



Universiteit  
Leiden  
The Netherlands

## **Criminal liability of pilots in aviation accident cases**

Choi, J.

### **Citation**

Choi, J. (2025, April 29). *Criminal liability of pilots in aviation accident cases*. Meijers-reeks. Retrieved from <https://hdl.handle.net/1887/4214716>

Version: Publisher's Version

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/4214716>

**Note:** To cite this publication please use the final published version (if applicable).

## 7.1 TREATIES

### 7.1.1 International treaties

*Convention Portant Réglementation de la Navigation Aérienne* (Convention Relating to the Regulation of Aerial Navigation), Paris, 13 October 1919

*Statute of the International Court of Justice* (signed 26 June 1945, entered into force 18 April 1946)

*Convention on International Civil Aviation* (signed 7 December 1944, entered into force 4 April 1947)

*Universal Declaration of Human Rights*, 10 December 1948, UNGA Res 217 A (III)

*Convention on Offences and Certain Other Acts Committed On Board Aircraft* (signed 14 September 1963, entered into force 4 December 1969) 704 UNTS 220

*International Covenant on Civil and Political Rights* (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171

*Vienna Convention on the Law of Treaties* (signed 23 May 1969, entered into force 27 January 1980) 1155 UNTS 331

*Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (signed 23 September 1971, entered into force 26 January 1973) 974 UNTS 177.

*United Nations Convention on the Law of the Sea* (adopted 10 December 1982, entered into force 16 November 1994).

*Rome Statute of the International Criminal Court* (adopted 17 July 1998, entered into force 1 July 2002, last amended 2010).

*Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* (signed 10 September 2010, Doc 9960).

### 7.1.2 Regional treaties

*European Convention for the Protection of Human Rights and Fundamental Freedoms*, as amended by Protocols Nos. 11 and 14, 4 November 1950, ETS 5

*Charter of Fundamental Rights of the European Union*, 26 October 2012, 2012/C 326/02

### 7.1.3 Treaty-related documents

Conference Internationale de Navigation Aérienne, *Procès Verbaux des Séances et Annexes* (Paris, 18 May-29 June 1910).

CITEJA, Doc. No. 210: Eight Session of CITEJA (1933)

*Proceedings of the International Civil Aviation Conference* (United States Government Printing Office 1948).

*International Conference on Air Law, Tokyo, August-September*, vol I: Minutes (1966).

*Advisory Opinion concerning the use of the “blanket reference” or “legislation by reference” technique in the definition of an offence and the standards of comparison between the criminal law in force at the time of the commission of the offence and the amended criminal law* (ECtHR, 2020).

## 7.2 CASES

### 7.2.1 ICJ

#### 7.2.1.1 Cases

*Competence of Assembly regarding admission to the United Nations*, Advisory Opinion, I.C.J. Reports 1950, p. 4.

*Fisheries Case*, Judgment of 18 December 1951, I.C.J. Reports 1951, p. 116. (Individual Opinion by Judge Alvarez).

*Fisheries Jurisdiction (United Kingdom v Iceland)*, Jurisdiction of the Court, Judgment, I.C.J. Reports 1973, p. 3.

*Arbitral Award of 31 July 1989 (Guinea-Bissau v Senegal)*, Judgment, I.C.J. Reports 1991, p. 53 (12 November).

*Territorial Dispute (Libyan Arab Jamahiriya/Chad)*, Judgment, I.C.J. Reports 1994, p. 6.

*Maritime Delimitation and Territorial Questions between Qatar and Bahrain*, Jurisdiction and Admissibility, Judgment, I.C.J. Reports 1995, p. 6.

*Oil Platforms (Islamic Republic of Iran v United States of America)*, Preliminary Objection, Judgment, I.C.J. Reports 1996, p. 803.

*Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*, Judgment, I.C.J. Reports 1997, p. 7.

*Kasikili/Sedudu Island (Botswana/Namibia)*, Judgment, I.C.J. Reports 1999, p. 1045.

*LaGrand (Germany v United States of America)*, Judgment, I.C.J. Reports 2001, p. 466.

*Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*, Judgment, I.C.J. Reports 2002, p. 625.

*Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro)*, Judgment, I.C.J. Reports 2007, p. 43.

*Responsibilities and obligations of States with respect to activities in the Area*, Advisory Opinion, ITLOS Reports 2011, p. 10.

*Questions relating to the Obligation to Prosecute or Extradite (Belgium v Senegal)*, Judgment, I.C.J. Reports 2012, p. 422.

*Maritime Dispute (Peru v Chile)*, Judgment, I.C.J. Reports 2014, p. 3.

*Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v Serbia)*, Judgment, I.C.J. Reports 2015, p. 3.

*Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 Nautical Miles from the Nicaraguan Coast (Nicaragua v Colombia)*, Preliminary Objections, Judgment, I.C.J. Reports 2016, p. 100.

#### 7.2.1.2 Case related document

Republic of Azerbaijan, Written Statement of the Republic of Azerbaijan (Request by the General Assembly of the United Nations for an Advisory Opinion – Case Concerning Accordance with International Law of the Unilateral Declaration of Independence by the Provisional Institutions of Self-Government of Kosovo) (2009)

## 7.2.2 European Court of Human Rights

- England and Others v. The Netherlands*, no. 396/55, Judgment of 6 November 1959, ECHR 1959.
- Groppera Radio AG and Others v. Switzerland*, no. 10890/84, Judgment of 28 March 1990, ECHR 1990.
- Kokkinakis v. Greece*, no. 14307/88, Judgment of 25 May 1993, ECHR 1993.
- Bendenoun v. France*, no. 12547/86, Judgment of 24 February 1994, ECHR 1994.
- C.R. v the United Kingdom* (22 November 1995) Series A no 335-C.
- S.W. v. the United Kingdom*, no. 20166/92, Judgment of 22 November 1995, ECHR 1995.
- G. v. France*, no. 15312/89, Judgment of 27 September 1995, ECHR 1995.
- Cantoni v. France*, no. 17862/91, Judgment of 15 November 1996, ECHR 1996.
- Brown v. The United Kingdom*, no. 38644/97, Decision of 24 November 1998, ECHR 1998.
- Coeme and Others v. Belgium*, no. 32492/96, Judgment of 22 June 2000, ECHR 2000.
- Streletz, Kessler and Krenz v Germany* [GC] (2001) ECHR II.
- Delbos and Others v. France*, no. 60819/00, Judgment of 13 May 2003, ECHR 2003.
- Radio France and Others v. France*, no. 53984/00, Judgment of 30 March 2004, ECHR 2004.
- Chauvy and Others v. France*, no. 64915/01, Judgment of 29 June 2004, ECHR 2004.
- Leyla Şahin v. Turkey*, no. 44774/98, Judgment of 10 November 2005, ECHR 2005.
- Jorgic v. Germany*, no. 74613/01, Judgment of 12 July 2007, ECHR 2007.
- Custers, Deveaux and Turk v. Denmark*, nos. 11843/03, 11847/03, 11849/03, Judgment of 3 May 2007, ECHR 2007.
- Kafkaris v. Cyprus*, no. 21906/04, Judgment of 12 February 2008, ECHR 2008.
- Korbely v. Hungary*, no. 9174/02, Judgment of 19 September 2008, ECHR 2008.
- Liivik v. Estonia*, no. 12157/05, Judgment of 25 June 2009, ECHR 2009.
- Kononov v. Latvia*, no. 36376/04, Judgment of 17 May 2010, ECHR 2010.
- Sîrghi v Romania*, no. 19870/05, Judgment of 13 December 2011, ECHR 2011
- Del Río Prada v Spain* [GC], no 42750/09, ECHR 2013.
- Khodorkovsky and Lebedev v. Russia*, nos. 11082/06 and 13772/05, Judgment of 25 July 2013, ECHR 2013.
- Aras v. Turkey (No. 2)*, no. 15065/07, Judgment of 18 November 2014, ECHR 2014.
- Vasiliauskas v. Lithuania*, no. 35343/05, Judgment of 20 October 2015, ECHR 2015.
- Georgouleas and Nestoras v. Greece*, nos. 44612/13 and 45831/13, Judgment of 28 April 2016, ECHR 2016.
- Haarde v. Iceland*, no. 66847/12, Judgment of 23 November 2017, ECHR 2017.
- G.I.E.M. S.R.L. and Others v. Italy*, nos. 1828/06, 34163/07, and 19029/11, Judgment of 28 June 2018, ECHR 2018.
- Norman v. The United Kingdom*, no. 41387/17, Judgment of 18 February 2020, ECHR 2020.

## 7.2.3 Arbitral awards

- Island of Palmas Case (or Miangas), United States v Netherlands, Award, (1928) II RIAA 829, ICGJ 392 (PCA 1928), 4th April 1928, Permanent Court of Arbitration [PCA]
- Dispute Concerning Access to Information Under Article 9 of the OSPAR Convention, Ireland v United Kingdom, Final Award, (2003) XXIII RIAA 59, (2003) 42 ILM 1118, ICGJ 377 (PCA 2003), 2nd July 2003, Permanent Court of Arbitration [PCA]

## 7.3 UN

- UN Economic and Social Council, E/CN.4/AC.1/SR.4 – Summary record of the 4<sup>th</sup> meeting, held at Lake Success, New York, on Thursday, 12 June 1947 : Commission on Human Rights, Drafting Committee, 1<sup>st</sup> session (1947)
- UN Economic and Social Council, E/CN.4/21 Drafting Committee on an International Bill of Rights, 1<sup>st</sup> session : report of the Drafting Committee to the Commission on Human Rights (1947)
- UN Economic and Social Council, E/CN.4/353/ADD.1 – Comments of Governments on the draft International Covenant on Human Rights and measures of implementation (1950)
- UN Economic and Social Council, E/CN.4/365 Compilation of the comments of Governments on the Draft International Covenant on Human Rights and on the proposed additional articles: memorandum / by the Secretary-General (1950)
- UN Economic and Social Council, E/2447 – Commission on Human Rights : report of the 9<sup>th</sup> session, 7 April-30 May 1953 (1953)
- UN, 'A/2929 – Annotation on the Text of the Draft International Covenants on Human Rights / Prepared by the Secretary-General' (1955)
- UN Economic and Social Council, Official Records of the Economic and Social Council, Eighteenth Sessions, Supplement No. 7 (E/2573), Annex IB (A/C.3/L.865 Amendment suggested by Argentina)
- UN, 15<sup>th</sup> session, official records, 3<sup>rd</sup> committee, 1009<sup>th</sup> meeting, Wednesday, 2 November, 1960, New York (1960)
- UN, A/4625 – Draft International Covenants on Human Rights. Report of the Third Committee (1960)
- UN, General Assembly, 15<sup>th</sup> session, official records, 3<sup>rd</sup> committee, 1007<sup>th</sup> meeting, Monday, 31 October, 1960, New York (1960)
- UN, General Assembly, 15<sup>th</sup> session, official records, 3<sup>rd</sup> committee, 1008<sup>th</sup> meeting, Tuesday, 1 November, 1960, New York (1960)
- UN, General Assembly, 15<sup>th</sup> session, official records, 3<sup>rd</sup> committee, 1009<sup>th</sup> meeting, Wednesday, 2 November, 1960, New York (1960)
- UN, General Assembly, 15<sup>th</sup> session, official records, 3<sup>rd</sup> committee, 1010<sup>th</sup> meeting, Wednesday, 2 November, 1960, New York (1960)
- UN, General Assembly, 15<sup>th</sup> session, official records, 3<sup>rd</sup> committee, 1014<sup>th</sup> meeting, Monday, 7 November, 1960, New York (1960)
- UN Human Rights Committee , Communication no. 1015/2001 : Human Rights Committee, 81<sup>st</sup> session, 5-30 July 2004 : views (2004)
- United Nations Human Rights Committee, *General Comment No 34: Article 19 (Freedom of Opinion and Expression)*, 102<sup>nd</sup> Session (2011)

## 7.4 ICAO

## 7.4.1 Annexes and their supplements

- ICAO, *Annex 1 Personnel Licensing* (13<sup>th</sup> edn, 2020)
- ICAO, *Annex 1 Personnel Licensing* (1<sup>st</sup> edn, 1948)
- ICAO, *Annex 2 Rules of the Air* (10<sup>th</sup> edn, 2005)
- ICAO, *Supplement to Annex 2 Ninth Edition* (1998)

- ICAO, *Amendment No. 1 to the Supplement to Annex 2 – Rules of the Air (Ninth Edition)* (1998)
- ICAO, *Annex 6 Operation of Aircraft vol Part I – International Commercial Air Transport – Aeroplanes* (11th edn, 2018)
- ICAO, *Annex 6 Operation of Aircraft, vol Part I – International Commercial Air Transport – Aeroplanes* (12th edn, 2022)
- ICAO, *Annex 6 Operation of Aircraft, vol Part II – International General Aviation – Aeroplanes* (11th edn, 2022)
- ICAO, *Annex 6 Operation of Aircraft, vol Part III – International Operations – Helicopters* (11th edn, 2022)
- ICAO, *Annex 7 – Aircraft Nationality and Registration Marks* (6th edn, 2012)
- ICAO, *Annex 8 – Airworthiness of Aircraft* (12th edn, 2016)
- ICAO, *Annex 9 Facilitation* (16th edn, 2022)
- ICAO, *Annex 11 Air Traffic Services* (15th edn, 2018)
- ICAO, *Annex 13 Aircraft Accident Inquiry* (1st edn, 1951)
- ICAO, *Annex 13 Aircraft Accident Inquiry* (2nd edn, 1966)
- ICAO, *Annex 13 Aircraft Accident Inquiry* (3rd edn, 1973)
- ICAO, *Annex 13 Aircraft Accident Investigation* (4th edn, 1976)
- ICAO, *Annex 13 Accident and Incident Investigation* (6th edn, 1981)
- ICAO, *Annex 13 Aircraft Accident and Incident Investigation* (8th edn, 1994)
- ICAO, *Annex 13 Aviation Incident and Accident Investigation* (10th edn, 2010)
- ICAO, *Annex 13 Aviation Incident and Accident Investigation* (12th edn, 2020)
- ICAO, *Annex 13 Aviation Incident and Accident Investigation* (13th edn, 2024)
- ICAO, *Supplement to Annex 13, Fourth Edition* (1977)
- ICAO, *Supplement to Annex 13, Fifth Edition* (1980)
- ICAO, *Supplement to Annex 13, Sixth Edition* (1982)
- ICAO, *Supplement to Annex 13, Seventh Edition* (1989)
- ICAO, *Amendment 11 of Annex 13 Aircraft Accident and Incident Investigation* (2001)
- ICAO, *Supplement to Annex 13, Ninth Edition* (2003)
- ICAO, *Annex 14 Aerodromes, vol I – Aerodrome Design and Operations* (9th edn, 2022)
- ICAO, *Annex 14 Aerodromes, vol II-Heliports* (5th edn, 2020)
- ICAO, *Annex 15 Aeronautical Information Services* (16th edn, 2018)
- ICAO, *Annex 17 Security – Safeguarding International Civil Aviation Against Acts of Unlawful Interference* (11th edn, 2020)
- ICAO, *Annex 19 Safety Management* (1st edn, 2013)
- ICAO, *Annex 19 Safety Management* (2nd edn, 2016)

