



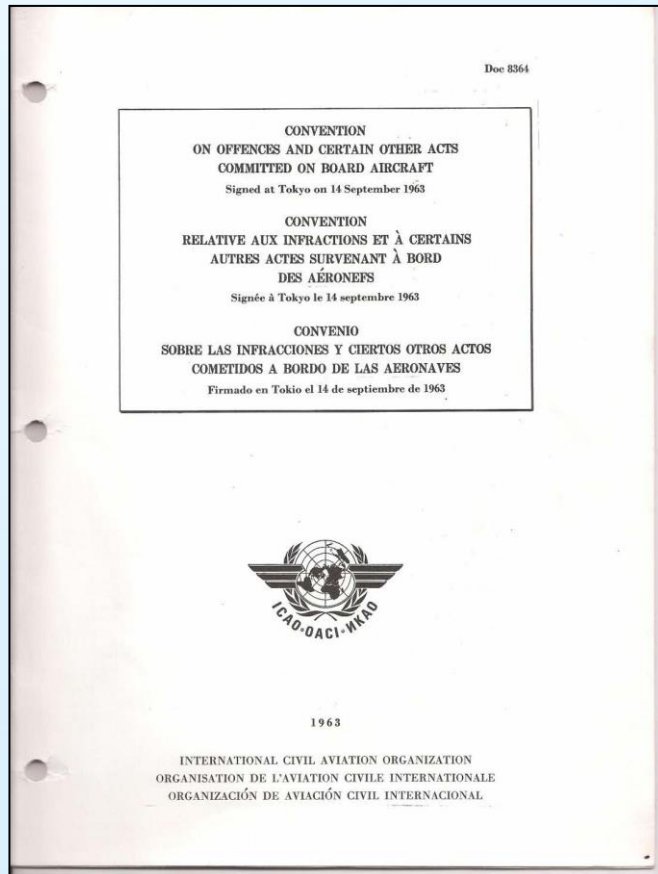
# Montreal Protocol 2014

Ms Tan Siew Huay, Director (Legal), CAAS

Mr Tim Colehan, Assistant Director  
External Affairs, IATA



# Montreal Protocol 2014 - Background



## (a) Tokyo Convention 1963 (TC63)

- Notable relevant features
  - Jurisdiction of the State of registration
  - Power of aircraft commander
  - Restoration of control of aircraft
  - No specific offences
  - No requirement to prosecute or extradite



# Montreal Protocol 2014

## – Amendments to TC 1963



---

<b>Jurisdiction</b> (Art 3(1 <i>bis</i> ) & (2 <i>bis</i> ))	New State of <u>landing</u> jurisdiction - mandatory New <u>State of the operator</u> jurisdiction - mandatory
<b>List of offences</b>	No list of offences States encouraged to take measures to initiate proceedings in 2 cases <u>Resolution</u> requesting ICAO Secretary-General to update <i>Circular 288</i> (guidance)
<b>Extradition</b> (Art 16)	For extradition purpose – offences treated as committed in place of occurrence and territories of States required to establish jurisdiction

---



# Montreal Protocol 2014 – Amendments to TC63



---

**Aircraft commander immunity (Art 10)**

No amendment to TC63 immunity provisions

---

**In flight security officers (air marshalls) (Arts 6 & 10)**

- Aircraft commander may ask, not require IFSO to restrain unruly passenger
  - May take preventive action against passengers, on reasonable grounds where they believe that an offence is about to be committed
  - Same immunity as aircraft commander, crew & passengers
- 

**Airline damages recovery (Art 18bis)**

Recovery of damages under national law not precluded (& not only for airlines)

---

**Termination of contract of carriage**

No amendment to TC63  
Refer to contract of carriage

---



# Montreal Protocol 2014 – Amendments to TC 1963



1. Entry into force
    - 1 Jan 2020
  2. Updating of [Circular 288](#) pursuant to the Resolution of the Diplomatic Conference
    - “To include more detailed list of offences & other acts” and “To make consequential amendments on adoption of MP14”
- [Manual](#) on the Legal Aspects of Unruly and Disruptive Passengers (Doc 10117)





