



RWANDA CIVIL AVIATION SPECIAL INSTRUCTIONS N° RSI/01/2024 OF 30 NOVEMBER 2024, AMENDING ANNEX 19[RCARs PART 19] OF MINISTERIAL ORDER N°01/CAB.M/019 OF 06/02/2019 ESTABLISHING REGULATIONS GOVERNING CIVIL AVIATION

TABLE OF CONTENTS

Article One: Content of this Special Regulations

Article 2: Repealing provision

Article 3: Commencement



RWANDA CIVIL AVIATION SPECIAL INSTRUCTIONS N° RSI/01/2024 OF 30 NOVEMBER 2024, AMENDING ANNEX 19 [RCARs PART 19] OF MINISTERIAL ORDER N°01/CAB.M/019 OF 06/02/2019 ESTABLISHING REGULATIONS GOVERNING CIVIL AVIATION.

A chief investigator

Pursuant to Article 11 of Law N° 059/2024 of 20/06/2024 amending Article 54 paragraph 3(f) of Law N° 20/2018 of 29/04/2018: Issuance of a special instructions;

Desirous to comply with requirements of Standards and Recommended Practices (SARPs) and other world best practices;

After consideration and recommendation by the Rwanda Civil Aviation Regulations Committee in its Meeting of 10 November 2024;

HEREBY ISSUES:

Article One: Content of these Special Regulations

These Special Instructions N° **RSI/01/2024 of 30 November 2024** contains amendments to the Annex 19[RCARs Part 19] indicated by the respective appendices on summary of amendments and highlights of revisions.

Article 2: Repealing provision

All prior provisions contrary to these Special Regulations are repealed.

Article 3: Effectivity and Validity of this Special Instruction

This Special Instructions come into effect on the date they are signed by the Chief Investigator and published on the website of MININFRA and Rwanda Civil Aviation Authority.

These Special Instructions remain valid until the requirements have been incorporated into Rwanda Civil Aviation Regulations through the amendment or issuance of the Ministerial Order or upon repeal by the Chief Investigator.

A handwritten signature in blue ink, appearing to read 'Chmm', is positioned above the name Charles BAGABO.

Charles BAGABO
Chief Investigator
Aviation Accident and Incident Directorate General

Part 19

Aircraft Accident & Incident Investigation Regulations

SUBPART A: GENERAL	6
19.001 Citation, Purpose & Applicability	6
19.005 Definitions	6
19.010 Acronyms & Abbreviations	9
19.015 Objective Of Investigations	10
19.016 Conflicts Of Interest	10
19.018 Investigation Coordination	10
19.019 Requirement To Establish Accident/Incident Investigations Policies And Procedures	11
SUBPART B: ACCIDENT/INCIDENT NOTIFICATION	12
19.020 Applicability	12
19.025 Initial Mandatory Notification	12
19.030 Occurrences To Be Investigated	12
19.035 Preservation & Protection Of Wreckage And Accident Site	12
19.040 Forwarding Of An Accident Or Incident Notification Form	12
19.045 Crew Member Statement	13
19.050 Submission Of Mandatory Notifications	13
SUBPART C: PRESERVATION OF WRECKAGE & RECORDS	14
19.055 Applicability	14
19.060 Preservation & Protection Of Wreckage	14
19.065 Moving The Wreckage	14
19.070 Release From Custody	14

SUBPART D: ACCIDENT & INCIDENT INVESTIGATION	16
19.075 Applicability	16
19.080 Responsibility For The Investigation	16
19.085 Conduct & Independence Of The Investigation	16
19.090 Investigator-In-Charge: Designation	17
19.095 Investigator-In-Charge: Access & Control	17
19.100 Investigator-In-Charge: Duties	17
19.105 Powers Of Accident Investigators	18
19.110 Autopsy & Medical Examinations	19
19.115 Parties To The Investigation	19
19.120 Access To & Release Of Wreckage, Records, Mail & Cargo	20
19.125 Notification Of Other States Involved	20
19.130 Ground-Based Recordings & Flight Recorders	20
19.135 Coordination And Cooperation With Judicial Authorities	20
19.140 Informing Aviation Security Authorities	21
19.145 Flow & Dissemination Of Accident Or Incident Information	21
19.150 Proposed Findings	21
19.155 Non-Disclosure Of Records	21
19.160 Re-Opening Of The Investigation	22
SUBPART E: RESPONSIBILITY OF RWANDA AS THE STATE OF OCCURRENCE	23
19.165 Applicability	23
19.170 Notification Of Other States	23
19.175 Format & Content Of The Notification	23
19.180 Language To Be Used In The Notification	24

19.185 Additional Relevant Information	24
19.190 Participation Of States	24
19.195 Required Information From Other States	24
19.200 Conduct Of The Investigation	24
19.205 Coordination Of Participation Of Other States	24
19.210 Timely Completion Of Reports	24
SUBPART F: RWANDA NOT BEING THE STATE OF OCCURRENCE	26
19.215 Applicability	26
19.220 Actions Following Receipt Of Notification	26
19.225 Actions When No Investigation Is Being Instituted	26
19.230 Timely Provision Of Relevant Information	26
19.235 Provision Of Additional Information	26
19.240 Protection & Provision Of Flight Recorder And Ground-Based Recordings	27
19.245 Provision Of Related Organisation Information	27
19.250 Required Appointment Of An Accredited Representative And Advisors	27
19.255 Action On Safety Recommendations	27
SUBPART G: RIGHT OF PARTICIPATION IN THE INVESTIGATION	27
19.260 Applicability	27
19.265 States Entitled To Appoint An Accredited Representative	28
19.270 Additional Invited Participants	28
19.275 Appointment Of Advisors To The Accredited Representatives	28
19.280 States With Fatalities Or Serious Injuries To Its Citizens	28
SUBPART H: ENTITLEMENTS OF ACCREDITED REPRESENTATIVES	29
19.285 Applicability	29