#### 7.4.2 Council documents

- ICAO, *Council Report (Doc 7367) A7-P/1: Report of the Council to the Assembly on the Activities of the Organization in 1952* (1952)
- ICAO, *Annual Report of the Council to the Assembly for 1968* (1969)
- ICAO, *Council Minutes Doc9912-C1157 (C-min. 181/1-24): Summary Minutes with Subject Index* (2007)
- ICAO, *Council Working Paper C-WP/12979: Draft Assembly Working Paper – The Role and Effect of Assembly Decisions and Resolutions* (2007)
- ICAO, *Doc 9912-C/1157 – ICAO Council – 181th Session Summary Minutes with Subject Index* (2008)
- ICAO, *Council Minutes C-Min 211/9 (Closed) – Summary Minutes of the Nineth Meeting* (2017)

### 7.4.3 Assembly Resolutions

- ICAO, *Assembly Resolution A1-9: Consideration on Applications for Membership in ICAO* (1947)
- ICAO, *Assembly Resolution A1-10: Relations with Public International Organizations* (1947)
- ICAO, *Assembly Resolution A1-11: Relations with Private International Organizations* (1947)
- ICAO, *Assembly Resolution A1-46: Constitution of the Legal Committee of ICAO* (1947)
- ICAO, *Resolution Adopted by the First Assembly of the International Civil Aviation Organization* (1947)
- ICAO, *Assembly Resolution A4-14: Examination of Article 26: Privileges and Obligations of Contracting States other than the State of Registry or the State of Occurrence with respect to Accident Investigation* (1950)
- ICAO, *Assembly Resolution A4-7: Relation of Procedures for Air Navigation Services to Annexes* (1950)
- ICAO, *Assembly Resolution A6-12: Standing Rules of Procedure of the Assembly* (1952)
- ICAO, *Assembly Resolution A1-31: Definition of International Standards and Recommended Practices* (1956)
- ICAO, *Assembly Resolution A14-22: Reports of aircraft accident investigations and enquiries* (1962)
- ICAO, *Assembly Resolution A14-27: Statement of Continuing Assembly Policies Related Specifically to Air Navigation As They Existed at the Commencement of the Fourteenth Session of the Assembly* (1962)
- ICAO, *Assembly Resolution A15-15: Consideration of the Needs of International General Aviation in Relation to the Scope of ICAO Technical Activities* (1965)
- ICAO, *Assembly Resolution A16-1: Assembly Resolutions no longer in force* (1968)
- ICAO, *Assembly Resolution A26-9: Flight Safety and Human Factor* (1986)
- ICAO, *Assembly Resolution A29-13: Improvement of Safety Oversight* (1992)
- ICAO, *Assembly Resolution A29-3: Global Rule Harmonization* (1992)
- ICAO, *Assembly Resolution A31-10: Improving Accident Prevention in Civil Aviation* (1995)
- ICAO, *Assembly Resolution A32-11: Establishment of an ICAO universal safety oversight audit programme* (1998)
- ICAO, *Assembly Resolution A33-16: ICAO Global Aviation Safety Plan (GASP)* (2001)
- ICAO, *Assembly Resolution A33-17 – Non-disclosure of certain accident and incident records* (2001)
- ICAO, *Assembly Resolution A37-17 Appendix E: The ICAO Universal Security Audit Programme* (2010)
- ICAO, *Assembly Resolution A33-8: Continuation and Expansion of the ICAO Universal Safety Oversight Audit Programme* (2001)
- ICAO, *Assembly Resolution A35-17: Protecting Information from Safety Data Collection and Processing Systems in order to Improve Aviation Safety* (2004)
- ICAO, *Assembly Resolution A35-6: Transition to a Comprehensive systems Approach for Audits in the ICAO Universal Safety Oversight Audit Programme (USOAP)* (2004)
- ICAO, *Assembly Resolution A35-9 Appendix E: The ICAO Universal Security Audit Programme* (2004)
- ICAO, *Assembly Resolution A36-20 Appendix E: The ICAO Universal Security Audit Programm* (2007)

- ICAO, *Assembly Resolution A36-4: Application of a Continuous Monitoring Approach for the ICAO Universal Safety Oversight Audit Programme (USOAP) beyond 2010* (2007)
- ICAO, *Assembly Resolution A36-13: Consolidated Statement of ICAO policies and associated practices related specifically to air navigation* (2007)
- ICAO, *Assembly Resolution A37-5: The Universal Safety Oversight Audit Programme (USOAP) Continuous Monitoring Approach* (2010)
- ICAO, *Assembly Resolution A37-7: The Universal Safety Oversight Audit Programme (USOAP) continuous monitoring approach* (2010)
- ICAO, *Assembly Resolution A38-2: ICAO Global Planning for Safety and Air Navigation* (2013)
- ICAO, *Assembly Resolution Special Programme Appendix A: Global Aviation Safety Plan (GASP)* (2013)
- ICAO, *Assembly Resolution A40-4: Appendix O: Human Performance* (2019)
- ICAO, *Assembly Resolution A40-4: Consolidated Statement of Continuing ICAO Policies and Associated Practices Related Specifically to Air Navigation* (2019)
- ICAO, *Assembly Resolution A41-14: Assistance to victims of aviation accidents and their families* (2022)

#### 7.4.4 Assembly Working Paper

- ICAO, *Assembly Working Paper A1-CP/4 – Agenda Item 5 – Relations with Non-Contracting States and Other International Organizations, including Their Participation in Future Assemblies* (1947)
- ICAO, *Assembly Working Paper A1-LE/15: Comments on the Draft Convention of the Legal Status of the Aircraft Commander* (1947)
- ICAO, *Assembly Working Paper A1-LE/23: Observation of UK Delegation on Draft Convention on the Legal Status of the Aircraft Commander* (1947)
- ICAO, *Assembly Working Paper A6-WP/2: Rules of Procedure of the Assembly* (1952)
- ICAO, *Assembly Working Paper A14-WP/163: Final Report of the Legal Commission to the Assembly* (1962)
- ICAO, *Assembly Working Paper A15-WP/20 (LE/1): Agenda Item No. 31: General Review of the Legal Work of the Organization* (1965)
- ICAO, *Assembly Working Paper A15-WP/21: Agenda Item No. 32: Programme of Future Work of the Organization in the Legal Field* (1965)
- ICAO, *Assembly Working Paper A22-WP/11: Work Programme in the Legal Field* (1977)
- ICAO, *Assembly Working Paper A22-WP/36: Agenda Item 28: Digest of Judicial Decision Relating to Multilateral International Private Air Law Conventions* (1977)
- ICAO, *Assembly Working Paper A23-WP/31: Legal Status of the Aircraft Commander under Agenda Item 7* (1980)
- ICAO, *Assembly Working Paper A24-WP/119 (P/60): Report of the Legal Commission on Agenda Items 7, 21 and 22* (1983)
- ICAO, *Assembly Working Paper A26-WP/70: Draft Resolution on Flight Safety and Human Factor* (1986)
- ICAO, *Assembly Working Paper A29-WP/107: Improvement of Safety Oversight* (1992)
- ICAO, *Assembly Working Paper A31-WP/53: Improvement of Safety* (1995)
- ICAO, *Assembly Working Paper A31-WP/112: Statement by the President of the International Federation of Air Line Pilots' Associations (IFALPA)* (1995)
- ICAO, *Assembly Working Paper A32-WP/58: ICAO Global Aviation Safety Plan (GASP)* (1998)

- ICAO, *Assembly Working Paper A32-WP/61 Transition to the ICAO Universal Safety Oversight Audit Programme* (1998)
- ICAO, *Assembly Working Paper A33-WP/46 – Non-Disclosure of Certain Accident and Incident Records* (2001)
- ICAO, *Assembly Working Paper A35-WP/7: Transition to a Comprehensive System Approach for Audits in the ICAO Universal Safety Oversight Audit Programme (USOAP)* (2004)
- ICAO, *Assembly Working Paper A35-WP/55: Report on ICAO Universal Security Audit Programme* (2004)
- ICAO, *Assembly Working Paper A35-WP/92: Protection of Voluntarily Submitted Safety-Related Information* (2004)
- ICAO, *Assembly Working Paper A35-WP/228: Protection of Safety Data* (2004)
- ICAO, *Assembly Working Paper A36-WP/10 – Protection of Safety Information* (2007)
- ICAO, *Assembly Working Paper A36-WP/38: Report on ICAO Universal Security Audit Programme* (2007)
- ICAO, *Assembly Working Paper A36-WP/80: Vision for the Future of USOAP following Completion of the Current Audit Cycle (2005-2010)* (2007)
- ICAO, *Assembly Working Paper A36-WP/99: Transparency in International Air Transport Services – The Publication and Distribution of Air Services Agreements* (2007)
- ICAO, *Assembly Working Paper A36-WP/232: Implementation of a “just culture” concept* (2007)
- ICAO, *Assembly Working Paper A37-WP/28: Cooperation with Regional Organizations and Regional Civil Aviation Bodies* (2010)
- ICAO, *Assembly Working Paper A37-WP/37: Transitioning to a Continuous Monitoring Approach (CMA)* (2010)
- ICAO, *Assembly Working Paper A37-WP/66: Progress Report on the Protection of Certain Accident and Incident Records, and Safety Data Collection and Progressing Systems* (2010)
- ICAO, *Assembly Working Paper A37-WP/103: Transparency of Safety Data* (2010)
- ICAO, *Assembly Working Paper A38-WP/92: A Comprehensive Strategy for Aviation Safety: Endorsement of the Global Aviation Safety Plan* (2013)
- ICAO, *Assembly Working Paper A38-WP/206: Safety Culture and the Future Enhancement of ICAO Provisions Related to SMS Implementation* (2013)
- ICAO, *Assembly Working Paper A38-WP/280: Improvement of Legal Protection for Aviation Safety Informants* (2013)
- ICAO, *Assembly Working Paper A39-WP/110: Protection of Safety Information* (2016)
- ICAO, *Assembly Working Paper A39-WP/193: Improving Just Culture* (2016)
- ICAO, *Assembly Working Paper A39-WP/208: Increased Transparency in ICAO Decision Making (Information Paper)* (2016)
- ICAO, *Assembly Working Paper A39-WP/246: Growth of Low Cost Carriers and Its Impact on the Air Services Industry – Benefit of Republic of Korea* (2016)
- ICAO, *Assembly Working Paper A39-WP/251: Common Guidelines on Article 12 of Chicago Convention Enforcement of Violations Committed by Foreign Air Carriers* (2016)
- ICAO, *Assembly Working Paper A39-WP/268: State Safety Programme and Annex 13 – Aircraft Accident and Incident* (2016)
- ICAO, *Assembly Working Paper A40-WP/96: Insight Human and Organizational Factors Analysis in Aircraft Accident and Incident Investigation* (2019)
- ICAO, *Assembly Working Paper A40-WP/101: Article 12 of the Chicago Convention: Communication Mechanism and Guidelines to Support Its Implementation* (2019)
- ICAO, *Assembly Working Paper A40-WP/428: Criminalizing Accidents and Incidents Threatens Aviation Safety* (2019)

ICAO, *Assembly Working Paper A40-WP/502 – Voluntary Safety Information Reporting System in State Program for Japan (Voices)* (2019)

#### 7.4.5 Assembly Minutes

ICAO, *Proceedings of the First Session of the Assembly* (1952)

ICAO, *Assembly Minutes A7-WP/71: 7th Session of the Assembly – Minutes of the Technical Commission* (1953)

ICAO, *Assembly Minutes A18-Min. TE/1-11: Minutes of the Technical Commission* (1971)

ICAO, *Assembly Minutes A24-Min. P/1-15: Minutes of the Plenary Meetings (Doc 9415, 1983)*

ICAO, *Assembly Minutes Doc 9550 (A27-Min. P/1-16) – Minutes of the Plenary Meeting* (1989)

ICAO, *Assembly Minutes A27-Min. P/7: Plenary Minutes of the Seventh Meeting* (1989)

#### 7.4.6 Assembly Technical Questions

ICAO, *Assembly Technical Questions A1-TE/23: Statement by the United States of America on the Progress Made by the United States in Implementing the Recommendations for Standards, Practices and Procedures* (1947)

ICAO, *Assembly Technical Questions A1-TE/25: Statement by the Delegation of Ireland on the Progress made by Ireland in Implementing the Recommendations for Standards, Practices and Procedures* (1947)

ICAO, *Assembly Technical Questions A1-TE/27: Statement by the Indian Delegation of the Progress made in Implementing the PICA0 Recommendations for Standards, Practices and Procedures in India* (1947)

ICAO, *Assembly Technical Questions A1-TE/30: Statement by the Australian Delegation on the Progress, in Australia, of Implementation for Standards, Practices and Procedures* (1947)

