilful airmanship by flight 907's commander Capt. Makoto Watanabe averted what could have been aviation's worst crash. However a number of passengers and crew were injured during the evasive manoeuvres.

As a result of these injuries, the Tokyo District State Prosecutors Office brought criminal charges against the two Controllers for professional negligence. In March of 2006, the Tokyo District Court found the two not guilty and the Presiding Judge Hisaharu Yasui noted in his ruling that prosecution of the controllers was unsuitable. However, the Prosecutor's Office lodged an appeal which was upheld by the Tokyo High Court in April of this year. Mr Hachitani was sentenced to a year's imprisonment and Ms Momii to eighteen months with both sentences suspended for three years. At present the two are free on bail as their defence teams plan a further appeal with the Supreme Court. This appeal is due to be filed tomorrow.

IFALPA calls on the Supreme Court to recognise the wisdom of Judge Yasui's 2006 ruling and reject the findings of the High Court since it is clear that to pursue this conviction not only does nothing to improve safety in air transport it may actually harm it. Furthermore, the Federation also calls on the Japanese government, as it has many times in the past, to enact legislation which would allow the country's legal system to adhere to the internationally agreed provisions of Annex 13 to the Chicago Convention and so not only take a significant step forward in the cause of safety for the travelling public but also remove the need for wasteful and needless trials and successive appeals.

For more information about ICAO Annex 13 and IFALPA's non-punitive reporting and 'just culture' position see the document 09POS02 – "Accident Prevention Through a Just Culture" available on the IFALPA website www.ifalpa.org or by following this link:

http://www.ifalpa.org/positionstatements/09POS02_Just_culture_&_non-punitive_reporting.pdf

You may also be interested in the Flight Safety Foundation Manual "A Roadmap to a Just Culture" which can be found via this link:

http://www.flightsafety.org/gain/just_culture.pdf

Notes to Editors

The International Federation of Air Line Pilots' Associations represents in excess of 100,000 pilots in more than 100 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. See the Federation website www.ifalpa.org

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