# Implementing the Montreal Protocol 2014

Tim Colehan | Assistant Director  
External Affairs, IATA





# Incident frequency and severity on the rise...



Federal Aviation Administration



# IATA IDX Data (Incident Data Exchange)

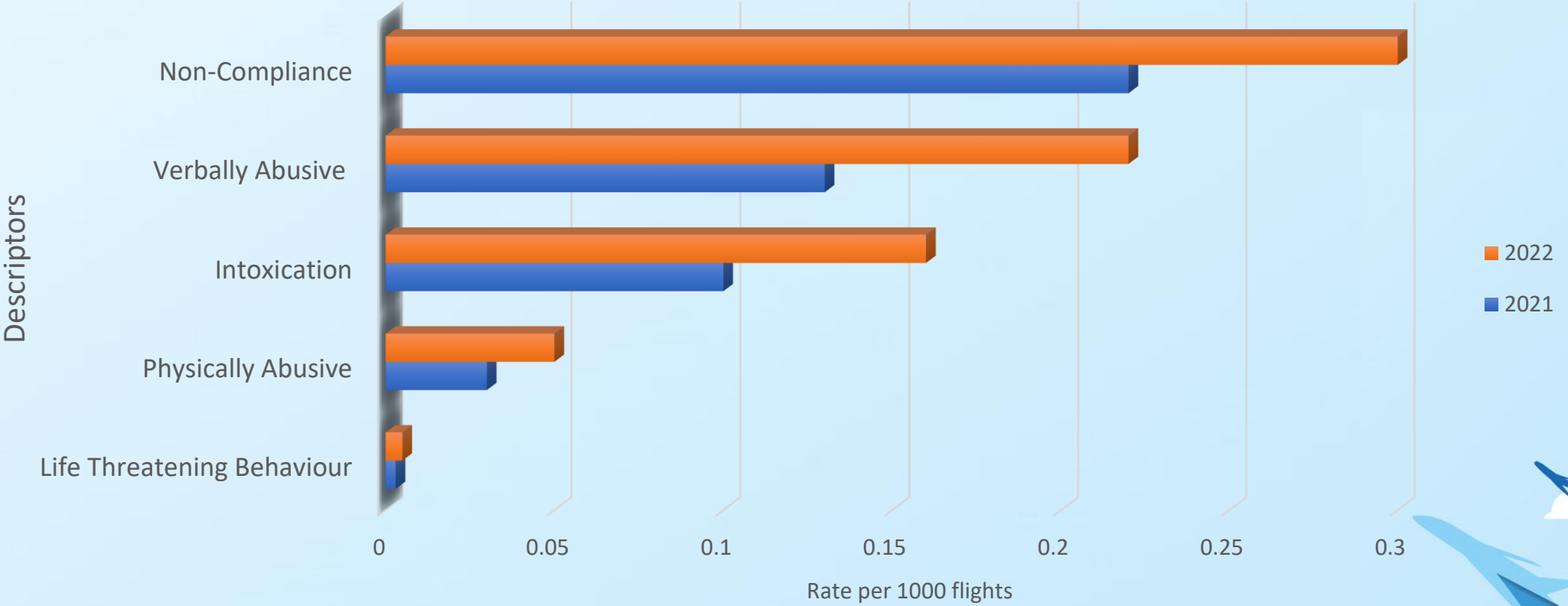
Incident rate 2021: 1 incident per 835 flights.

Incident rate 2022: 1 incident per 568 flights.





# Taxonomy of the incidents

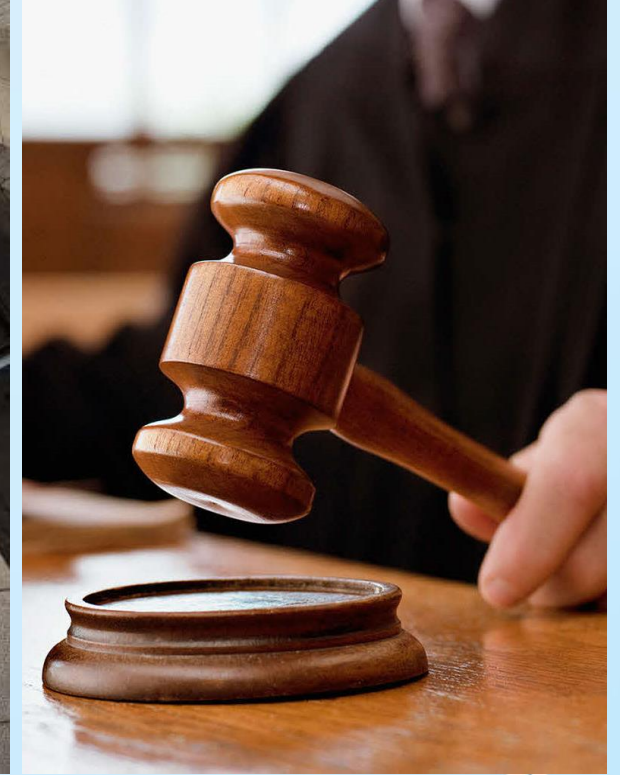


# Impacts

- Unruly & disruptive incidents have significant impacts:
  - ☹️ Compromise flight safety and good order onboard
  - ☹️ Disturb the journey for other passengers
  - ☹️ Physical and mental health impacts on airline cabin crew
  - ☹️ Flight delays, cancellations and operational disruption
- Consumer rights, but also consumer responsibility
- Demand for air travel will double by 2040 – many first-time flyers in the region!