ICAO, *Assembly Technical Questions A1-TE/31: Statement by the Delegation of Australia on the Progress made by Australia in Implementing the Recommendations for Standards, Practices and Procedures* (1947)

ICAO, *Assembly Technical Questions A1-TE/32: Statement made by the Argentina Republic on the Progress made by Argentina in Implementing the Recommendations for Standards, Practices and Procedures* (1947)

ICAO, *Assembly Technical Questions A1-TE/35: Statement by the Delegation of Brazil on the Progress Made by Brazil in Implementing the Recommendations for Standards, Practices and Procedures* (1947)

ICAO, *Assembly Technical Questions A1-TE/37: Statement by Canada on the Progress made by Canada in Implementing the Recommendations for Standards, Practices and Procedures* (1947)

ICAO, *Assembly Technical Questions A1-TE/45: Statement by the Delegation of Portugal on the Progress made by Portugal in Implementing the Recommendations for Standards, Practices and Procedures* (1947)

ICAO, *Assembly Technical Questions A1-TE/47: Statement by the Delegation of Australia on the Progress made by Australia in Implementing the Recommendations for Standards, Practices and Procedures* (1947)

#### 7.4.7 Legal Committee documents

- ICAO, Doc 9279 (A14-LE/11) – Report and Minutes of the Legal Commission (1962)
- ICAO, Legal Committee Working Paper LC36-WP8-2 Common Guidelines on Article 12 of Chicago Convention – Enforcement of Violations Committed by Foreign Air Carriers (2015)
- ICAO, Legal Committee Working Paper LC/36WP/9-1 Report on work done at the Session (2015)
- ICAO, Doc 10046 HLSC 2015 Report Second High-Level Safety Conference (2015)
- ICAO, Legal Committee Working Paper LC/38-IP/2 Nota Informativa Artículo 12 del Convenio de Chicago (2022)
- ICAO, Legal Committee Working Paper LC/38-WP/2: Legal Committee – 38th Session (2022)
- ICAO, Legal Committee Working Paper LC/38-WP/3-1: REVIEW OF THE GENERAL WORK PROGRAMME OF THE LEGAL COMMITTEE (2022)
- ICAO, Legal Committee Working Paper LC/38-WP/7-2: 75th Anniversary of the Legal Committee of the International Civil Aviation Organization (2022)
- ICAO, Legal Committee Working Paper LC/39-WP2-1: Consideration of Other Items on the General Work Programme of the Legal Committee (2024)

#### 7.4.8 Technical instruments including manuals and PANS

- ICAO, Aeronautical Information Services Manual (Doc 8126) (7<sup>th</sup> edn, 2021)
- ICAO, Airworthiness Manual (Doc 9760) (4<sup>th</sup> edn, 2020)
- ICAO, Aviation Security Manual (Doc 8973) (13<sup>th</sup> edn, 2022)
- ICAO, Doc 10011 Manual on Aeroplane Upset Prevention and Recovery Training (1<sup>st</sup> edn, 2014)
- ICAO, Doc 10117 – Manual on the Legal Aspects of Unruly and Disruptive Passenger (1<sup>st</sup> edn, 2019)
- ICAO, Doc 10151 – Manual on Human Performance for Regulators (1<sup>st</sup> edn, 2021)
- ICAO, Doc 4006: Draft Convention on the Legal Status of the Aircraft Commander (1947)
- ICAO, Doc 9756 Manual of Aircraft Accident and Incident Investigation Part I — Organization and Planning (Doc 9756 Manual of Aircraft Accident and Incident Investigation 1<sup>st</sup> edn, 2000)
- ICAO, Doc 9756 Manual of Aircraft Accident and Incident Investigation Part II — Procedures and Checklists (Doc 9756 Manual of Aircraft Accident and Incident Investigation 2<sup>nd</sup> edn, 2012)
- ICAO, Doc 9756 Manual of Aircraft Accident and Incident Investigation Part III — Investigation (Doc 9756 Manual of Aircraft Accident and Incident Investigation, 1<sup>st</sup> edn, 2012)
- ICAO, Doc 9756 Manual of Aircraft Accident and Incident Investigation Part IV — Reporting (Doc 9756 Manual of Aircraft Accident and Incident Investigation, 2<sup>nd</sup> edn, 2013)
- ICAO, Doc 9870 AN/463 Manual on the Prevention of Runway Incursions (1<sup>st</sup> edn, 2007)
- ICAO, Human Factors Digest No. 1 – Fundamental Human Factors Concepts (Circular 216-AN/131) (1989)

- ICAO, Human Factors Digest No. 10 – Human Factors, Management and Organization (Circular 247, 1993)
- ICAO, Human Factors Training Manual (Doc 9683-AN/950, 1<sup>st</sup> edn, 1998)
- ICAO, ICAO Manual on the Legal Aspects of Unruly and Disruptive Passengers (Doc 10117, 2019)
- ICAO, ICAO Policy on Assistance to Aircraft Accident Victims and their Families (1<sup>st</sup> edn, 2013)
- ICAO, Manual on Assistance to Aircraft Accident Victims and their Families (1<sup>st</sup> edn, 2013)
- ICAO, Manual on Human Performance (HP) for Regulators (Doc 10151, 2021)
- ICAO, Manual on Human Performance for Regulators (1<sup>st</sup> edn, 2021)
- ICAO, Manual on Notification and Publication of Differences (Doc 10055, 1<sup>st</sup> edn, 2019)
- ICAO, Manual on Protection of Safety Information Part I – Protection of Accident and Incident Investigation Records (Doc 10053) (1<sup>st</sup> edn, 2016)
- ICAO, Procedures for Air Navigation Services – Aeronautical Information Management (PANS-AIM) ((Doc 10066, 1<sup>st</sup> edn, 2018)
- ICAO, Procedures for Air Navigation Services – Air Traffic Management (Doc 4444) (16<sup>th</sup> edn, 2016)
- ICAO, Procedures for Air Navigation Services – Aircraft Operations (Doc 8168), vol I-Flight Procedures (6<sup>th</sup> edn, 2018)
- ICAO, Safety Management (1<sup>st</sup> edn, 2013)
- ICAO, Safety Management Manual (2006) (1<sup>st</sup> edn, 2006)
- ICAO, Safety Management Manual (2009) (2<sup>nd</sup> edn, 2009)
- ICAO, Safety Management Manual (2013) (Doc 9859-AN/474, 3<sup>rd</sup> edn, 2013)
- ICAO, Safety Management Manual (Doc 9859, 4<sup>th</sup> edn, 2018)
- ICAO, Safety Oversight Audit Manual (Doc 9734) Part A (2<sup>nd</sup> edn, 2006)
- ICAO, Safety Oversight Audit Manual (Doc 9735-AN/960) (1<sup>st</sup> edn, 2000)
- ICAO, Safety Oversight Manual – Part A – The Establishment and Management of a State Safety Oversight System (Doc 9734A) (3<sup>rd</sup> edn, 2017)
- ICAO, Universal Safety Oversight Audit Programme Continuous Monitoring Manual (4<sup>th</sup> edn, ICAO 2014)

#### 7.4.9 ICAO USOAP Report

- ICAO, Report on Universal Safety Oversight Audit Programme Continuous Monitoring Approach (USOAP CMA) Results – 1 January 2013 to 31 December 2015 (2016)
- ICAO, Report on Universal Safety Oversight Audit Programme – CMA Results (1 January 2013 to 31 December 2015) (ICAO 2016)
- ICAO, Report on Universal Safety Oversight Audit Programme – CMA Results (1 January 2016 to 31 December 2018) (ICAO 2019)
- ICAO, Report on Universal Safety Oversight Audit Programme – CMA Results (1 January 2019 to 31 December 2021) (ICAO 2022)
- ICAO, ‘Safety Audit Results: USOAP interactive viewer’ (<<https://www.icao.int/safety/pages/usoap-results.aspx>>

#### 7.4.10 Other Working Papers

- ICAO Air Navigation Commission, Working Paper AN-WP/7699: Determination of a Definition of Aviation Safety (2001)
- ICAO, Working paper DGCA/06-WP/2: Worldwide and Regional Trends in Aviation Safety (2006)
- ICAO, Working Paper DGCA/06-WP/6: Implementation of Safety Management Systems (SMS) in States (2006)
- ICAO, Accident Investigation and Prevention Divisional Meeting Working Paper AIG/08-WP/4 Independence of the Investigation (2008)
- ICAO, Accident Investigation and Prevention Divisional meeting Working Paper AIG/08-WP/50 Independence of the Investigation (2008)
- ICAO, APAC-AIG/1 : ICAO Safety Information Protection Task Force (2013)
- ICAO, ICAO Civil Aviation Authorities of the SAM Region Working Paper RAAC/14-WP14: Process Development for Resolution of Safety Issues amongst Aviation Authorities: Pilot Deviations (2015)
- ICAO, Asia Pacific Regional Aviation Safety Team Working Paper APRAST/8-WP/8: Amendment 15 to Annex 13 (2016)
- ICAO, Accident Investigation and Prevention (AIG) Divisional Meeting Working Paper AIG/08-AP/4: Independence of the Investigation (2018)
- ICAO, Asia Pacific Regional Aviation Safety Team Working Paper APRAST/12-WP/11: Fostering Just Culture in Operators and Service Providers (2018)
- ICAO, First Unassigned High Seas Airspace Special Coordination Meeting (SCM/1) Working Paper – SCM/1-WP/02 : ICAO Provisions, Policy and Guidance Material on the Delegation of Airspace over the High Seas (2019)
- ICAO, Working Paper MIDANPIRG/18 & RASG-MID/8-WP/46: Due regard operations, awareness and associated regulations (2021)
- ICAO, ‘Assembly Working Papers 41<sup>st</sup> Session’ (2022) <<https://www.icao.int/Meetings/a41/Pages/wp.aspx>>
- ICAO, Legal Committee Working Paper LC/38-WP/2 Consideration of other items on the general work programme of the Legal Committee (2022)

#### 7.4.11 Global Aviation Safety Plan

- ICAO, Doc 10004 Global Aviation Safety Plan 2020-2022 (Global Aviation Safety Plan, 2020-2022 Edition edn, 2019)
- ICAO, Global Aviation Safety Plan (2017-2019) (2<sup>nd</sup> edn, 2016)
- ICAO, Global Aviation Safety Plan (2020-2022) (3<sup>rd</sup> edn, 2019)
- ICAO, Global Aviation Safety Plan 2014-2016 (1<sup>st</sup> edn, 2013)

#### 7.4.12 Others

- ICAO, *Implementing SARPs – The Key to Aviation Safety and Efficiency” The Theme for the 2000 Edition of International Civil Aviation Day* (2000).
- ICAO, *ICAO Long-Term Traffic Forecasts – Passenger and Cargo* (2016).
- ICAO, *Report of High-Level Safety Conference 2010* (Doc 9935, HLSC 2010).
- ICAO, *Report of Second High-Level Safety Conference 2015* (Doc 10046 HLSC 2015).
- ICAO, *Report of the Symposium on Assistance to Aircraft Accident Victims and Their Families* (AAAVF 2021).

## 7.5 OTHER AVIATION SOURCES

### 7.5.1 AIP

- Korea, 'Aeronautical Information Publication (E-AIP)' <<https://aim.koca.go.kr/eaipPub/Package/history-en-GB.html>>
- UK, 'Aeronautical Information Publication of the UK' <<https://www.aurora.nats.co.uk/htmlAIP/Publications/2024-09-05-AIRAC/html/index-en-GB.html>>
- US, 'Aeronautical Information Publication – AIP' <[https://www.faa.gov/air\\_traffic/publications/atpubs/aip\\_html/](https://www.faa.gov/air_traffic/publications/atpubs/aip_html/)>

### 7.5.2 Accident Investigation Reports

- Comision de Accidents (Spain) Subsecretaria de Aviacion Civil, *Joint Report: KLM – PAA, Tenerife, 27 March, 1977 (RI), 1978*).
- Netherlands Aviation Safety Board, *Final Report and Comments of the Netherlands Aviation Safety Board of the Investigation into the Accident with the Collision of KLM Flight 4805 and Pan America Flight 1736 at Tenerife Airport, Spain on 27 March 1977, 1977*).
- OVV, 'Overheated galley oven, Boeing 777-200, enroute' (2023) <<https://www.onderzoeksraad.nl/en/page/22244/overheated-galley-oven-boeing-777-200-enroute>>
- UK AAIB, Report of the Public Inquiry into the Causes and Circumstances of the Accident near Staines on 18 June 1972 (1973)
- UK AAIB, Aircraft Accident Report AAR 1/2017 – G-BXFL, 22 August 2015
- Martin JD, ADA382312 – The First United States Army Aircraft Accident Report (1909)
- NTSB, Aircraft Accident Report – Eastern Air Lines, INC. L-1011, N310EA (NTSB-AAR-73-14), 1973)
- NTSB, Descent Below Visual Glidepath and Impact With Seawall Asiana Airlines Flight 214 (NTSB/AAR-14/01, PB2014-105984) (NTSB 2014)
- NTSB, Investigation Report – Air Florida, Inc. Boeing 737-222, N62AF, Collision with 14<sup>th</sup> Street Bridge, Near Washington National Airport, Washington, DC. January 13, 1982 (NTSB-AAR-82-8) (1982)
- NTSB, Investigation Report – China Airlines Boeing 747-SP, N4522V, 300 Nautical Miles Northwest of San Francisco, California, February 19, 1985 (NTSB/AAR-86/03) (1985)
- NTSB, Investigation Report – Pan American World Airways, INC. Boeing 707-321B, N454PA, Pago Pago, American Samoa, January 30, 1974 (NTSB-AAR-74-15) (1974)
- NTSB, Investigation Report – Scandinavian Airlines System Flight 901, McDonnell Douglas DC-10-30, John F. Kennedy International Airport, Jamaica, New York, ebruary 28, 1984 (NTSB/AAR-84/15) (1984)
- NTSB, Loss of Thrust in Both Engines After Encountering a Flock of Birds and Subsequent Ditching on the Hudson River US Airways Flight 1549 (2010)
- NTSB, Trans World Airlines, Inc. Boeing 727 – 231, N54328, Berryville, Virginia, December 1, 1974 (NTSB-AAR-75-16) (1974)
- Pakistan AAIB, Accident of Pakistan International Airlines Flight PIA 8303 AIRBUS A320-214 Aircraft Registration Number AP-BLD Crashed near Jinnah International Airport Karachi on 22<sup>nd</sup> May, 2020 (2023), 2023)
- Pakistan AAIB, Preliminary Report: Crash of PIA AP-BLD 22 May 2020 (2020)
- New Zealand AAIB, Investigation Report – Air New Zealand McDonnell-Douglas DC 10-3- ZK-NZP, Ross Island, Antarctica, 28 November 1979 (Report 79-139) (1979)

## 7.6 REGIONAL LAW

Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC [2010] OJ L 295/35.

Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011, Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and Directive 2006/23/EC (SERA) [2012] OJ L 281/1.

*European Convention for the Protection of Human Rights and Fundamental Freedoms* (European Convention on Human Rights, as amended) (adopted 4 November 1950, entered into force 3 September 1953) ETS 5.

## 7.7 DOMESTIC LAW

### 7.7.1 US

#### 7.7.1.1 Legislation

Constitution of the United States of America 1787, as amended 1791

US Constitution, Fifth and Fourteenth Amendments.

Federal Aviation Act, Pub L No 85-726, 72 Stat 731 (1958)

US Freedom of Information Act of 1967, as amended by the FOIA Improvement Act of 2016 (Public Law No. 114-185).

Air Force Regulation 60-16 of 1961

Congress U, An Act to amend title 49, USC, to reauthorize programs of the Federal Aviation Administration, and for other purposes (114 Stat 61) (2000)

Legislature TF, The 2021 Florida Statutes

14 CFR § 19 (2023)

18 USC (2023)

28 USC (2023)

49 CFR (2023)

49 USC (2023)

#### 7.7.1.2 Case law

*United States, Appellant v. Eddie E. Webber, Airman Third Class, U. S. Air Force, Appellee* – 13 USCMA 538, 33 CMR 68. (No. 16,384 March 15, 1963).

*Cooper v Department of Navy of United States*, 558 F.2d 274 (5<sup>th</sup> Cir 1977)

*Rafael E. Chirino v. National Transp. Safety Bd., and Secretary of Transportation*, 849 F.2d 1525 (D.C. Cir. 1988)

*United States v. Prouse*, 945 F.2d 1017 (8<sup>th</sup> Cir. 1991)

*Johnson v. National Transp. Safety Bd.*, 979 F.2d 618 (7<sup>th</sup> Cir. 1992)

*U.S. v. Hilliard* (31 F.3d 1509, 10<sup>th</sup> Cir. 1994)

*Chiron Corp. v. National Transp. Safety Bd.*, 198 F.3d 935 (D.C. Cir. 1999)

*Coghlan v. Nat. Transp.*, 470 F.3d 1300 (11<sup>th</sup> Cir. 2006)

*In re Air Crash Near Peixoto De Azeveda, Brazil*, 574 F. Supp. 2d 272 (E.D.N.Y. 2008)

*United States v. Cope*, 676 F.3d 1219 (2012)

*United States v. Fitzgerald*, 906 F.3d 437 (6<sup>th</sup> Cir. 2018)

### 7.7.1.3 *Government publications and administrative orders*

- *FAA Publications*

FAA, 'FAA Compliance and Enforcement Program w/ Changes 1-11 (Order 2150.3C w/ Changes 1-11)' (2018) <[https://employees.faa.gov/tools\\_resources/orders\\_notices/index.cfm/go/document.information/documentID/1034329](https://employees.faa.gov/tools_resources/orders_notices/index.cfm/go/document.information/documentID/1034329)>

FAA, Order 8020.11D – Aircraft Accident and Incident Notification, Investigation, and Reporting (2018)

FAA, 'Safety Management System' <<https://www.faa.gov/about/initiatives/sms/explained/basis#scenario>>

FAA, 'U.S. Civil Airmen Statistics – 2022 Active Civil Airmen Statistics' (2023) <[https://www.faa.gov/data\\_research/aviation\\_data\\_statistics/civil\\_airmen\\_statistics](https://www.faa.gov/data_research/aviation_data_statistics/civil_airmen_statistics)>

FAA, The First U.S. Federal Pilot License <[https://www.faa.gov/sites/faa.gov/files/about/history/milestones/first\\_pilots\\_license.pdf](https://www.faa.gov/sites/faa.gov/files/about/history/milestones/first_pilots_license.pdf)>

- *Other government sources*

The US Office of the Attorney General, Memorandum for Heads of Executive Department of Agencies: The Freedom of Information Act (2009)

The Secretary of State to President Coolidge (579.6 D 1/221a) (1926)

The US Department of Justice, 'Government Transparency' <<https://www.justice.gov/oip/government-transparency>> accessed 12 September 2022

Office of the Law Revision Counsel, 'United States Code – Detailed Guide to the United States Code Content and Features' <[http://uscode.house.gov/detailed\\_guide.xhtml](http://uscode.house.gov/detailed_guide.xhtml)>

## 7.7.2 UK

### 7.7.2.1 *Legislation*

Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 2018, SI 2018/321.

Civil Aviation Act 1982, c. 16.

Civil Aviation Act 1949, c 67, 12, 13 & 14 Geo 6.

Air Navigation Order 1989, SI 1989/2004.

Air Navigation Order 2016, SI 2016/765.

Air Navigation Order 2022, SI 2022/840.

Regulation (EU) No 923/2012, as retained in UK law.

UK Regulation (EU) No 996/2010 (the UK Accident Investigation Regulation).

Freedom of Information Act 2000 (2000 c 36).

### 7.7.2.2 *Case law*

R v G and another (Appellants) [2003] UKHL 50.

Sussex Police v Secretary of State for Transport & Anor [2016] EWHC 2280 (QB) (28 September 2016)

HM Senior Coroner for West Sussex v Chief Constable of Sussex Police & Ors [2022] EWHC 215 (QB) (04 February 2022)

### 7.7.2.3 *Government and official reports*

Department for Transport, Impact Assessment (IA) – CAA Civil Sanctions (2011).

Department for Transport, Consultation on Civil Sanctions for the Civil Aviation Authority (2015).

UK Government, Policy Paper – Memorandum of Understanding between The Crown Prosecution Service and the Air, Marine and Rail Accident Investigation Branches (2008).

Air Safety Support International, Information Paper 062 – Aviation Law and Regulation in the UK Overseas Territories (2022).

#### 7.7.2.4 *Online sources*

Foreign, Commonwealth & Development Office, ‘UK Treaties Online – Convention on International Civil Aviation’ <[https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/#search/v=list,c=1,q=qs%3D%5Bconvention%20on%20international%20civil%20aviation%20%5D,queryType%3D%5B64%5D,sm=s,l=library2\\_lib](https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/#search/v=list,c=1,q=qs%3D%5Bconvention%20on%20international%20civil%20aviation%20%5D,queryType%3D%5B64%5D,sm=s,l=library2_lib)>

UK CAA, ‘CAA Announces Charges Relating to the Accident Involving N264DB’ (2020) <<https://www.caa.co.uk/news/caa-announces-charges-relating-to-the-accident-involving-n264db/>>

UK CAA, ‘Enforcement and Prosecutions – CAA’s Regulatory Enforcement Role, and Recent Court Actions’ <<https://www.caa.co.uk/our-work/about-us/enforcement-and-prosecutions>>

UK CAA, ‘News’ <<https://www.caa.co.uk/news?tag=Prosecutions>>

UK CAA, ‘Report a Potential Breach of Aviation Law’ <<https://www.caa.co.uk/our-work/make-a-report-or-complaint/report-a-potential-breach-of-aviation-law/>>

UK CAA, ‘State Safety Program – The UK Aviation System’ <<https://www.caa.co.uk/safety-initiatives-and-resources/how-we-regulate/state-safety-programme/safety-policy-objectives-and-resources/the-uk-aviation-system/>>

UK CPS, ‘The Code for Crown Prosecutors’ <<https://www.cps.gov.uk/publication/code-crown-prosecutors>>

UK CPS, ‘Transport Offences’ <<https://www.cps.gov.uk/legal-guidance/transport-offences>>

### 7.7.3 Korea

#### 7.7.3.1 *Legislation*

Aviation Act [Enforced on March 5, 1988] [Law No. 3996, December 4, 1987, Partially Amended]

Aviation Act [Enforced on November 29, 2014] [Law No. 12706, May 28, 2014, Partially Amended]

Aviation and Railway Accident Investigation Act [Enforcement Date: November 19, 2021] [Act No. 18188, May 18, 2021, Partially Amended]

Aviation Safety Act [Enforced on September 20, 2024] [Law No. 20396, March 19, 2024, Partially revised]

Constitution of the Republic of Korea [Entry into force 1988. 2. 25.] [Constitution No. 10, 1987. 10. 29. Fully revised]

Criminal Law [Enforced on December 31, 1988] [Law No. 04040, Partially Amended on December 31, 1988]

Criminal Law [Enforced on December 9, 2021] [Law No. 17571, December 8, 2020, Partial Amendment]

Criminal Procedure Act [Enforced on September 10, 2022] [Law No. 18862, May 9, 2022, Partial Amendment]

Enforcement Decree of The Aviation and Railway Accident Investigation Act (Presidential Decree No. 32125, Nov. 16, 2021)

Ministry of Land, Infrastructure and Transport of the Republic of Korea, 'Aircraft Accident and Incident Investigation Manual' (6<sup>th</sup> rev. 2021)  
 Official Information Disclosure Act [Enforced on December 22, 2020] [Law No. 17690, December 22, 2020, Partial Amendment]

#### 7.7.3.2 *Case law*

Constitutional Court of Korea, 13 May 1991, Decision 90 Heon-Ma 133, Full Bench [Cancelled], [Constitutional Petition Regarding Request for Record Copy], [Volume 3, 234]  
 Supreme Court 1990. 9. 11. Sentence 90Do486..  
 Seoul Central District Court, 2018. 2. 8. Decision 2017No981 Violation of Aviation Law

#### 7.7.4 Other States

##### 7.7.4.1 *Brazil*

Supreme Federal Court of Brazil, HC 105301 MC / MT – Mato Grosso Precautionary Measure in Habeas Corpus (Judgment 31 August 2010)

##### 7.7.4.2 *France*

French Declaration of Human and Civic Rights of 26 August 1789.  
 French Penal Code.

##### 7.7.4.3 *Germany*

Penal Law Code for the Kingdom of Bavaria (1813)  
 Basic Law for the Federal Republic of Germany.

##### 7.7.4.4 *Sweden*

His Majesty's Gracious Ordinance Relating to Freedom of Writing and of the Press of Sweden (1766)  
 The Freedom of the Press Act of Sweden (1949:105).  
 Sveriges Riksdag, *The Constitution of Sweden: The Fundamental Laws and the Riksdag Act (with an introduction by Magnus Isberg)* (Sveriges Riksdag 2016).

##### 7.7.4.5 *Switzerland*

Federal Act on Freedom of Information in the Administration (Switzerland) 2004

#### 7.8 INDUSTRY STAKEHOLDER

##### 7.8.1 IATA

###### 7.8.1.1 *Reports*

- *General*

IATA, *Air Connectivity: Measuring the Connections that Drive Economic Growth* (2019)

IATA, *Aircraft Technology Roadmap to 2050* (2019)

IATA, *Air Passenger Market Analysis* (May 2020)

IATA, *Global Fact Sheet – Aviation Benefits Beyond Borders* (2020)

- *Safety reports*

IATA, *Safety Report 2014* (IATA 2015)

IATA, *Safety Report 2015* (IATA 2016)

IATA, *Safety Report 2019* (IATA 2020)

IATA, *Safety Report 2020* (IATA 2021)

IATA, *Safety Report 2021* (IATA 2022)

IATA, *IATA Annual Safety Report – 2022 – Executive Summary and Safety Overview* Edition 59 (IATA 2023)

#### 7.8.1.2 Websites

IATA, 'IATA Annual Safety Report' (N/A) <<https://www.iata.org/en/publications/safety-report/>>

IATA, 'Aviation Safety' (<<https://www.iata.org/en/youandiata/travelers/aviation-safety/>>

IATA, 'Building New Technologies' (<<https://www.iata.org/en/programs/environment/technology-roadmap/>>

IATA, 'Current Airline Members' (2022) <<https://www.iata.org/en/about/members/airline-list/>>

#### 7.8.2 IFALPA

IFALPA, Position Paper 23POS11 – Use of Flight Recorders (2023)

IFALPA, 'History' <<https://www.ifalpa.org/about-us/>>

IFALPA, 'The International Federation of Air Line Pilots' Associations – About Us' <<https://www.ifalpa.org/about-us/>>

### 7.9 LITERATURE

#### 7.9.1 Books

Abeyratne R, *Air Navigation Law* (Springer 2012).

Abeyratne R, *Aviation and International Cooperation: Human and Public Policy Issues* (Springer 2015).

Abeyratne R, *Convention on International Civil Aviation – A Commentary* (Springer International Publishing AG 2013).

Alexander Y, *Aerial Piracy and Aviation Security* (Martinus Nijhoff Publishers 1990).

Allen MJ, *Textbook on Criminal Law* (3<sup>rd</sup> edn, Oxford University Press 2015).

Amado JAG, 'On the Principle of Criminal Legality and Its Scope: Foreseeability as a Component of Legality' in Manzano MP, Sánchez JAL and Rosique MM (eds), *Multilevel Protection of the Principle of Legality in Criminal Law* (Springer 2017).

Amalberti R and Wioland L, 'Human Error in Aviation' in Soekha HM (ed), *Aviation Safety* (CRC Press 1997). Aulis A, *The Rational as Reasonable – A Treatise on Legal Justification* (D Reidel Publishing Company 1987).

Besson S, 'Sovereignty', *Max Planck Encyclopedia of International Law* (2011).

Binder G, *The Oxford Introductions to US Law: Criminal Law* (Oxford University Press 2016).

