

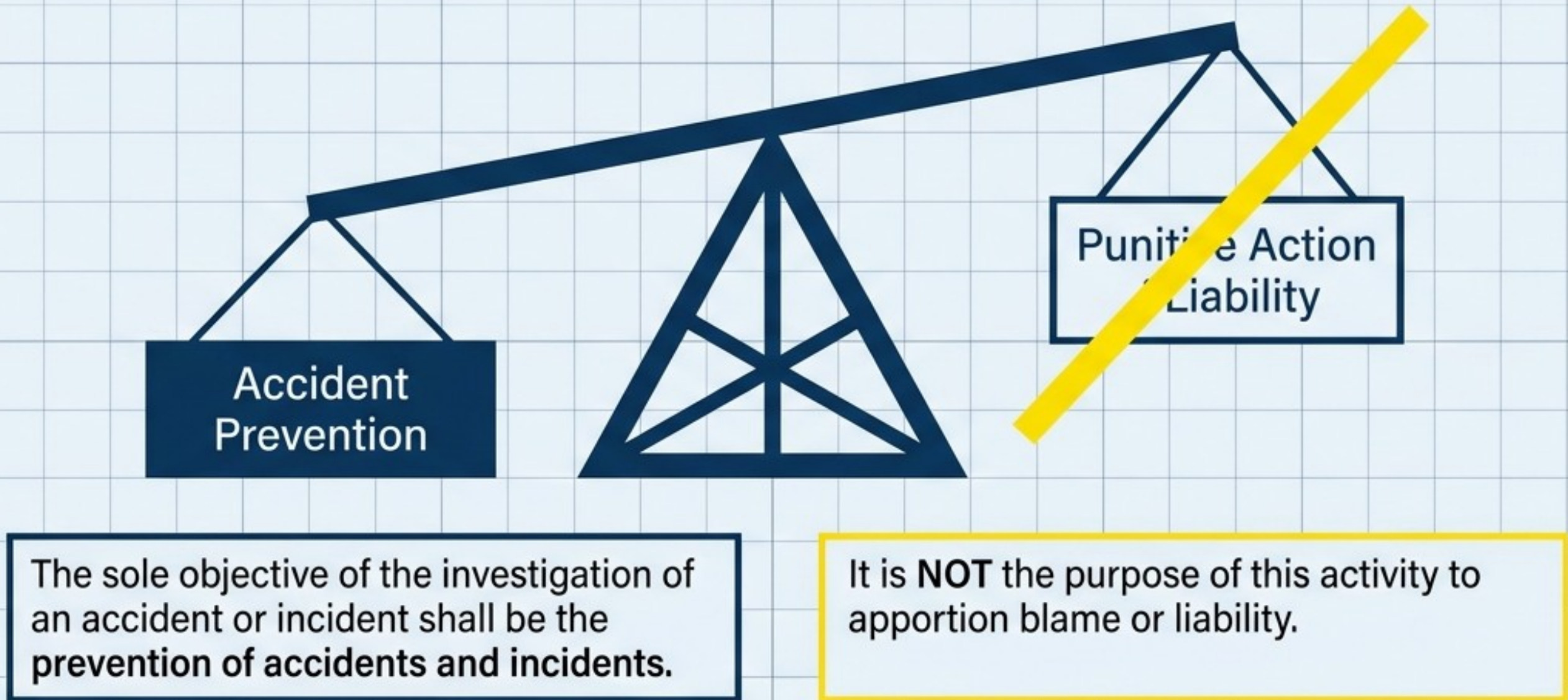
A wireframe illustration of a commercial airplane is positioned diagonally across the frame, set against a dark blue background with a light blue grid pattern. The airplane's structure, including the fuselage, wings, and tail, is depicted with glowing white lines. A horizontal yellow bar is located below the main title.

Module 2

Legal and Investigative Framework

Anchoring the site safety mandate in ICAO
Annex 13 and occupational governance

The Singular Objective of Annex 13



Context Note: The non-punitive nature of investigations ensures the free flow of safety information, separating forensic fact-finding from criminal or civil prosecution.

