

Transport of Passengers Subject to Judicial or Administrative Proceedings

NOTE

This paper is an update to, and supersedes 19POS16, of the same name.

BACKGROUND

It is not unusual for aircraft Operators to have to transport deportees, inadmissible persons, or persons in lawful custody. IFALPA is not opposed to this practice, however, strict guidelines should be followed to ensure that the safety and security of the flight are not compromised. The final decision on accepting such passengers and any escort onboard should rest with the pilot-in-command.

THE ROLE OF THE OPERATOR

When passengers who have been subject to judicial or administrative proceedings are to be transported on an aircraft, State Authorities should seek the Operator's agreement prior to making travel arrangements.

The Operator should, in turn, carefully consider the possible negative consequences of such transport. They should firmly adhere to all safety aspects and train their staff, especially crews, on all related procedures, including contingency situations and responses to protests or demonstrations. In all possible situations, crews should have the full support of the Operator. The authority of the pilot-in-command to deny carriage of such passengers should never be questioned.

NOTE

IFALPA's Position on Passenger Flights carrying deportees can be found in Position Paper [19POS15](#).

PRECAUTIONS

ICAO Annex 17, Chapter 4.7 has provisions on the requirements for the aircraft operator and the pilot-in-command to be informed when passengers are obliged to travel because they have been the subject of judicial or administrative proceedings so that appropriate security controls can be applied.

While many inadmissible persons, deportees, and persons in custody will travel peacefully, such passengers may also present a security risk. IFALPA believes that a proper risk assessment, in conjunction with ICAO Doc 8973 Ch12 should be systematically carried out by Authorities, with

the results provided in writing to the Operator in time for the pilot-in-command to be informed.

The pilot-in-command should always be satisfied with the proposed security arrangements. Before the boarding of these passengers, the State or the Operator should also provide the pilot-in-command with:

1. The identity and seat number of the passenger(s);
2. The result of the risk-assessment;
3. Any relevant information that may impact flight safety;
4. The reason for transportation/deportation;
5. The presence, names, and seating of escorting officer(s), if allocated.

HIGH-RISK PASSENGERS

IFALPA believes that passengers whose risk-assessment includes at least one of the following factors should be classified as **high-risk**:

- The passenger's escape would be highly dangerous to the public, law enforcement authorities, or the security of the State;
- The passenger's record, current behaviour, or outside contacts indicate that the standard security procedures will be inadequate;
- The passenger is considered dangerous or likely to pose a security threat;
- The passenger is in custody and traveling against their will.

Carriage of high-risk passengers should preferably take place on State aircraft. Civil air transport passenger flights should only be used in exceptional circumstances and when there is no alternative. In such cases, not more than one high-risk passenger should be allowed on any flight and then only when escorted by two or more law enforcement officers. The pilot-in-command should also be satisfied that the following extra measures have been applied prior to the boarding of passengers to ensure that the safety of the flight will not be endangered:

- An extensive screening of the high-risk passenger and their baggage;
- A thorough search of the aircraft, both inside and outside, with particular emphasis on the toilets and the cabin area in the vicinity of the passenger's allocated seat;
- A screening of the passenger list for any likely accomplices;

- Additional checks or screening of:
 - catering, cargo, and mail
 - crew baggage
 - duty-free purchases
 - any vehicle used for transporting passengers
- No public disclosure of the operation.

ACCEPTANCE OF ESCORTS ON BOARD CIVIL AIRCRAFT

IFALPA believes that escorts should be law enforcement officers. If a person other than a law enforcement officer acts as an escort, such person should:

- be supervised by a law enforcement officer;
- have attended and passed an officially recognised and appropriate education programme sponsored by their national Authority;
- be officially recognised as escort by their national Authority and have proper identification to support this; and
- have physical and mental attributes and legal authority appropriate to the task.

Escorts should have received adequate, practical training for operations in an aircraft environment, including worst case scenarios and emergency situations, with regular testing of their competence.

Authority and responsibility should be addressed during initial and recurrent training, and subsequently made clear to everyone involved in such operations during the relevant pre-flight briefing. In particular, the final authority of the pilot-in-command over decisions related to the overall safety and security of the aircraft (including possible diversions) should never be challenged.

The pilot-in-command should not be held accountable for the escort's actions towards their escorted passengers, including use of physical force, if needed. If the medical condition of the escorted passenger is questionable, the pilot-in-command should be provided with a certificate stating that the passenger is fit to fly. If any medication is required, the escorts have full responsibility for providing it.

NOTE ICAO provisions on passengers who have been subjected to judicial or administrative proceedings can be found in Doc 8973, Chapter 12.2.

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