Bradley CA, 'Treaty Signature' in Hollis DB (ed), *The Oxford Guide to Treaties* (Oxford University Press 2012).

- Brink DO, *Fair Opportunity and Responsibility* (Clarendon Press 2021).
- Buergenthal T, *Law-Making in the International Civil Aviation Organization* (Syracuse University Press 1969).
- Cairns H, *Theory of Legal Science* (University of North Carolina Press 1941).
- Cheng B, 'Part 1 Conspectus of International Air Law – 1. Air Law' in Cheng C-J (ed), *Studies in International Air Law: Collected Work of Cheng Bin* (Brill 2018).
- Cheng B, *Studies in International Space Law* (Oxford University Press 1997).
- Cheng B, *The Law of International Air Transport* (Stevens & Sons Limited / Oceana Publications INC 1962).
- Chinkin C, 'Normative Development in the International Legal System' in Shelton D (ed), *Commitment and Compliance: The Role of Non-binding Norms in the International Legal System* (Oxford University Press 2003).
- Claydon L, 'Law, Neuroscience, and Criminal Culpability' in Freeman M (ed), *Law and Neuroscience* (Volume 13: Current Legal Issues, 2011).
- Crossen J and Ölçer FP, 'Begrip en beheersing van het bijzonder strafrecht: een kenmerk-georiënteerde benadering' in Altena J and others (eds), *In onderlinge samenhang: Liber Amicorum Tineke Cleiren* (Boom Juridisch 2021).
- Cohen JL, *Regulating Intimacy: A New Legal Paradigm* (Princeton University Press 2002).
- Commission IL, 'Draft Articles on the Law of Treaties with Commentaries', *Yearbook of the International Law Commission*, 1966, vol II (United Nations 1966).
- Committee FGJS, 'Maneuvering Flight' in Team FS (ed) (2018).
- Cooper JC, *The Legal Status of Aircraft* (Princeton 1949).
- Council ICAO, *Doc 7367 (A7-P/1) Report of the Council to the Assembly on the Activities of the Organization in 1952* (1953).
- Crawford J, *Brownlie's Principles of Public International Law* (9<sup>th</sup> edn, Oxford University Press 2019).
- De Hullu J, *Materieel Strafrecht* (Kluwer 2009).
- Deigh JE and Dolinko DE, *The Oxford Handbook of the Philosophy of the Criminal Law* (Oxford University Press 2019).
- Dekker S, *Just Culture: Balancing Safety and Accountability* (CRC Press 2012).
- Dempsey PS, *Public International Air Law* (McGill University 2008).
- Dressler J, *Understanding Criminal Law* (9<sup>th</sup> edn, Carolina Academic Press 2022).
- Dubber MD and Hörnle T, *The Oxford Handbook of Criminal Law* (Oxford University Press 2015).
- Duff A, *Answering for Crime: Responsibility and Liability in the Criminal Law* (Hart Publishing 2007).
- Fletcher GP, *Basic Concepts of Criminal Law* (Oxford University Press 1998).
- Fletcher GP, *Rethinking Criminal Law* (Oxford University Press 2000).
- Gallant KS, 'Legality as a Rule of Customary International Law Today & Conclusion: The Endurance of Legality' in Gallant KS (ed), *The Principle of Legality in International and Comparative Criminal Law* (Cambridge University Press 2009).
- Gallant KS, *The Principle of Legality in International and Comparative Criminal Law* (Cambridge University Press 2008).
- Gardiner R, *Treaty Interpretation* (2<sup>nd</sup> edn, Oxford University Press 2015).
- Garner BA, *Black's Law Dictionary* (11<sup>th</sup> edn, Thomson Reuters West 2019).
- Giffin C and Lombrozo T, 'Mens Rea in Moral Judgment and Criminal Law' in Vargas M and Doris JM (eds), *The Oxford Handbook of Moral Psychology* (Oxford University Press 2022).

- Gooch G and Williams M, *A Dictionary of Law Enforcement* (2<sup>nd</sup> edn, Oxford University Press 2015).
- Grabenwater C, *European Convention on Human Rights – Commentary* (C.H. Beck, Hart, Nomos Helbing Lichtenhann Verslag 2014).
- Gray JC, *The Nature and Sources of the Law* (Beacon Press 1921).
- Gross H, *Crime and Punishment: A Concise Moral Critique* (Oxford University Press 2012).
- International Nuclear Safety Advisory Group, *Safety Series – INSAG-7 The Chernobyl Accident: Updating of INSAG-1* (International Atomic Energy Agency 1992).
- Hart HLA, *Punishment and Responsibility: Essays in the Philosophy of Law* (2<sup>nd</sup> edn, Oxford University Press 2008).
- Hart HLA, 'VI Negligence, Mens Rea, and Criminal Responsibility' in *Punishment and Responsibility: Essays in the Philosophy of Law* (2<sup>nd</sup> edn, Oxford University Press 2008).
- Havel BF and Sanchez GS, *The Principles and Practice of International Aviation Law* (Cambridge University Press 2014).
- Hawkins FH, *Human Factors in Flight* (2<sup>nd</sup> edn, Ashgate Publishing 1993).
- Heald DA, 'Transparency as an Instrumental Value' in Hood C and Heald DA (eds), *Transparency, the Key to Better Governance?* (Oxford University Press 2006).
- Heald DA, 'Varieties of Transparency' in Hood C and Heald DA (eds), *Transparency, the Key to Better Governance?* (Oxford University Press 2006).
- Hendry I and Dickson S, *British Overseas Territories Law* (2<sup>nd</sup> edn, Hart Publishing 2018).
- Honig JP, *A Study on the Legal Status of Aircraft* (Institute for Advanced Study, Princeton 1949).
- Jackson VC, 'Positive Obligations, Positive Rights, and Constitutional Amendment' in Kahana T and Scolnicov A (eds), *Boundaries of State, Boundaries of Rights: Human Rights, Private Actors, and Positive Obligations* (Cambridge University Press 2016).
- Johnson DHN, *Rights in Air Space* (Manchester University Press 1965).
- Jörg N, Kelk C and Klip A, *Strafrecht met mate* (Wolters Kluwer 2019).
- June DL (ed), *Protection, Security, and Safeguards* (2000).
- Kammaing MS, *The Aircraft Commander in Commercial Air Transportation* (Martinus Nijhoff 1953).
- Keith AB, *The Sovereignty of the British Dominions* (Macmillan and Company 1929).
- Kennelly JH, *Litigation and Trial of Air Crash Cases* (vol II, 1968).
- Kern T, *Redefining Airmanship* (McGraw Hill Professional 1997).
- Klabbers J, 'The Validity and Invalidity of Treaties' in Hollis DB (ed), *The Oxford Guide to Treaties* (Oxford University Press 2012).
- Kristen F and others, 'Inleiding' in Kristen F and others (eds), *Bijzonder Strafrecht – Strafrechtelijke Handhaving van Sociaal-Economisch en Fiscaal Recht in Nederland* (2<sup>nd</sup> edn, Boom juridisch 2019).
- Kristen F, 'Het Materieelstrafrechtelijk Legaliteitsbeginsel in het Bijzonder Strafrecht' in 2<sup>nd</sup> (ed), *Bijzonder Strafrecht – Strafrechtelijke Handhaving van Sociaal-Economisch en Fiscaal Recht in Nederland* (Boom juridisch 2019).
- Larsen PB, Sweeney J and Gillick J, *Aviation Law: Cases, Laws and Related Sources* (2<sup>nd</sup> edn, Brill 2012).
- Lauterpacht E and others, *International Law Reports*, vol 131 (Cambridge University Press 2008).
- Law J (ed), *A Dictionary of Law* (10<sup>th</sup> edn, Oxford University Press 2022).
- Linderfalk U, *On the Interpretation of Treaties* (Springer 2007).

- Lowery J, *A Pilot's Accident Review: An In-depth Look at High-profile Accidents That Shaped Aviation Rules and Procedures* (Aviation Supplies & Academics 2015).
- Lowrance WW, *Of Acceptable Risk: Science and the Determination of Safety* (William Kaufmann 1976).
- MacKenzie D, *A History of the International Civil Aviation Organization* (University of Toronto Press 2010).
- Markus D, *An Introduction to the Model Penal Code* (2<sup>nd</sup> edn, Oxford University Press 2015).
- Martin EA and Blackwell O (eds), *A Dictionary of Law* (5<sup>th</sup> edn, Oxford University Press 2003).
- Masson-Zwaan TL and others (eds), *Air and Space Law: De Lege Ferenda – Essay in Honor of Henri A Wassenbergh* (Martinus Nijhoff Publishers 1992).
- Matte NM, *The International Legal Status of the Aircraft Commander* (The Carlswell Company Limited / Pedon 1975).
- Maurino DE, 'Foreword' in Helmreich RL and Merritt AC (eds), *Culture at Work in Aviation and Medicine* (1998).
- McWhinney E, *The United Nations and a New World Order for a New Millennium-Self-determination, State Succession, and Humanitarian Intervention* (vol 44, Nijhoff Law Specials, Brill 2000).
- Mendes de Leon PMJ, *Cabotage in Air Transport Regulation* (Martinus Nijhoff Publishers 1992).
- Mendes de Leon PMJ, *Introduction to Air Law* (11<sup>th</sup> edn, Wolters Kluwer 2022).
- Mendes de Leon PMJ, 'Luchtrecht' in Horbach N, Lefeber R and Ribbelink O (eds), *Handboek Internationaal Recht* (2007).
- Mendes de Leon PMJ, 'The Dynamics of Sovereignty and Jurisdiction in International Aviation Law' in Duursma J and others (eds), *State, Sovereignty, and International Governance* (Oxford University Press 2002).
- Mendes de Leon PMJ and Buissing TN (eds), *Behind and Beyond the Chicago Convention: The Evolution of Aerial Sovereignty* (Wolters Kluwer 2019).
- Merkouris P, 'Introduction: Interpretation is a Science, is an Art, is a Science' in Fitzmaurice M, Elias O and Merkouris P (eds), *Treaty Interpretation and the Vienna Convention on the Law of Treaties: 30 Years on* (Martinus Nijhoff Publishers 2010).
- Michaelides-Mateou S and Mateou A, *Flying in the Face of Criminalization: The Safety Implications of Prosecuting Aviation Professionals for Accidents* (Routledge 2016).
- Milde M, *International Air Law and ICAO* (Eleven International Publishing 2008).
- Milde M, *International Air Law and ICAO* (Essential Air and Space Law, 3<sup>rd</sup> edn, Eleven International Publishing 2016).
- Milde M, 'Law and Aviation Security' in Masson-Zwaan TL and Mendes de Leon PMJ (eds), *Air and Space Law: De Lege Ferenda* (Martinus Nijhoff Publishers 1992).
- Moore MS, *Placing Blame: A Theory of the Criminal Law* (Oxford University Press 2010).
- Mosler H, *The International Society as a Legal Community* (Brill 1980).
- National Research Council of the National Academies, *Autonomy Research for Civil Aviation: Towards a New Era of Flight* (The National Academies Press 2014).
- Nations U, *Treaty Handbook* (Prepared by the Treaty Section of the Office of Legal Affairs, United Nations Publication 2013).
- Nieboer W, *Schets Materieel Strafrecht* (Gouda Quint 1991).
- Ölçer FP, 'Margins of Appreciation Compared: Modulating Deference versus Engagement in ECHR Standards for Public Procurement and (Regulatory) Criminal Justice' in Kichik K and Mordokhov G (eds), *Public Procurement Law Around the World*, vol II (Yustitsinform 2022).

- Palombino FM, 'Introduction' in Palombino FM (ed), *Duelling for Supremacy – International Law v National Fundamental Principles* (Cambridge University Press 2019).
- Papers Relating to the Foreign Relations of the United States, *The Paris Peace Conference, 1919*, Volume XIII (United States Government Printing Office 1947).
- Pellegrino F, *The Just Culture Principles in Aviation Law: Towards a Safety-Oriented Approach* (Springer 2019).
- Pereira R, *Environmental Criminal Liability and Enforcement in European and International Law* (Queen Mary Studies in International Law, Brill Nijhoff 2015).
- Reason J, *Human Error* (Cambridge University Press 1990).
- Reason J, *Managing the Risks of Organizational Accidents* (Ashgate Publishing 1997).
- Reference O, *Oxford Dictionary of English* (3<sup>rd</sup> edn, Oxford University Press 2015).
- Remmelink J, *Mr. D. Hazewinkel-Suringa's Inleiding tot de studie van het Nederlandse Strafrecht* (Gouda Quint 1996).
- Restellini J, *Labour Relations in Aviation* (Wolters Kluwer 2022).
- Riksdag S, *The Constitution of Sweden: The Fundamental Laws and the Riksdag Act* (with an introduction by Magnus Isberg, Sveriges Riksdag 2016).
- Robinson PH, *Structure and Function in Criminal Law* (Oxford University Press 1997).
- Rodriguez JA and Murawski WW, *Special Education Law and Policy: From Foundation to Application* (Plural Publishing 2020).
- Roland HE and Moriarty B, *System Safety Engineering and Management* (John Wiley & Sons 1990).
- Rothwell DR and others, *International Law – Cases and Materials with Australian Perspectives* (3<sup>rd</sup> edn, Cambridge University Press 2018).
- Ryngaert C, 'The Concept of Jurisdiction in International Law' in Orakhelashvili A (ed), *Research Handbook on Jurisdiction and Immunities in International Law* (Edward Elgar Publishing 2015).
- Sarch A, *Criminally Ignorant* (Oxford University Press 2019).
- Schabas WA, *The European Convention on Human Rights: A Commentary* (Oxford University Press 2015).
- Schünemann B, *Nulla poena sine lege? Rechtstheoretische und verfassungsrechtliche Implikationen der Rechtsgewinnung im Strafrecht* (Walter de Gruyter 1978).
- Seipel P, *Computing Law: Perspectives on a New Legal Discipline* (LiberFörlag 1977).
- Shaw MN, *International Law* (9<sup>th</sup> edn, Cambridge University Press 2021).
- Shawcross CN and others, *Shawcross and Beaumont on Air Law* (4<sup>th</sup> edn, Butterworth 1977).
- Shlesinger RB, *Formation of Contracts: A Study of the Common Core of Legal Systems* (Oceana Publications 1970).
- Shubber S, *Jurisdiction Over Crimes On Board Aircraft* (Nijhoff 1973).
- Shute S, Gardner J and Horder J, *Action and Value in Criminal Law* (Oxford University Press 1993).
- Simester A, *Fundamentals of Criminal Law* (Oxford University Press 2021).
- Stolzer AJ, Halford CD and Goglia JJ, *Safety Management Systems in Aviation* (Ashgate 2010).
- Syed M, *Black Box – Denken: Maak van je Fouten een Succes* (Kosmos Uitgevers 2015).
- Taylor PM, 'Article 15: Retroactive Criminal Law', *A Commentary on the International Covenant on Civil and Political Rights – The UN Human Rights Committee's Monitoring of ICCPR Rights* (Cambridge University Press 2020).
- Turner JWC, *Kenny's Outlines of Criminal Law* (2013).
- Van Dam RD, 'Regulating International Civil Aviation – An ICAO Perspective' in Masson-Zwaan TL and others (eds), *Air and Space Law: De Lege Ferenda – Essay in Honor of Henri A Wassenbergh* (Martinus Nijhoff Publishers 1992).