Essential Terminology: Defining the Event



Serious Incident:

An incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft.

Accident:

An occurrence associated with the operation of an aircraft where a person is fatally or seriously injured, the aircraft sustains damage or structural failure, or the aircraft is missing or completely inaccessible.

The Five States Framework: Jurisdictional Architecture



Command and Representation: Roles on Site

Investigator-in-Charge (IIC)

- Appointed by the State of Occurrence.
- Charged with the absolute organization, conduct, and control of the investigation.
- Holds primary site authority for the investigation mandate.

Accredited Representative

- Appointed by a participating State (Registry, Operator, Design, Manufacture).
- Acts on behalf of their State in the investigation.
- Facilitates international cooperation and data sharing, navigating cross-border complexities.



Notification and Initiation Flow

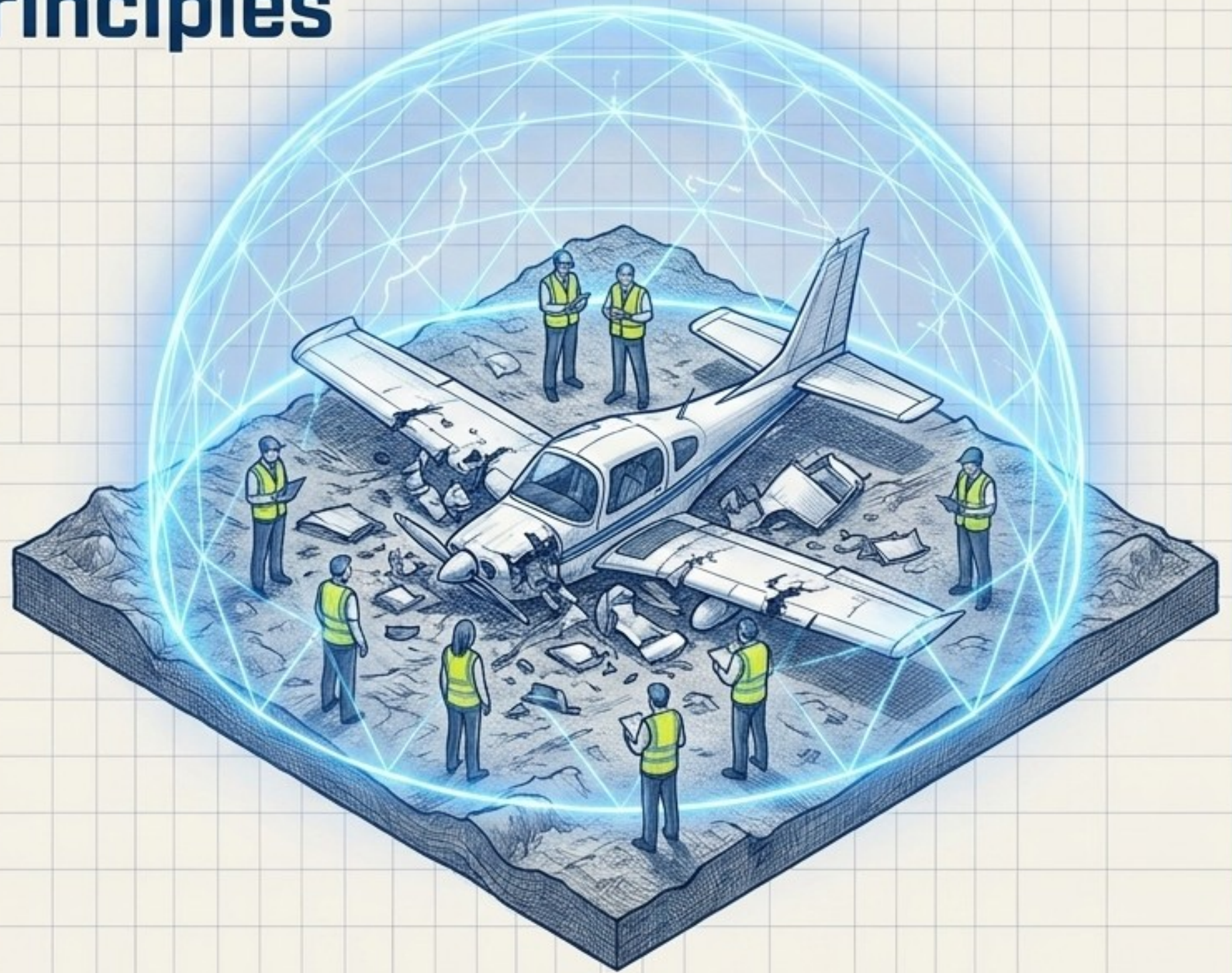


The Site Interface: Evidence Protection Principles

The State of Occurrence must take all reasonable measures to protect the evidence and maintain safe custody of the aircraft and its contents.

Core Duties:

- Secure the scene against unauthorized access.
- Preserve evidence from degradation, weather, or tampering.
- Prevent further environmental damage or secondary hazards.
- Document all findings accurately prior to any movement.



The Operational Conflict: Mandate vs. Reality

Crucial Tension: Evidence preservation demands immediate action, but the site demands **rigorous safety interventions** before access is granted.

The Mandate



The Investigative Drive:

Finding the cause requires intimate physical access to the wreckage, systems, and debris field.

The Reality



The Physical Reality:

The accident site is a highly contaminated, structurally unstable, and chemically hazardous environment.

The Forensic-Critical Pivot



The Annex 13 Illusion

**ICAO Annex 13 is NOT
a Site Safety Manual.**

Annex 13 provides the INVESTIGATION FRAMEWORK and the mandate to find the cause. It does **NOT** provide operational safety clearances, hazard mitigation tactics, or immunity from physical danger.

COURSE RULE: No piece of evidence is worth uncontrolled exposure to a life-threatening hazard.

The Limits of the Mandate