# How do we reduce incidents?



**PREVENTION > MANAGEMENT > JURISDICTION > ENFORCEMENT**

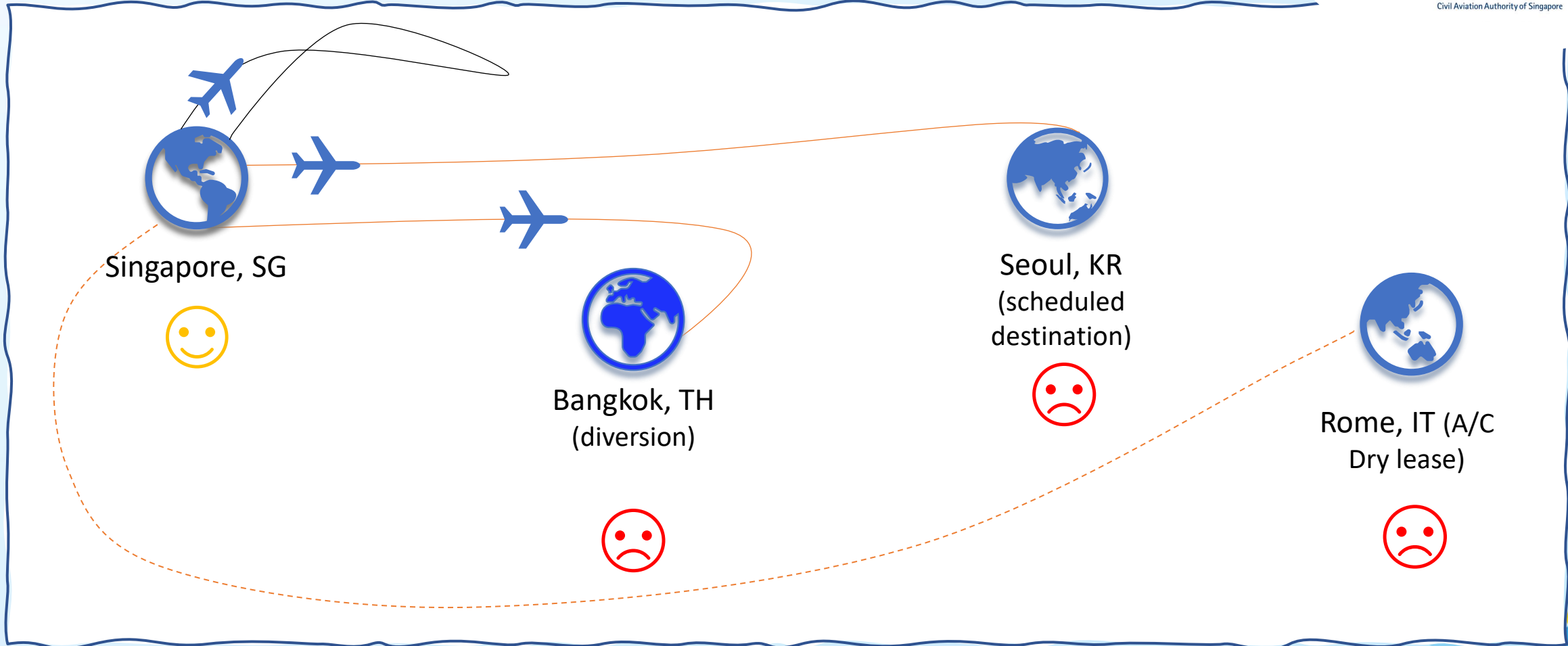


# Impunity

- In a survey of IATA member airline legal departments
- **over 60%** of respondents highlighted that **jurisdictional issues** were the main reason for lack of prosecutions of unruly passengers!



# Jurisdictional gaps – Tokyo Convention 1963



Aircraft is registered in Singapore (9V-registration). Thailand and Korea do not have state of Landing jurisdiction and are not Parties to Montreal Protocol 2014.

# ICAO's actions to address the problem

## 1. Strengthen States' capacity to address global problem of unruly & disruptive passengers

- Amended Tokyo Convention 1963 through **Montreal Protocol 2014 (MP14)**
  - Established **State of landing & State of the operator jurisdictions (MP14)**
  - Encourage States to take necessary measures to **initiate appropriate legal proceedings**

## • 2. Encourage/Assist States to ratify & implement MP14

- **Administrative package** for ratification
- Task Force on the Legal Aspects of Unruly Passengers (UPAXTF) to update Circular 288 -> **Manual on Legal Aspects of Unruly & Disruptive Passengers (Doc 10117)**





# IATA's approach to solving the issue

## 1. Enhance the international deterrent

- Resolve gaps that allow unruly and disruptive passenger to avoid punishment for their misconduct (Montreal Protocol 2014)
- Encourage States to review if they have the right enforcement mechanisms that can be applied to different types of offenses and acts (refer to ICAO Manual Doc 10117 )

## • 2. Prevention

- Training (de-escalation, alcohol service, restraint)
- Multi-stakeholder initiatives
- Public awareness of prohibited conduct and consequences







# Thank you

Tim Colehan | [colehant@iata.org](mailto:colehant@iata.org) | [www.iata.org](http://www.iata.org)





# Scenarios



# Incident 1

Occurred on an international flight from ABC in Country A to CDE in Country B. Aircraft is registered in Country A. Both countries are Parties to the Tokyo Convention 1963.

- During the cruise, a female passenger in seat 27A reclines her seat
- It causes the drink and meal tray of the passenger in 28A to go all over him.
- That male passenger gets up and verbally confronts her and uses aggressive and foul language.
- The passenger in 27A apologizes but this does nothing to calm the other passenger.
- A female cabin crew member arrives and the passenger in seat 28A screams in her face, pushes her out of the way and refuses any assistance from her when she attempts to clean up the mess.
- After a while the passenger in 28A falls asleep and is quiet and calm for the remainder of the flight.
- The cabin crew reports the incident to the Captain who asks to be kept informed and radios ahead to CDE to request police to meet the aircraft. The flight continues to CDE and the flight lands safely with no further incident.
- The police attended the aircraft.