- Van Wijk AA, 'The Legal Status of the Aircraft Commander – Ups and Downs of a Controversial Personality in International Law' in Kean A (ed), *Essays in Air Law* (Martinus Nijhof Publisher 1982).
- Villiger ME, *Commentary on the 1969 Vienna Convention on the Law of Treaties* (Martinus Nijhoff Publishers 2009).
- Wallace RM and Martin-Ortega O, *International Law* (7<sup>th</sup> edn, Sweet & Maxwell 2013).
- Weber L, *International Civil Aviation Organization: An Introduction* (Aviation Law and Policy Series, Kluwer Law International 2007).
- Wiegmann DA and Shappel SA, *A Human Error Approach to Aviation Accident Analysis – The Human Factors Analysis and Classification System* (Ashgate 2003).
- Wiener EL and Nagel DC, *Human Factors in Aviation* (Academic Press 1988).
- Wright PW and Wright PD, *Wrightslaw: Special Education Law* (2<sup>nd</sup> edn, Harbor House Law 2007).
- Zhang L, *The Resolution of Inter-State Disputes in Civil Aviation* (Oxford University Press 2022).
- Zimmermann A, *The Statute of the International Court of Justice: A Commentary* (2<sup>nd</sup> edn, Oxford University Press 2012).

### 7.9.2 Theses

- Boot M, *Nullum crimen sine lege and the subject matter jurisdiction of the International Criminal Court: genocide, crimes against humanity, war crimes* (PhD thesis, Tilburg University 2002).
- Buijze AWGJ, *The Principle of Transparency in EU Law* (PhD thesis, Leiden University 2013).
- Cnossen JP, *Wisselwerking tussen gemeen en bijzonder materieel strafrecht – Een analyse en waardering in het licht van de beginselen van codificatie, schuld en legaliteit* (PhD thesis, Leiden University 2024).
- Durand CJ, *Aircraft Accident Investigation: The Need for a Stronger International Regime* (PhD thesis, McGill University 1993).
- Ham S, *A Research on the Duty of Care of Pilots and Air Traffic Controllers in Aviation – With Focus on Judgments Concerning Aircraft Accident* (PhD thesis, Korea Aerospace University 2012).
- Honig JP, *A Study on the Legal Status of Aircraft* (Institute for Advanced Study, Princeton 1949).
- Honig JP, *The Legal Status of Aircraft* (PhD Thesis, Leiden University 1956).
- Huang J, *Aviation Safety and ICAO* (PhD thesis, Leiden University 2009).
- Peristeridou C, *The Principle of Legality in European Criminal Law* (PhD thesis, Maastricht University 2015).
- Ratajczyk M, *Regional Aviation Safety Organisations: Enhancing Air Transport Safety through Regional Cooperation* (PhD thesis, Leiden University 2014).
- Wiznitzer SNP, *Defensieve Dokters? – Een juridisch-empirisch onderzoek naar de invloed van het medisch aansprakelijkheidsrecht op het professionele handelen van zorgverleners* (PhD thesis, Utrecht University 2021).
- Kronlachner A, *The Legal Status of the Pilot-in-Command* (PhD thesis, Johannes Kepler University Linz 2022).
- Leclerc T, *Les mesures correctives des émissions aériennes de gaz à effet de serre : Contribution à l'étude des interactions entre les ordres juridiques en droit international public* (PhD thesis, Leiden University 2017).
- Nan JS, *Het Lex Certa-beginsel* (PhD thesis, Tilburg University 2011).

- Patterson IR, *Organisational Culture and Safety Culture as Determinants of Error and Safety Levels in Aviation Maintenance Organisations: A Latent Failure Approach* (PhD thesis, Massey University 2002).
- Rutgers HJ, *Conventions on Penal Law Regarding Aircraft* (PhD thesis, University of Utrecht 1978).
- Stewart ME, *Freedom of Overflight: A Study of Coastal State Jurisdiction in International Airspace* (PhD thesis, Leiden University 2021).
- Van Luijk EHA, *Het schuldbeginnel in het Nederlandse strafrecht* (PhD thesis, University of Groningen 2015).
- Van Wijk AA, *Aircraft Accident Inquiry in the Netherlands – A Comparative Study* (PhD thesis, University of Amsterdam 1974).
- Visser M, *Zorgplichtbepalingen in het strafrecht* (PhD thesis, Maastricht University 2001).
- Zhang W, *Protection of Aviation Security Through the Establishment of Prohibited Airspace* (PhD thesis, Leiden University 2023).

### 7.9.3 Journal articles

- Abeyratne R, 'Negligence of the Aircraft Commander and Bad Airmanship – New Frontiers' (1987) 12(1) *Air and Space Law* 3
- Abeyratne R, 'The Beijing Convention of 2010: An Important Milestone in the Annals of Aviation Security' (2010) 36 *Air and Space Law*
- Abeyratne R, 'The Legal Status of the Chicago Convention and its Annexes' (1994) 19(3) *Air and Space Law* 113
- Akehurst M, 'Custom as a Source of International Law' (1976) 47 *British Yearbook of International Law* 1
- Balcerzak T, 'An examination of aviation accidents in the context of a conflict of interests between law enforcement, insurers, commissions for aircraft accident investigations and other entities' (2017) 95 *Scientific Journal of Silesian University of Technology Series Transport* 5
- Bassiouni MC, 'Human Rights in the Context of Criminal Justice: Identifying International Procedural Protections and Equivalent Protection in National Constitutions' (1993) 3(2) *Duke Journal of Comparative & International Law* 235
- Bennun ME, 'Prosecuting Professional Pilots in the United Kingdom after November Oscar: Reflections on the Law and Policy' (1995) 61(2) *Journal of Air Law and Commerce* 331
- Boodman M, 'Myth of Harmonization of Laws' (1991) 39(4) *American Journal of Comparative Law* 699
- Bouvé CL, 'Regulation of International Air Navigation under the Paris Convention' (1935) 6(3) *Journal of Air Law and Commerce* 299
- Bowen HA, 'Chicago International Civil Aviation Conference' (1945) 13(3) *George Washington Law Review* 308
- Boyle RP and Pulsifer R, 'The Tokyo Convention on Offenses and Certain Other Acts Committed on Board Aircraft' (1964) 30 *Journal of Air Law and Commerce* 305
- Braithwaite J, 'Rules and Principles: A Theory of Legal Certainty' (2002) 27 *Australian Journal of Legal Philosophy* 47
- Brickey KF, 'Environmental Crime at the Crossroads: The Intersection of Environmental and Criminal Law Theory' (1996) 71(2) *Tulane Law Review* 487
- Briggs HW, 'Unilateral Denunciation of Treaties: The Vienna Convention and the International Court of Justice' (1974) 68(1) *The American Journal of International Law* 51

- Brink DO, 'The Nature and Significance of Culpability' (2018) 13 *Criminal Law and Philosophy* 347
- Caplan H, 'The Crime of Flying – The Way Forward to 1784' (2009) 34(6) *Air and Space Law* 351
- Captain Kane R and Pyne T, 'The Legal Status and Liability of the Copilot, Part I' (1994) 19(6) *Air and Space Law* 290
- Captain Kane R and Pyne T, 'The Legal Status and Liability of the Copilot, Part II' (1995) 20(1) *Air and Space Law* 2
- Captain Kane R, 'Accident Investigation and the Public Interest: A Pilot's View' (1989) 38(3) *Zeitschrift für Luft- und Weltraumrecht* 3
- Carroz J, 'International Legislation on Air Navigation over the High Seas' (1959) 26 *Journal of Air Law and Commerce* 158
- Challinor CAS, 'Accident Investigators Are the Guardians of Public Safety: The Importance of Safeguarding the Independence of Air Accident Investigations as Illustrated by Recent Accidents' (2017) 42(1) *Air and Space Law* 43
- Challinor CAS, 'Defending Just Culture in Air Accident Investigations: The Decision of the English High Court in *British Broadcasting Corporation & Anor v. Secretary of State for Transport & Anor*' (2019) 44 *Air and Space Law* 583
- Challinor CAS, 'The Decision of the English High Court in *Rogers & Anor v. Hoyle: Clipping the Wings of the Principles of Air Accident Investigation*' (2014) 39(1) *Air and Space Law* 83
- Cheng B, 'Henri Wassenbergh on Air and Space Law: An Appreciation' (2015) 40(1) *Air and Space Law* 9
- Cheng B, 'Recent Developments in Air Law' (1956) 9(1) *Current Legal Problems* 208
- Cocklin JT, 'National Transportation Safety Board Aircraft Accident Reports: The Long Lost Legislative History of Section 701I' (2009) 74 *Journal of Air Law and Commerce* 781
- Cooling JE and Herbers PV, 'Considerations in Autopilot Litigation' (1983) 48 *Journal of Air Law and Commerce* 693
- Cooper JC, 'Air Transport and World Organization' (1946) 55 *The Yale Law Journal* 1191
- Cooper JC, 'Backgrounds of International Public Air Law' (1965) 1 *Yearbook of Air and Space Law* 3
- Cooper JC, 'The Chicago Convention – After Twenty Years' (1965) 14 *Zeitschrift für Luft- und Weltraumrecht* 272
- Cooper JC, 'The International Air Navigation Conference, Paris 1910' (1952) 19(2) *Journal of Air Law and Commerce* 127
- Cooper JC, 'United States Participation in Drafting Paris Convention 1919' (1951) 18 *Journal of Air Law and Commerce* 266
- Corn G, 'Standard of Certainty in Justifying a Criminal Charge' (2019) 60(2) *South Texas Law Review* 415
- Curran WJ and Hyg SM, 'Law-Medicine Notes – The Medicolegal Lessons of the Tenerife Disaster' (1977) 297(18) *The New England Journal of Medicine* 986
- D'Amato A, 'Legal Uncertainty' (1983) 71 *California Law Review* 1
- Dana S, 'Beyond Retroactivity to Realizing Justice: A Theory on the Principle of Legality in International Criminal Law Sentencing' (2009) 99 *The Journal of Criminal Law & Criminology* 857
- David-Cooper R, 'Implementing Safety Management Systems (SMS) in Canada: Is Flight Safety on a Collision Course with the Forced Disclosure of SMS Data' (2015) 15(1) *Issues in Aviation Law and Policy* 77

- De Souza Dias T, 'Accessibility and Foreseeability in the Application of the Principle of Legality under General International Law: A Time for Revision?' (2019) 19 *Human Rights Law Review* 649
- Dekker S, 'Disinheriting Fitts and Jones' (2001) 1 *International Journal of Aviation Research and Development* 7
- Dekker S, 'Just Culture: Who Gets to Draw the Line?' (2009) 11(3) *Cognition, Technology and Work* 177
- Dempsey PS, 'Blacklisting: Banning the Unfit from the Heavens (Section I)' (2007) 32 *Annals of Air and Space Law* 29
- Dempsey PS, 'Compliance & Enforcement in International Law: Achieving Global Uniformity in Aviation Safety' (2004) 30 *North Carolina Journal of International Law* 1
- Dempsey PS, 'Independence of Aviation Safety Investigation Authorities: Keeping the Foxes from the Henhouse' (2010) 75(1) *Journal of Air Law and Commerce* 223
- Dempsey PS, 'The Future of International Air Law in the 21<sup>st</sup> Century' (2015) 64 *German Journal of Air and Space Law* 215
- Dettling-Ott R, 'Criminal Liability of Airline Pilots: Three Recent Decisions' (1988) 13(1) *Air and Space Law* 4
- Diederiks-Verschuur IHP and Wassenbergh HA, 'Dr. J.F. Lycklama à Nijeholt (1846-1947)' (1994) 19(1) *Air and Space Law* 8
- Draper RA, 'Transition from CINTRJA to the Legal Committee of ICAO' (1948) 42(1) *The American Journal of International Law* 155
- Easton JF, 'The Rights of Parties and Civil Litigants in an NTSB Investigation' (2003) 68(2) *Journal of Air Law and Commerce* 205
- Elena-Mihaela F, 'Administrative Sanctions and the Concept of "Criminal Charge". Romanian Perspective in a Comparative Law Study' (2015) 7 *Acta Universitatis Danubius Juridica* 16
- Evans AE, 'Book Review\_ The International Legal Status of the Aircraft Commander, by Nicolas Mateesco Matte' (1976) 42 *Journal of Air Law and Commerce*
- Faßhauer UK, 'Aviation Safety Management Systems (SMS): Progress and Challenges' (2019) 24 *Journal of Air Transportation* 1
- Ficsor K, 'Certainty and Uncertainty in Criminal Law and the Clarity of Norms Doctrine' (2018) 59(3) *Hungarian Journal of Legal Studies* 271
- Fitzgerald GF, 'The Lease, Charter, Interchange of Aircraft in International Operations – Article 83bis of the Chicago Convention on International Civil Aviation' (1981) 6 *Annals of Air and Space Law* 49
- Finkel NJ and Groscup JL, 'Crime Prototypes, Objective Versus Subjective Culpability, and a Commonsense Balance' (1997) 21(2) *Law and Human Behavior* 209
- Fiorita DM, 'The International Framework of Aircraft Accident Investigation – Contemporary Issues' (1994) 19 *Annals of Air and Space Law* 161
- French R, 'The Principle of Legality and Legislative Intention' (2019) 40 *Statute Law Review* 40
- Garibaldi OM, 'General Limitations on Human Rights: The Principle of Legality' (1976) 17 *Harvard International Law Journal* 503
- Geut H, 'The Law: The pilot and the Air Traffic Controller – Division of Responsibilities' (1988) 13(6) *Air and Space Law* 256
- Gibson WM, 'United States Commitments on International Aerial Navigation' (1933) 4(4) *Air Law Review* 389
- Glendon MA, 'The Rule of Law in the Universal Declaration of Human Rights' (2004) 2(1) *Northwestern Journal of International Human Rights* 1
- Goedhuis D, 'The Air Sovereignty Concept and United States Influence on Its Future Development' (1955) 22 *Journal of Air Law and Commerce*