An international investigation mandate does not supersede sovereign law.

Annex 13 Investigation Mandate

Annex 13 cannot substitute or bypass:



Local Health Law

Biohazard handling, quarantine



Labour / Occupational Law

Worker exposure limits, working hours



Criminal Law

Parallel police investigations, terrorism acts



Environmental Law

Toxic spill mitigation, decontamination



Security Law

Military zones, restricted airspace

National Occupational Health and Safety (OHS)

The Non-Negotiable Baseline

Investigators and supporting personnel are **AT WORK**.

Therefore, they are strictly subject to the State of Occurrence's labor and occupational safety laws.

The IIC and Accident Investigation Authority (AIA) hold a legal duty of care to ensure safe working conditions, regardless of the pressure to extract evidence quickly.



The Dual Mandate: Understanding the Intersection

	The Investigation Mandate (Annex 13)	The Site Safety Mandate (OHS / National Law)
Primary Goal	Determine causes and prevent future accidents.	Ensure the physical survival and health of personnel.
Legal Basis	International treaty and adopted state regulations.	Sovereign national labor and health legislation.
Site Authority	Investigator-in-Charge (IIC).	Site Safety Coordinator / Local Emergency Command.
Deliverables	Preliminary and Final Reports, Safety Recommendations.	Operational Safety Plans, Risk Assessments, Hazard Logs.

Bridging the Gap: Operationalizing the Framework



Site safety cannot be improvised. It must be operationalized through:

- ICAO Doc 10205 (Manual on Hazards at Aircraft Accident Sites)
- National AIA specific procedures and SOPs
- Specialist hazard advice (e.g., radiation, biological experts)
- Site-specific Dynamic Risk Assessments



CRITICAL UPDATE: ICAO Doc 10205 explicitly replaces the outdated ICAO Circular 315. Reliance on old references is a liability.

Module Summary:

The Safety Prerequisite



1. The Mandate is Preventive.

Annex 13 exists to **prevent** future accidents, not assign blame.



2. The Boundary is Real.

Annex 13 dictates investigation procedures, not site safety protocols.
National OHS laws are non-negotiable.



3. Safety Enables Forensics.

Site safety is not an administrative hurdle; it is a legally mandated **prerequisite** for **forensic integrity** and evidence validity.

Up Next: Module 3 & 4 – Hazard
Intelligence and Site Governance