# Incident 1 – Volunteers for roles!

- **Roles relevant to this scenario:**

1. Female Passenger 27A (“FP27A”)
2. Male Passenger 28A (“MP28A”)
3. Female Cabin Crew (“FCC”)
4. Captain
5. Air Traffic Control (“Arrival Control”)
6. Police Officer 1
7. Police Officer 2 (superior in rank)



# Script Incident 1

**Oceanic Airways 700 is flying from ABC to CDE. The aircraft is registered in A, which is where ABC is located and where Oceanic Airways has its HQ. The flight is now in cruise, meal service is concluding and there are approximately 4 hours remaining until the flight is scheduled to land in CDE.**

*FP27A passenger reclines seat causing spillage over passenger 28A. Food, wine and water is spilled all over MP28A*

MP28A: What do you think you are [expletive] doing? Look what you've done, you careless [expletive]. Can't you tell I'm eating here. What a mess you've made! Some [expletive] consideration please!

FP27A: Oh, I'm sorry. I really didn't mean to do this! *[MP28A gets up and leans over 27A's seat]*

MP28A: *[Yelling loudly]* This is [expletive]! What the [expletive] were you thinking? These are my good jeans.

FP27A: I'm sorry, I don't know what to say. Keep it cool dude!

MP28A: You're going to pay, [expletive]! *[FCC comes down the aisle.]*

FCC: Sir, please calm down. We'll get some napkins here.

MP28A: Here we go, fine lot of help you'll be. *[MP28A throws his hands up in the air, moving towards FCC]*

FCC: Sir... *[MP28A moves farther forward, yelling menacingly into the face of FCC]*

MP28A: [Expletive] look this is [expletive]. What are you going to do about it? I'm sick of this [expletive]. You'd better clean this up. I need some respect.



# Script Incident 1 (2)

FCC: Sir, I need you to calm down and take a breath.

MP28A: Would you? Look at this [expletive]. These are my jeans. And the wine has gone onto my shirt. This careless [expletive] doesn't give a [expletive].

FCC: Please sit down and we'll sort this.

MP28A: Like [expletive] you will.

FCC: Sir, don't raise your voice with me and please don't use offensive language. I'm trying to help. Please sit down and we can talk about this.

MP28A: This is patronising [expletive]. *[MP28A mimics "I'm trying to help" in a sarcastic tone]* Get out of the way you silly [expletive]. Look at my [expletive] shirt.... Who's going to pay for this crap.

*[MP28A pushes FCC out of the way and sits back down in his seat]*

MP28A: And, you watch yourself! *[MP28A gestures aggressively at FP2A]*

FCC: Sir... please...

MP28A: What? *[FCC tries to clean up the mess. Presses the call bell to bring other cabin crew members.]*

MP28A: Look, the damage is done. Stop that! You think this stain is going to come out?



# Script Incident 1 (3)

## In the flight deck

FCC: Captain, we have an unruly guest in 28A. Yelling and threatening me. Another passenger spilled his meal/drinks on him.

Captain: OK, has he hit anyone?

FCC: No.

Captain: Just verbal then?

FCC: No, well, he pushed me out of the way – a firm shove. And he's been swearing at us and being very disrespectful.

Captain. OK, what is he doing now?

FCC: Just sitting there. He has calmed down a bit..

Captain: Have we warned him, or given him a card?

FCC: Verbal warnings, sir.

Captain: OK, keep checking on him please. If he starts again, give him the “conduct on board warning card”. Keep me updated and please let me know if he escalates.

Captain: Hello, CDE – we have an unruly here. Male passenger in 28A. It's not too serious – verbal and threatening demeanour. A bit pushy but not brawling. We'd like police attendance upon landing to take a statement and clear anything up. Thank you.

CDE Arrival Control: OK, thank you, roger that. Is the passenger under restraint?



# Script Incident 1 (4)

Captain: No cuffs, no.

CDE: Are you delivering him?

Captain: No, not yet. We'll will keep you updated. At this stage we just want to disembark him and have the police attend.

CDE: Roger, OK. We'll have an officer to meet you on the jet bridge.

## **[Back in cabin area]**

*[FCC returns to check on MP28, who has fallen asleep. He isn't handed a warning card and there is no further incident]*

## **[Aircraft later lands without incident at CDE]**

Police Officer: Hello, you have a customer for us?

FCC: Yes, male passenger in 28A.

Police Officer: OK, is he restrained or violent at all?

FCC: Verbally abusive and threatening, but he's been asleep since the incident.

Police Officer: OK. Sir, what is your name?

MP28A: John Smith.

Police: What happened here?

MP28A: She spilled my meal and drink all over me. I got a bit angry, but I am fine now.

Police: OK, please come with us Mr Smith.





# Script Incident 1 (5)

MP28A: Am I under arrest?

Police: No, not if you stay smart. But we'd like you to come with us to clear this up. Are you OK with that?

MP28A: Yes, OK.

Police: *[To FCC]* I will need a statement thank you – Have you got your logged notes?

## **[In Police Interview Room at CDE]**

OK, Mr Smith. We have the airline records and they've made a complaint. You got a bit aggressive after the food/drink spill and yelled at the FCC.