- Gómez-Jara Díez C, 'Models for a System of European Criminal Law: Unification vs. Harmonisation?' (2010) 1 *New Journal of European Criminal Law* 385
- Griggs C, 'Just Culture and Accountability for Flight Safety Events in Australia and New Zealand' (2014) 79 *Journal of Air Law and Commerce*
- Grigorieff C-I, Thijssen C and Sleenckx A, 'Attacks Against Aviation: Beijing Convention and Protocol Now in Force' (2019) 44 *Air and Space Law*
- Grove Jr. WR, 'International Law – Chicago Convention Interpreted – Discriminatory Airport Charges to Foreign Airlines' (1963) 18(2) *University of Miami Law Review* 482
- Hailbronner K, 'Freedom of the Air and the Convention on the Law of the Sea' (1983) 77 *The American Journal of International Law* 490
- Hamilton KA, 'The Air in Entente Diplomacy: Great Britain and the International Aerial Navigation Conference of 1910' (1981) 3(2) *The International History Review* 169
- Hammarskjöld K, 'Air Piracy as an International Crime: Suggestions for International Action' (1976) 32 *International Review of Criminal Policy*
- Hannum H and Lillich RB, 'The Concept of Autonomy in International Law' (1980) 74 *The American Journal of International Law* 858
- Hart Jr HM, 'The Aims of the Criminal Law' (1958) 23 *Law and Contemporary Problems* 401
- Havel BF and Mulligan JQ, 'International Aviation's Living Constitution: A Commentary on the Chicago Convention's Past, Present, and Future' (2015-2016) 15 *Issues in Aviation Law and Policy* 7
- Hayes SS, 'The Freedom of Information Act in Air Crash Discovery: Friend or Foe' (1986) 52 *Journal of Air Law and Commerce* 479
- Henk Geut C, 'IFALPA, Legal Committee Meeting' (1992) 17(3) *Air and Space Law* 166
- Holmes J, 'Is the Federal Aviation Administration Kicking the Dog: Pilot Disciplinary Proceedings and the Self-Incrimination Privilege' (1991) 57 *Journal of Air Law and Commerce* 297
- Holmes J, 'Path of the Law' (1896) 10(8) *Harvard Law Review* 457
- Hopkins H, 'The Dismissal of a Pilot for Poor Airmanship' (1977) 81 *The Aeronautical Journal* 203
- Horder J, 'Criminal Law and Legal Positivism' (2002) 9(2) *Legal Theory* 221
- Husak D, "'Broad" Culpability and the Retributivist Dream' (2012) 9(2) *Ohio State Law Journal* 449
- Jacobs FG, 'Varieties of Approach to Treaty Interpretation: With Special Reference to the Draft Convention on the Law of Treaties before the Vienna Diplomatic Conference' (1969) 18(2) *The International and Comparative Law Quarterly* 318
- Janicki WD, 'Aircraft Accident Reports and Other Government Documents: Evidentiary Use in International Air Crash Litigation in the United States' (2009) 74 *Journal of Air Law and Commerce* 801
- Kallman TJ, 'Annex 19 to the Convention on International Civil Aviation: A New Era in Aviation Safety Management?' (2016) 81 *Journal of Air Law and Commerce* 423
- Kaupat C, 'Just Culture and the Obligation on States to Prosecute under the Chicago Convention' (2013) 38 *Annals of International Air and Space Law* 461
- Kim T, 'Improving the legislative process of the Special Criminal Act – Focusing on the theory of protection law -' (2012) *Government Legislation* 1
- Kinney ML, 'The Interstate Aviation Accident – What Law Governs' (1964) 31(2) *Insurance Counsel Journal* 250

- Klang J, 'Celebrating the Chicago Convention's 75<sup>th</sup> Anniversary' (2019) 32(4) *Air & Space Lawyer*
- Knauth AW, 'The CITEJA in Paris in January, 1939' (1939) 10 *Journal of Air Law and Commerce*
- Knight JR, 'Accident Investigation Procedures as Viewed by a Technician' (1984) 9(1) *Air and Space Law* 30
- Kolczynski PJ, 'The Criminal Liability of Aviators and Related Issues of Mixed Criminal-Civil Litigation: A Venture in the Twilight Zone' (1985) 51 *Journal of Air Law and Commerce* 1
- Kuhn AK, 'International Aerial Navigation and the Peace Conference' (1920) 14(3) *The American Journal of International Law* 369
- Latchford S, 'Developments in the Codification of Private International Air Law' (1936) 7 *Journal of Air Law and Commerce*
- Latchford S, 'The Bearing of International Air Navigation Conventions on the Use of Outer Space' (1959) 53(2) *The American Journal of International Law* 405
- Lavrysen L, 'Positive obligations in the jurisprudence of the Inter-American Court of Human Rights' (2014) 7 *Inter-American and European Human Rights Journal* 94
- Lawrenson AJ and Braithwaite GR, 'Regulation or unctionscaln: What determines legal standards of safety culture in commercial aviation?' (2018) 102 *Safety Science* 251
- Learmount D, 'Criminalization of Air Accidents: The Solutions May Be Forged in Europe' (2010) 34(4/5) *Air and Space Law* 325
- Liao M-Y, 'Safety Culture in commercial aviation: Differences in perspective between Chinese and Western pilots' (2015) 79 *Safety Science* 193
- Lofaro RJ and Smith KM, 'Rising Risk? Rising Safety? The Millenium and Air Travel' (1997-1998) 28 *Transportation Law Journal* 205
- London J, 'Issues of Trustworthiness and Reliability of Evidence from NTSB Investigations in Third Party Liability Proceedings' (2003) 68(1) *Journal of Air Law and Commerce* 39
- Lyons JB and others, 'Human-Autonomy Teaming: Definitions, Debates, and Directions' (2021) 12 *Frontiers in Psychology*
- Marvyn E Bennun GM, 'Flying Safely, the Prosecution of Pilots, and the ICAO Chicago Convention: Some Comparative Perspectives' (2009) 74 *Journal of Air Law and Commerce* 737
- McGarry J, 'Effecting Legal Certainty under the Human Rights Act' (2011) 16(1) *Judicial Review* 66
- McMurtrie KJ and Molesworth BRC, 'The Impact of a Legally Defined Just Culture on Voluntary Reporting of Safety Information' (2021) 11 *Aviation Psychology and Applied Human Factors* 88
- Milde M, 'ICAO Legal Committee 25<sup>th</sup> Session' (1983) 8(3) *Air and Space Law* 173
- Milde M, 'Aircraft Accident Investigation in International Law' (1984) 9(1) *Air and Space Law* 61
- Milde M, 'Enforcement of Aviation Safety Standards – Problem of Safety Oversight' (1996) 45 *Zeitschrift fur Luft- und Weltraumrecht* 3
- Milde M, 'Aviation Safety Oversight: Audits and the Law' (2001) 26 *Annals of Air and Space Law* 165
- Miller CO, 'Aviation Accident Investigation: Functional and Legal Perspectives' (1981) 46(2) *Journal of Air Law and Commerce* 237
- Mock WBT, 'On the Centrality of Information Law: A Rational Choice Discussion of Information Law and Transparency' (1999) 17 *John Marshall Journal of Computer & Information Law* 1069

- Moore JN, 'Enhancing Compliance with International Law: A Neglected Remedy' (1999) 39 *Virginia Journal of International Law* 811
- Morse O, 'Schools of Approach to the Interpretation of Treaties' (1960) 6 *Catholic University Law Review*
- Neves FMSP, Barata JMM and Silva ARR, 'The History of the Portuguese Aviation— A Summary' (2016) 6(10) *Open Journal of Applied Sciences* 667
- Noort MC and others, 'The Relationship between National Culture and Safety Culture: Implications for International Safety Culture Assessments' (2016) 89 *Journal of Occupational and Organizational Psychology* 515
- NTSB Bar Association, 'Aviation Professionals and the Threat of Criminal Liability – How Do We Maximize Aviation Safety' (2002) 67 *Journal of Air Law and Commerce* 875
- O'Connor CF, 'Res Ipsa in the Air' (1947) 22 *Indiana Law Journal*
- Osterhout H, 'Review of the Recent Chicago International Air Conference' (1944) 31(2) *Virginia Law Review* 376
- Pellegrino F, 'Just Culture Principles in Aviation Law from a European Perspective' (2013) 38 *Annals of Air and Space Law* 471
- Pepin E, 'ICAO and Other Agencies Dealing with Air Regulation' (1952) 19(2) *Journal of Air Law and Commerce* 152
- Piera A, 'ICAO's Latest Efforts to Tackle Legal Issues Arising from Unruly/Disruptive Passengers: The Modernization of the Tokyo Convention 1963' (2012) 37 *Air and Space Law* 231
- Polkowska M, 'The Development of Air Law: From the Paris Conference 1910 to the Chicago Convention of 1944' (2008) 33 *Annals of Air and Space Law* 59
- Prendergast D, 'Douglas v DPP and the Constitutional Requirement for Certainty in Criminal Law' (2013) 50 *Irish Jurist* 235
- Psyllouw E, Majumdar A and Ochieng W, 'A Review of Navigation Involving General Aviation Pilots Flying under Visual Flight Rules' (2018) 71 *The Journal of Navigation* 1130
- Pufong MG, 'State Obligation, Sovereignty, and Theories of International Law' (2001) 29 *Politics & Policy* 478
- Quinn KP, Trock JE and Gerheim TC, 'Improving Global Aviation Safety by Protecting Information Sources' (2010) 9 *Issues in Aviation Law and Policy* 243
- Raitio J, 'What is meant by Legal Certainty and Uncertainty' (2006) 37(4) *Rechtstheorie* 393
- Reason J, 'Achieving a Safe Culture: Theory and Practice' (1998) 12(3) *Work & Stress* 293
- Related Accident Cases' (2018) 11(3) *International Journal of Control and Automation* 179
- Rijsdijk O, 'A Particular Aircraft Accident Litigation Scenario' (2009) 34(2) *Air and space Law* 57
- Robert P Boyle RP, 'The Tokyo Convention on Offenses and Certain Other Acts Committed on Board Aircraft' (1964) 30 *Journal of Air Law and Commerce*
- Robinson P, 'Fair Notice and Fair Adjudication: Two Kinds of Legality' (2005) 152(2) *University of Pennsylvania Law Review* 335
- Roper A, 'The Organization and Program of the International Commission for Air Navigation (C.I.N.A.)' (1932) 3 *Journal of Air Law and Commerce* 167
- Rosa JD, 'Federal Accident Investigations: Civil Litigation Viewpoint' (2018) 83 *Journal of Air Law and Commerce* 561
- Saba J, 'Worldwide Safe Flight: Will the International Financial Facility for Aviation Safety Help It Happen' (2003) 68(3) *Journal of Air Law and Commerce* 537

- Safeguarding the Independence of Air Accident Investigations as Illustrated by Recent Accidents' (2017) 42(1) *Air and Space Law* 43
- Sand PH, De Sousa Freitas J and Pratt GN, 'A Historical Survey of International Air Law Before the Second World War' (1960) 7(1) *McGill Law Journal* 24
- Sand PH, Lyon JT and Pratt GN, 'A Historical Survey of International Air Law Since 1944' (1961) 7 *McGill Law Journal* 125
- Schmid R, 'Pilot in Command or Computer in Command? – Observations on the conflict between unctiouscal progress and pilot accountability' (2000) 25(6) *Air and Space Law* 281
- Schubert F, 'Legal Barriers to a Safety Culture in Aviation' (2004) 29 *Annals of Air and Space Law* 19
- Schubert F, 'Legal Barriers to a Safety Culture in Aviation' (2004) 29 *Annals of Air and Space Law* 19
- Schuite I and Scott S, 'Perceptions of just culture between pilots and managers: Evaluation of airlines in the EU, Middle East, and Asia/Pacific regions' (2021) 11(2) *Aviation Psychology and Applied Human Factors* 65
- Seago E and Furman VE, 'Internal Consequences of International Air Regulations' (1945) 12 *The University of Chicago Law Review* 335
- Sharif S, 'The Failure of Aviation Saf viation Safety in New Z ety in New Zealand: An Examination of ealand: An Examination of New Zealand's Implementation of Its International Obligations under Annex 13 of the Chicago Convention on International Civil Aviation' (2003) *Journal of Air Law and Commerce* 339
- Sheffy M, 'The Air Navigation Commission of the International Civil Aviation Organization – Part I – A Study of Its unctious and Powers and an Outline of Its Main Fields of Activity' (1958) 25 *Journal of Air Law and Commerce* 281
- Sheffy M, 'The Air Navigation Commission of the International Civil Aviation Organization – Part II – A Study of Its unctious and Powers and an Outline of Its Main Fields of Activity' (1958) 25 *Journal of Air Law and Commerce* 428
- Snyder OC, 'Criminal Responsibility' (1962) 1962(2) *Duke Law Journal* 204
- Stevens BM, 'Military Aviation Mishaps: The Right to Know under the Freedom of Information Act v. The Need for Safety Privilege' (1988) 16(1) *Western State University Law Review* 287
- Swiecicki EM, 'Liability of the Canadian Government for the Negligent Enforcement of Aviation Safety Legislation' (1993) 18 *Annals of Air and Space Law* 275
- Thomas C and Kirby M, 'The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation' (1973) 22 *The International and Comparative Law Quarterly* 10
- Twining W, 'The Great Juristic Bazaar' (1978) 14(3) *Journal of the Society of Public Teachers of Law* 185
- Van Dam R, 'Preserving Safety in Aviation: "Just Culture" and the Administration of Justice' (2009) 22 *Air and Space Lawyer* 1
- Van Dam RD, 'Lease, Charter and Interchange of Aircraft and the Chicago Convention – Some Observations' (1994) 19 *Air and Space Law* 124
- Van Wijk AA, 'Amendment 8 to ICAO Annex 13 ('Aircraft Accident Investigation') – Some (Legally Oriented) Guidance in the Application of Para 5.12 ('Disclosure of Records') at last' (1988) 13 *Air and Space Law* 193
- Van Wijk AA, 'Criminal Liability of Pilots Following an Airline Accident; A History of the Issue within the International Federation of Air Line Pilots' Associations (IFALPA)' (1984) 9(1) *Air and Space Law* 66
- Van Wijk AA, 'IFALPA 38<sup>th</sup> Annual Conference, 15-22 April 1983 Dublin, Ireland' (1984) 9(2) *Air and Space Law* 125

