

INFORMATION

about Japanese Accident / Incident investigation process

(For the crew who have involved in the accident / incident in Japan.)

- In case a person(s) is/are injured/die, or the property, other than the aircraft itself, of a third person(s) is damaged because of an accident/incident, quite often the Japanese police start to seek criminal liability (an accidental infliction of injury, an accidental homicide, and/or a crime putting an aircraft in danger) over the flight crew or other persons who the police think may be related to the cause of the accident, regardless of whether he/she/they are Japanese or not.
- This is not because, there is evidence that a crime has been committed during the course of the accident, but because the accident resulted in injury/death, they seek to find someone who is legally responsible for the result of the accident. Their sensitivity to the high public concern over aircraft accidents results in an investigation for seeking liability on the crew, regardless of the cause and the environmental situation of the accident. They tend to believe that criminal proceeding against the pilot is a good practice to prevent future accidents.
- Usually, the initial investigation is conducted “voluntarily”, and person is free to reject such voluntary interviews, however, many people in Japan feel that to do this would be to their disadvantage in the course of future investigations and the trial. Equally, it is considered that delaying such interviews until the person is out of shock would not be to the persons benefit for the some reason.

- In Japan, normally the attendance of a lawyer or legal advisor during questioning is not permitted. However, foreign pilots may be permitted to have a third person to act as an interpreter if you insist.
- If the pilots are out of Japan, they are out of Japanese jurisdiction, however if and when they fly to Japan for future duty, they may be asked to submit to an interview on a voluntary basis. This is not compulsory if you are busy, tired or have to prepare for your next flight, etc.
- The police usually do not ask many questions in the initial interview, they simply let the pilot talk and record everything he says. Selective and well-prepared questions concerning what the police like to know are asked from the following meetings. These questions may be based on initial statements made during the initial “voluntary” interviews.
- As a conclusion, since the pilots are not Japanese and are based out of Japan, the best thing would be to follow the customs and practices in your country. There is probably no great need to concern yourself about any unfavorable consequences if you base your future actions in line with your common knowledge.

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