MP28: Yeah.

*[General questioning continues]*

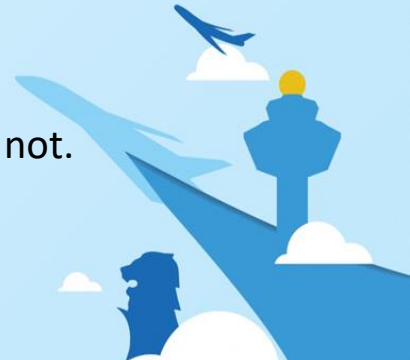
Police: You then shoved the FCC. You pushed her?

MP28: Well, I don't remember doing that. I just wanted to get back to my seat. I was angry with the whole situation. Some people are clueless.

Police: Well, Mr Smith technically this abusive behaviour and foul language and the physical act in pushing the FA out of the way is an assault under our civil aviation laws. We have a discretion as to whether we charge this or not.

MP28: OK... Well, look, I apologise. I lost my temper.

Police: Just wait here, we need to look at the paperwork and make some calls.



# Script Incident 1 (6)

## [Phone call to superior officer]

First Police Officer: Look, I've got a disorderly and a minor assault here, inbound aircraft. Passenger is OK now. Foreign national of A. Some disagreement after a spill on board, the lady in the seat in front spilled everyone on him when she reclined. The serious aspect is yelling foul language and at one point we have him pushing the cabin crew before going to sleep. We could charge him.

Second Police Officer: OK, have you arrested him?

First Police Officer: No, he's just with us for questioning.

Second Police Officer: You say he got bent out of shape because the lady in front spilled his dinner? Then he yelled out a FA and got pushy, but just once. I don't know... When was this?

First Police Officer: Yes, happened mid-flight.

Second Police Officer: What airline?

First Police Officer: Oceanic Airways, from ABC.

Second Police Officer: Is the cabin crew member injured from the push?

First Police Officer: No.

Second Police Officer: I don't know that we've got skin in the game here. Let me check the charging manual... OK, OK. Looks like delivery or disembarkation. He's not restrained right? So "disembarked", it says here.



# Script Incident 1 (7)

First Police Officer: Yes.

Second Police Officer: And we're not holding for extradition in this kind of a case. It's just not that serious. What's he doing now?

First Police Officer: He's normal, calm. Has behaved with us.

Second Police Officer: Is this his final destination?

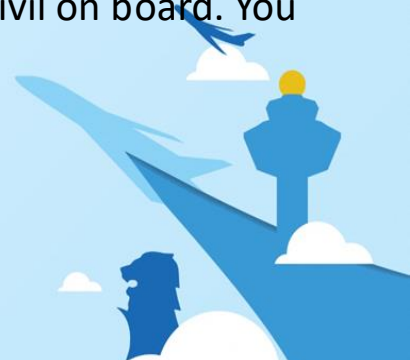
First Police Officer: No, he's got a regional flight at 3pm.

Second Police Officer: OK, give him a caution and send him on his way. I don't know if we have jurisdiction and I'm not convinced this is worth a charge. The prosecutor wouldn't thank me for sending this to her either.

## **[A little later, back in the interview room]**

First Police Officer: Mr Smith, I'm formally cautioning you under the civil aviation laws. It is not on to yell, scream and push cabin crew. We could arrest you for this or charge you. We're not doing this today but let this be a warning to you to keep it civil on board. You can't just lose your temper. Take it easy. OK, thank you, you can go now.

MP28: Thank you. I'll be leaving then....



# Applying Tokyo Convention 1963 in Incident 1

Relevant Parties	Action/Decisions	Considerations / Outcome	What if MP14 applies
<b>Female cabin crew member (FCC)</b>	<ul style="list-style-type: none"> <li>• Verbal warning</li> <li>• Reported to Captain</li> <li>• Did not issue “conduct on board warning” card</li> </ul>	<ul style="list-style-type: none"> <li>• Gave statement to 1<sup>st</sup> Police Officer</li> </ul>	
<b>Captain (Aircraft Commander)</b>	<ul style="list-style-type: none"> <li>• Did not impose restraint</li> <li>• Requested police attendance / not delivery</li> </ul>	<ul style="list-style-type: none"> <li>• Minor / not serious offence</li> <li>• Police attended aircraft upon landing</li> </ul>	<ul style="list-style-type: none"> <li>• Delivery if serious offence, in Captain’s opinion</li> </ul>
<b>1<sup>st</sup> Police Officer</b>	<ul style="list-style-type: none"> <li>• Just for questioning</li> <li>• Consulted superior (2<sup>nd</sup> Police Officer)</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Have discretion to charge or not?</i></li> <li>• After the consultation issued formal caution/warning</li> </ul>	
<b>2<sup>nd</sup> Police Officer</b>	<ul style="list-style-type: none"> <li>• Not that serious</li> <li>• Not holding for extradition</li> <li>• CDE has no jurisdiction</li> </ul>	<ul style="list-style-type: none"> <li>• Minor; not serious offence</li> <li>• Disembarked &amp; not restrained</li> <li>• Occurred mid-flight (not over CDE territory)</li> <li>• CDE is State of landing; not State of registration</li> </ul>	<ul style="list-style-type: none"> <li>• CDE has jurisdiction as State of landing</li> </ul>