- Van Wijk AA, 'The Fourth Edition of Annex 13 of the Chicago Convention (Aircraft Accident Investigation). Its history, its future and the problem of 'Disclosure of Records'' (1975) 1(3) *Air and Space Law* 173
- Vogiatzis N, 'The Second Advisory Opinion by the Strasbourg Court under Protocol 16' (2021) 3 *European Convention on Human Rights Law Review*
- Von der Dunk FG, 'Navigating Safely through the 21<sup>st</sup> Century: ICAO and the Use of GNSS in Civil Aviation' (2007) 47 *Indian Journal of International Law* 1
- Von Liszt F, 'The Rationale for the Nullum Crimen Principle' (2007) 5 *Journal of International Criminal Justice* 1009
- Waldo RK, 'International – Recent Activities of Provisional International Civil Aviation Organization (PICA0)' (1947) 14 *Journal of Air Law and Commerce* 77
- Warner E, 'The Chicago Air Conference: Accomplishments and Unfinished Business' (1945) 23(3) *Foreign Affairs* 406
- Wassenbergh HA, 'Safety in Air Transportation and Market Entry' (1998) 23 *Air and Space Law*
- Weber L, 'Convention on International Civil Aviation – 60 Years' (2004) 53 *Zeitschrift für Luft- und Weltraumrecht* 289
- Wegerdt A, 'Deutschland und das Pariser Luftverkehrsabkommen' (1928) 2 *Zeitschrift für das gesamte Luftrecht*
- Wiggins M and others, 'Expert, intermediate and novice performance during simulated pre-flight decision-making' (2002) 54(3) *Australian Journal of Psychology* 162
- Wilberforce RO, 'The International Technical Committee of Experts in Air Law' 1 *International Law Quarterly*
- Winter SR and others, 'A Quantitative Investigation on Criminalization of Airline Pilots: Consumer and Pilot Perspectives' (2020) 130 *Safety Science*
- Wise EM, 'General Rules of Criminal Law' (1997) 25(2) *Denver Journal of International Law and Policy* 313
- Wood TC, 'Admissibility of Accident Reports Required by Federal Law' (1966) 18 *Hastings Law Journal* 181
- Woodlock J, 'Procedural justice for all? Legitimacy, just culture and legal anxiety in European civil aviation' (2022) 56(3) *Law & Society Review* 441
- Wright F, 'Certainty and Ascertainability of Criminal Law after the Pitcairn Trials' (2009) 39(4) *Victoria University of Wellington Law Review* 659
- Wurfel SW, 'Aircraft Piracy – Crime or Fun?' (1969) 10 *William & Mary Law Review*
- Zacharski M, 'Mens Rea, The Achilles' Heel of Criminal Law' (2018) 23(1-2) *The European Legacy, Towards New Paradigm* 47
- Ziegler P, 'A General Theory of Law as a Paradigm for Legal Research' (1988) 51(5) *The Modern Law Review* 569

## 7.10 OTHERS

### 7.10.1 Reports

- Anders Chydenius Foundation, *The World's First Freedom of Information Act: Anders Chydenius' Legacy Today* (2006)
- Air Transport Action Group, *Aviation Benefits Beyond Borders* (2018)
- CANSO, *Safety Culture Definition and Enhancement Process* (2008)
- Choi J and Truxal SJ, *Accessibility of Investigation Records from the Aircraft Accident at Bijlmermeer – A Comparative Legal Analysis* (2024)

- Collins WE, *A Review of Civil Aviation Fatal Accidents in Which "Lost/Disoriented" Was a Cause/Factor: 1981-1990 (DOT/FAA/AM-95/1)* (1995)
- EUROCONTROL, *Just Culture Policy* (2012)
- Flight Ops/ATC Ops Safety Information Sharing Working Group (WG E) of Global Aviation Information Network (GAIN), *A Roadmap to a Just Culture: Enhancing the Safety Environment* (2004)
- Gawron V, *Automation in Aviation – Accident Analyses* (2019)
- Industry High-Level Group, *Aviation Benefits 2019* (2019)
- International Law Commission, *The obligation to extradite or prosecute (aut dedere aut judicare) – Final Report of the International Law Commission* (2014)
- The U.K. Safety Regulation Group, *CAP 681 – Global Fatal Accident Review 1980-1996* (1998)

### 7.10.2 Newspaper

- BBC News, 'Pakistan Plane Crash was 'Human Error' – Initial Report' (24 June 2020) <<https://www.bbc.com/news/world-asia-53162627>>
- Connett D, 'Pilot in Near Miss Found Dead in Car' *The Independent* (3 December 1992) <<https://www.independent.co.uk/news/uk/pilot-in-near-miss-found-dead-in-car-1561147.html>>
- Griffiths J, 'Pilot Stands Trial over 2010 Henan Airlines Crash Which Killed 44' <<http://www.thatsmags.com/china/post/2328/pilot-stands-trial-over-2010-henan-airlines-crash-which-killed-44>>
- Hangyeorae*, 'Tripoli Korean Air Crash Captain Sentenced to 5 Years in Prison' *Hangyeorae* (7 December 1990) <<https://newslibrary.naver.com/viewer/index.naver?articleId=1990120700289114003&editNo=4&printCount=1&publishDate=1990-12-07&officeId=00028&pageNo=14&printNo=794&publishType=00010>>
- Kyungbal K, 'Tourist Helicopter Crashes, 13 Dead' *The Kyunghyang Shinmun* (28 July 1989) <<https://newslibrary.naver.com/viewer/index.naver?articleId=1989072800329211008&editNo=3&printCount=1&publishDate=1989-07-28&officeId=00032&pageNo=11&printNo=13489&publishType=00020>>
- Murphy K, 'Pilot Guilty of Lying in Probe of Flight Near Reagan Ranch' *Los Angeles Times* <<https://www.latimes.com/archives/la-xpm-1988-02-09-mn-41624-story.html>>
- News Y, 'Chinese Court, Captain Sentenced 3 Years in Prison for Accident... First Criminal Punishment' *Kyungsang Ilbo* <<http://www.ksilbo.co.kr/news/articleView.html?idxno=481382>>
- Saifi S and Gan N, 'Almost 1 in 3 Pilots in Pakistan Have Fake Licenses, Aviation Minister Says' *BBC Business* (25 June 2020) <<https://edition.cnn.com/2020/06/25/business/pakistan-fake-pilot-intl-hnk/index.html>>
- Shahzad A, 'Pilots in Pakistan Air Crash Distracted by Coronavirus Worry, Minister Says' *Reuters* <<https://www.reuters.com/article/us-pakistan-airplane-crash-idUSKBN23V11Y>>
- The Kyunghyang Shinmun*, 'KAL Tripoli Route Suspended' *The Kyunghyang Shinmun* (23 November 1989) <<https://newslibrary.naver.com/viewer/index.naver?articleId=1989112300329214001&editNo=3&printCount=1&publishDate=1989-11-23&officeId=00032&pageNo=14&printNo=13588&publishType=00020>>
- Stafford S, 'British Airways Pilot Guilty of Negligence in Near-Crash' *United Press International* (8 May 1991) <<https://www.upi.com/Archives/1991/05/08/British-Airways-pilot-guilty-of-negligence-in-near-crash/3098673675200/>>

- Corporation MB, '14 dead and missing in tourist helicopter crash between Yeongdeok, Ulleungdo' (1989) <[https://imnews.imbc.com/replay/1989/nwdesk/article/1824784\\_30389.html](https://imnews.imbc.com/replay/1989/nwdesk/article/1824784_30389.html)>
- Corporation MB, 'Korean Air Flight 803 Black Box Recovery [Kim Jong-oh]' (1989) <[https://imnews.imbc.com/replay/1989/nwdesk/article/1824901\\_30389.html](https://imnews.imbc.com/replay/1989/nwdesk/article/1824901_30389.html)>
- Hangyeorae*, 'KAL Gear-Up Landing Pilot / Unaware of the Gear Unextended' (1991) [https://www.hani.co.kr/arti/legacy/legacy\\_general/L339047.html](https://www.hani.co.kr/arti/legacy/legacy_general/L339047.html) accessed 13 October 2024
- Joongang T*, 'Gear-Up Landing KAL Captain Co-Pilot Warrant' (1991) <<https://www.joongang.co.kr/article/2578985#home>>
- MeailKyeongjae*, 'Prosecution of the captain and co-pilot in relation to the KAL plane explosion' (1994) <<https://www.mk.co.kr/news/all/1416566>>
- Nieuws N, 'Kamer wil inzage stukken Bijlmerramp, 'zelfs handleiding is geheim, dat slaat nergens op'' (2023) <<https://nos.nl/artikel/2471278-kamer-wil-inzage-stukken-bijlmerramp-zelfs-handleiding-is-geheim-dat-slaat-nergens-op>>
- Reuter, 'Brazil Upholds U.S. Pilots' Conventions in 2006 Air Disaster' (2012) <<https://www.reuters.com/article/us-brazil-crash-retrial-idUSBRE89F03C20121016>>
- YeonhapNews*, 'Aircraft Pilot's License Revoked due to Gear-Up Landing Accident' (1991) <<https://n.news.naver.com/mnews/article/001/0003547196?sid=101>>
- YeonhapNews*, 'Investigation of Korean Air's Gear-Up Landing by Boeing Engineers' (1991) <<https://n.news.naver.com/mnews/article/001/0003552335?sid=102>>

### 7.10.3 Magazines

- Castro R, 'A Holistic Approach to Aviation Safety' in *Flight Safety Digest* (July 1988)
- Crossen J, 'De afnemende waarde van 'het algemene'. De verhouding tussen gemeen strafrecht en bijzonder strafrecht belicht vanuit codificatieperspectief' in *Strafblad. Het nieuwe tijdschrift voor strafrecht* (2017)
- General Aviation Joint Steering Committee, 'Safety Enhancement Topic – Maneuvering Flight' in *FAA Safety Briefing Magazine* (2018)
- Krause SS, 'Collision Avoidance Must Go Beyond "See and Avoid" to "Search and Detect"' in *Flight Safety Digest* (May 1997)
- Lacagnina M, 'Midair over the Amazon' in *AeroSafety World* (February 2009)
- McCouston B, 'Publicize the Violator' in *Flying Safety* (Headquarters United States Air Force October 1948)
- Uttal B, 'The Corporate Culture Vultures' in *Fortune* (Vol. 108 No. 8, 1983)
- Wilkinson S, 'The November Oscar Incident' in *Air and Space Smithsonian* (Autumn 1993)

### 7.10.4 Websites

- Aviation Safety Network, 'Fatal Accidents per Year 1946-2019' <https://aviation-safety.net/graphics/infographics/Fatal-Accidents-Per-Year-1946-2019.jpg> accessed 13 October 2024
- Aviation Safety Network, 'Fatal Accidents per Million Flights 1977-2017' <https://aviation-safety.net/graphics/infographics/Fatal-Accidents-Per-Mln-Flights-1977-2017.jpg> accessed 13 October 2024

- 'Doctrine on Freedoms of Assembly and Petition' (Constitution Annotated, Legal Information Institute, Cornell Law School) <https://www.law.cornell.edu/constitution-conan/amendment-1/doctrine-on-freedoms-of-assembly-and-petition> accessed 13 October 2024
- ICAO, 'ICAO E-Library' <https://elibrary.icao.int/home> accessed 13 October 2024
- ICAO, 'ICAO Store' <https://store.icao.int/> accessed 13 October 2024
- ICAO, 'Aviation Security Manual (Doc 8973 – Restricted)' [https://www.icao.int/security/sfp/pages/securitymanual.aspx#:~:text=%E2%80%8BThe%20ICAO%20Aviation%20Security,and%20Recommended%20Practices%20\(SARPs\).](https://www.icao.int/security/sfp/pages/securitymanual.aspx#:~:text=%E2%80%8BThe%20ICAO%20Aviation%20Security,and%20Recommended%20Practices%20(SARPs).) accessed 13 October 2024
- Ministry of Foreign Affairs of the Republic of Korea, 'Korean Air (KAL) Flight 803 crash in Libya, 1989' (1989) <http://opendata.mofa.go.kr/mofadocu/resource/Document/57226.page> accessed 13 October 2024
- Popa C, 'ICAO language proficiency requirements: occurrence, developments and associated documents' in *Uniting Aviation* (ICAO, 2019) <https://unitingaviation.com/news/safety/english-language-proficiency-requirements-developments-and-associated-documents>