# Incident 2 (based on an actual case)

**Occurred on an 8-hour international flight from NOP in Country C to XYZ in Country D. Aircraft is registered in Country C. Both countries are parties to the Tokyo Convention 1963**

- A business class passenger in seat 3A asked the purser for another glass of champagne during the meal service
- She had already had several glasses before and was starting to show signs of possible intoxication (she was slurring words and dropping items).
- The cabin crew informed her that they had run out of champagne. She demanded wine but the crew informed her discretely that she had already had a lot of alcohol and that they would not serve her any more for the remainder of the flight.
- The woman then started to racially abuse the senior male cabin crew member. She also hit him in the face and bit him on the arm so severely that he had to receive first aid.
- The passenger then started a verbal tirade using foul language and spitting at crew and other passengers highlighting that she was an international human rights lawyer.
- The Captain was informed, and he gave the crew permission to restrain the passenger and called XYZ to request the police to attend the aircraft upon landing.
- The crew followed their restraint training and successfully managed to restrain the passenger. However, in the process, the unruly passenger fell on to two other passengers.
- The unruly passenger remained belligerent until landing.
- The police attended the aircraft.



# Incident 2 – Volunteers for roles!

## Roles relevant to this scenario:

1. Passenger 3A
2. Cabin Crew (Male Cabin Crew, Female Cabin Crew, etc.)
3. Captain
4. Passenger B
5. Passenger C
6. Air Traffic Control (“Arrival Control”)
7. Police Officer 1
8. Police Office 2



# Script Incident 2

**We are in the business class cabin of Global Generic Airways Flight 800, en route from NOP in Country C to XYZ in Country D. Meal service is just concluding, and passengers are being served dessert. The flight is operated by Global Generic Airways' long-haul aircraft, which is registered in Country C.**

FP3A: Another glass of champer... champagne, pleaaaaaaase. And make it snaaaaaaappy!

FCC: I'm sorry madame, we've run out of champagne.

FP3A: Get me a vino, then. Cheers.

FCC: You've had quite a bit this evening. Perhaps I can suggest an orange juice or a tea?

FP3A: Don't start on this. I've had a stressful day. Wine, red, now, thanks.

FCC: Madame, under our cabin rules – we're not allowed to serve you additional alcoholic beverages. Now, please let me know, is there something else you'd like to be comfortable?

FP3A: Look, get the [expletive] wine or you'll have bigger problems OK. I'm not the [expletive] problem. Just get me a nice glass of wine, you little [expletive]. Thank [expletive] you.

MCC: [*Second male crew member intervening*] I'm sorry, we can't get you this – these are our cabin rules, and we must follow them. Please watch your language and calm down so we can help you.

FP3A: That'd be right you [racial epithet] [expletive]! Don't tell me about rules, I probably wrote them. How about you do your actual job and let me have the drink that I've paid business class for. You [racial epithet] [expletive]! Just [expletive] do it and spare me the attitude!

MCC: Madame... please... It's not helpful...

# Script Incident 2 (2)

*[MCC leans closer to FP3A - FP3A strikes MCC by slapping him on the face with her hand, using some force.]*

MCC: Arrggh! Ma'am stop this. Calm down!

FP3A: What do you expect, you impertinent [expletive]!

MCC: Ma'am, I will report this to the captain. You can't hit me.

*FP3A: [Grabs and firmly bites the arm of the MCC, breaking the skin, and leading to a scuffle as MCC attempts to extricate himself from FP3A]*

FP3A: Look at this, do you know who I am? Do you know who I am?

MCC: Please, please – I need help now with the passenger.

FP3A: [Gets up from her seat] This is what you get, nowadays... jack [expletive]! Look, look at this. You just can't get service. And service from this [expletive]. You disgust me!

*[FP3A spits on the withdrawing MCC]*

FP3A: There we go, you coward. Afraid of a little tough criticism.

Passenger A: Hey, come on, you're a bit excited! Sit down! Come on, you're ruining things for others. Do yourself a favour here.

FP3A: You, you – you jumped up [expletive]! You too, then! No respect for your betters.

*[FP3A spits into the seat area and upon the person of Passenger A]*





# Script Incident 2 (3)

FP3A: Anyone else got an opinion? Do you know who I am? You people... Wouldn't know a day's work in your lives.

Passenger B: Really, please miss, you're really scaring me...

FCC: Madame, you must sit down. This is very serious. You've assaulted the crew. Sit down now.

FP3A: Make me. Where's the bar? I'm having the wine I paid for... get out of my way.

FCC: Ma'am, stop. You're out of line.

FCC2 and MCC2: Hey! Listen to her. You are going to sit down now. If you don't you will be made to sit down. You've assaulted a team member.

## In the cockpit

FFC: Captain, sorry, we've got a serious issue in business class. A female passenger in 3A has bit my pursuer and slapped him on the face. She's now carrying on erratically and is spitting on other passengers.

Captain: She's violent?

FFC3: Yes, my purser's getting first aid for his arm and she struck him to the face. She's now trying to get to the bar and is spitting on other passengers. We don't know what she'll do.

Captain: OK, you've got the restraining kit? You can follow the procedure to apply restraints and I want to know when she is restrained.

FFC: OK..



# Script Incident 2 (4)

Captain: This is Global Generic Airways 800, I've got a violent passenger on board. This person has hit and bitten my crew. We're applying restraints and, ah, expect arrival in 3 hours. We want to request that police meet the aircraft.

Arrival Control: GGA800, roger that. You say that the passenger is restrained?

Captain: Not yet. But we're going to apply restraints and will give her over to police.

Arrival Control: Roger that, you will deliver to police. We will have police meet the aircraft. Can you please confirm when you have restrained the passenger, thank you. We'll be calling back for more details in a bit.

Captain: Roger that, GGA800 to confirm when restrained.

## [In the business class cabin]

FP3A: This is outrageous, outrageous you [expletive] people can't tell me what to do. I've paid for where I am. Who are you? Go [expletive] yourself.

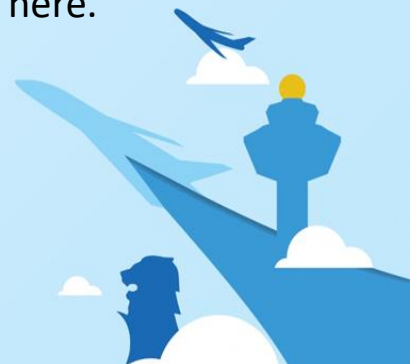
MCC2: I need you to return to your seat. The captain has ordered you to return to your seat immediately. You are breaking regulations.

FP3A: I'm going to see the Captain, where is he? Hiding back there, what a [expletive]. He's got a [expletive] team here.

MCC2: Ma'am...

FP3A: Get the [expletive] out of my way...

[FP3A slaps MCC2 repeatedly on the face, head and neck and then spits into his face]



# Script Incident 2 (5)

MCC2: Arggh.... Stoppp... OK, OK – What is it you want?

FP3A: Give me the bottle of red or I'll make you [expletive] sorry.

MCC2: If you'll just...

*[Group of three cabin crew approach and twist arm of FP3A, hooking her knee and placing FP3A on ground. They apply the restraint kit to the passenger. The passenger is returned to her seat under restraint, where she verbally protests for some time. Routine checks are made on her. She however appears aggressive and agitated, yelling and spitting profanities until the aircraft lands in XYZ.]*

## In the cockpit

Captain: Arrival Control this is GCA800 again, we have a violent passenger under restraint. Passenger has assaulted crew and should be detained upon landing. Ah, under our procedures – we are requesting to make a delivery your authorities in XYZ.

Arrival Control: Thank you, GCA. Confirm you have a passenger under restraint, we will have law enforcement attend the aircraft after landing. We'll provide taxi directions after landing.

Captain: Roger, thank you.

Arrival Control: Do you have any injuries on board?

Captain: I'll have call you back.

Arrival Control: OK, when you have a moment, we'll need more details about the passenger who is restrained, and any medical assistance required on arrival.



# Script Incident 2 (6)

*[The Captain replies to Arrival Control with some basic details about the aircraft, the incident, the number of people affected and the injuries to the crew. He also reports on medical situation of FP3A, reporting no apparent medical problems, that she is responsive but abusive when questioned.]*

*[Some time later.... Aircraft lands at XYZ, where the aircraft is directed to taxi to a special stand. Two police officers board the aircraft and attend at the seat of 3A]*

PO1: Madame, how are you this morning?

FP3A: Yeah... [mumbles incoherently]

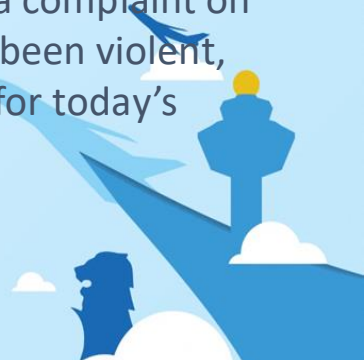
PO1: Big night then... Madame, do you understand me? Are you in any pain at the moment?

FP3A: You're a [expletive] pain.

PO1: Just relax Madame, we need to sort through some things before we'll be moving you.

FP3A: [Expletive] you.

Captain: Uh, Officer, for the formal bit, I'm asked to deliver this passenger to you by our procedures. I wish to make a complaint on behalf of the crew and the company. We have our incident report, which we will provide to you. This passenger has been violent, hitting my crew and was a threat to safety. I'm also giving you the Global Generic Airway's delivery card, completed for today's incident. [Captain hands officer a delivery card]



# Script Incident 2 (7)

PO1: Madame, I'm sorry but you're at XYZ in Country D. I'm PO1 with the XYZ police unit. You've been restrained, I see, but now I am arresting for offences under the Civil Aircraft Ordinance 1984. You do not have to say anything but what you do say can go into court. This is PO2 and we will be processing you today.

PO1: *[To the Captain]* OK, Captain, we'll need those documents and to take statements.

*[PO1 and PO2 lift FP3A up and carry her off the aircraft into a police vehicle. FP3A is placed in a holding unit in the airport police wing. Statements are taken from the cabin crew, other passengers and captain. A record is made that the captain and MCC wish to press charges]*

*[Some time later...]*

CPO1: FP3A, ah, good evening. We're holding you for charges on flight CGA800. You've had quite the time on board, I see?

FP3A: I'm not saying anything, sorry.

CPO1: Let's get this cleared up, why don't you tell us what happened? You'll feel better.

FPA3A: Nice try. I'm not making any statement. I want a lawyer.

*[After some more time, the interview is terminated and FPA3 is returned to her cell. The police have 48 hours to charge under their local law, which started ticking after the arrest on board the aircraft. The police have the incident reports, statements from the cabin crew and captain, together with medical reports on injury to the arm of MCC].*



# Script Incident 2 (8)

PO1: Well, we've got her slapping, biting and spitting on crew.

CPO1: And she's going to see the captain at one point...

Prosecution Lawyer: But she didn't get to the cockpit, or the cockpit door.

PO1: No, she wanted to go see the Captain, or fight her way to the bar. Mainly she wanted another drink.

Prosecution Lawyer: Right. She just said she wanted to see the Captain?

PO1: Yeah.

Prosecution Lawyer: Do we know when this drama occurred, how long was the flight?

PO1: Urrr... 8 hours I think from

Prosecution: And when did the action happen?

PO1: Mid-flight.

Prosecution Lawyer: That puts the aircraft well over the ocean. What about after landing?

PO1: No, she was restrained. Abusive language but that's it.

Prosecution: Resist arrest?

PO1: No.



# Script Incident 2 (9)

Prosecution Lawyer: No, no, no. Sorry. This is bad for the statistics. The jurisdiction bit is shaky. I think you let her go with a talking to.

CPO1: Catch and release, but we've got her biting into the flesh of a steward? I'd charge that on the street no worries.

Prosecution Lawyer: I hear you. But no jurisdiction. And no one's going to request extradition here under, what is it, the Tokyo Convention... I've never seen one request yet. I can't see the motivation for the Country C to put one in. The injuries to the crew member don't sound permanent.

PO1: Surely, it's worth putting charges into the system?

Prosecution Lawyer: We'd just be wasting your time, Sergeant. Jurisdiction would be the first issue. It's not worth the time or money on the prosecution. The whole thing would get dismissed.

CPO1: OK, we've got our steer. Thank you.



# Applying Tokyo Convention 1963 in Incident 2

Relevant Parties	Action/Decisions	Considerations / Outcome	What if MP14 applies
<b>Cabin crewmembers (MCC, FCC &amp; others)</b>	<ul style="list-style-type: none"> <li>• Verbal warning</li> <li>• Reported to Captain</li> <li>• Imposed restraint</li> </ul>	<ul style="list-style-type: none"> <li>• Gave statement to police officers</li> <li>• MCC presses for charges</li> </ul>	
<b>Captain (Aircraft Commander)</b>	<ul style="list-style-type: none"> <li>• Imposed restraint</li> <li>• Requested police attendance</li> <li>• Hands over delivery card to police offices</li> </ul>	<ul style="list-style-type: none"> <li>• Violent passenger</li> <li>• Injury to crew member</li> <li>• Restrained</li> <li>• Police attended when aircraft landed</li> <li>• Presses for charges</li> </ul>	<ul style="list-style-type: none"> <li>• Delivery if serious offence, in aircraft commander's <u>opinion</u></li> </ul>
<b>PO1 and PO2</b>	<ul style="list-style-type: none"> <li>• Attended aircraft on arrival</li> <li>• Took incident reports, statements from cabin crew and medical reports</li> </ul>	<ul style="list-style-type: none"> <li>• Arrested FP3A for offenses under Civil Aircraft Ordinance</li> <li>• Place FP3A in holding unit</li> <li>• Consulted prosecution lawyer</li> </ul>	
<b>Prosecution lawyer</b>	<ul style="list-style-type: none"> <li>• Requested facts from PO1</li> <li>• Assessed that Country D has no jurisdiction to prosecute</li> <li>• Advised that she be let go with a warning</li> </ul>	<ul style="list-style-type: none"> <li>• FP3A is foreign national and arrived on 'foreign airline'</li> <li>• FP3A did not try to go to cockpit or get to the Captain</li> <li>• Occurrences in mid-flight</li> <li>• Injuries to MCC not permanent</li> <li>• CDE is State of landing not State of registration</li> </ul>	<ul style="list-style-type: none"> <li>• Country D has jurisdiction as State of landing</li> </ul>



# Benefits of ratification of MP14

- ❑ Jurisdiction as State of landing or State of operator to initiate criminal, administrative or other forms of legal proceedings
- ❑ Especially in cases where victim is own national
- ❑ Protection of crew members and passengers of national carriers
- ❑ Keeps flying safe:
  - Safety of aircraft, persons & property onboard
  - Maintains good order and discipline onboard
- ❑ Jurisdiction as State of landing or State of the operator for other offences as well (i.e., not only wrt unruly and disruptive acts)





# Thank you!

Tan Siew Huay | [tan\\_siew\\_huay@caas.gov.sg](mailto:tan_siew_huay@caas.gov.sg) | [www.caas.gov.sg](http://www.caas.gov.sg)

Tim Colehan | [colehant@iata.org](mailto:colehant@iata.org) | [www.iata.org](http://www.iata.org)