19.290 Accredited Representatives & Their Advisors	29
19.295 Participation	29
19.300 Adherence To Aaid Procedures	29
19.305 Limits To Entitlement	29
19.310 Obligations Of Foreign Parties In The Investigation	29
SUBPART I: INVESTIGATION REPORTS	31
19.315 Applicability	31
<i>Subdivision I: General</i>	31
19.320 Safety Of Flight	31
19.325 Language	31
19.330 Release Of Information: Consent	31
<i>Subdivision II: Preliminary Report</i>	31
19.335 Required Report	31
19.336 Accident/Incident With Heightened Public Attention	31
19.340 Accidents To Aircraft Over 2,250 Kg	31
19.345 Accidents To Aircraft Of 2,250 Kg Or Less	32
19.350 Submission Of The Preliminary Report	32
<i>Subdivision III: Accident or Incident Data Report</i>	32
19.355 Required Report	32
19.360 Accidents To Aircraft Over 2,250 Kg	32
19.365 Additional Information To Other States	32
19.370 Incidents To Aircraft Over 5,700 Kg	32
<i>Subdivision IV: Final Report</i>	32
19.375 Required Report	32

19.380 Consultation With Other States.....	32
19.385 Inviting Comments From Other Involved Parties	33
19.390 Processing Of Timely Comments	33
19.395 Recipient States.....	33
19.400 International Dissemination Of The Final Report	33
19.405 Safety Recommendations.....	34
19.410 Responsibility Of Rwanda When Receiving Or Issuing Safety Recommendations.....	34
SUBPART J: STATE AIRCRAFT.....	36
19.415 Investigations Involving State Aircraft	36
SUBPART K: ACCIDENT & INCIDENT DATABASE	37
19.420 Database And Preventive Actions	37
APPENDICES	38
Appendix 1 To 19.025: List Of Examples Of Serious Incidents	38
Appendix 1 To Regulation 19.155 (A) - Protection Of Accident And Incident Investigation Records	40

The Remainder of This Page Intentionally Left Blank

SUBPART A: GENERAL**19.001 CITATION, PURPOSE & APPLICABILITY**

- (a) These regulations, which may be cited as Rwanda Civil Aviation Regulations (Aircraft Accident and Incident Investigation), prescribe:
- (1) activities following accidents and incidents wherever they occurred,
 - (2) the manner of exercising and carrying out the Aviation Accident & Incident Investigation Directorate General (AAID)'s powers, duties and functions under the Law, and
 - (3) the standards that the aviation system needs to achieve in compliance with the provisions of the Law.
- (b) This Part contains requirements pertaining to:
- (1) Notification, investigation, analysis and reporting of aircraft incidents and accidents and certain other occurrences in the operation of aircraft:
 - (i) When they involve Rwanda-registered aircraft, wherever they occur; and
 - (ii) When they involve foreign-registered civil aircraft, where the events occur in Rwanda;
 - (2) Preservation of aircraft wreckage, mail, cargo, and records involving all civil and state aircraft accidents in Rwanda.
 - (3) Conformance to the International Standards for accident and incident notification and reporting.
- (c) This Part is applicable to the:
- (1) Organisations and operators that operate aircraft or provide services associated with the safe operation of aircraft; and
 - (2) All Government agencies necessary to ensure the timely and correct investigation and reporting of accidents.
 - (3) All persons associated with the safe operations of aircraft;
 - (4) The general public where they have information pertinent to an accident or incident investigation; and
 - (5) The technical persons that participate in the investigations.

Note: This Regulation, accident and incident investigation reports, applicable law, and other relevant documents can be found on the website www.mininfra.gov.rw.

19.005 DEFINITIONS

- a) When the following terms are used in this Part for Aircraft Accident and Incident Investigation, they have the following meanings:

Accident. An occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:

- 1) a person is fatally or seriously injured as a result of:
 - (i) being in the aircraft; or
 - (ii) direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or
 - (iii) direct exposure to jet blast,except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or
- 2) the aircraft sustains damage or structural failure which:
 - (i) adversely affects the structural strength, performance or flight characteristics of the aircraft, and
 - (ii) would normally require major repair or replacement of the affected component,

except for engine failure or damage, when the damage is limited to a single engine (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome); or

- 3) the aircraft is missing or is completely inaccessible.

Note 1: For statistical uniformity only, an injury resulting in death within 30 days of the date of the accident is classified, by ICAO, as a fatal injury.

Note 2: An aircraft is considered to be missing when the official search has been terminated and the wreckage has not been located.

Note 3: In the case of investigation of an unmanned aircraft system, the requirement is only for remotely piloted aircraft certificated in accordance with RCAR Part 4— Airworthiness of Aircraft and / or operated under an operator authorization in accordance with RCAR Part 27— Unmanned Aircraft Systems, for Unmanned or Remotely Piloted Aircraft.

Accident investigation authority. The authority designated by a State as responsible for aircraft accident and incident investigations within the context of Annex 13 to the Convention on International Civil Aviation.

Note: In Rwanda, the accident investigating authority is the AAID.

Accredited representative. A person designated by a State, on the basis of his or her qualifications, for the purpose of participating in an investigation conducted by another State. The designated accredited representative would normally be from the State's accident investigation authority.

Adviser. A person appointed by a State, on the basis of his or her qualifications, for the purpose of assisting its accredited representative in an investigation.

Aircraft. Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.

Airport operator: A person, organization or enterprise engaged in the operation of an airport.

Annex 13: The Annex to the Convention on International Civil Aviation that contains the International Standards and Recommended Practices related to Aircraft Accident and Incident Investigation.

Authority. For the purpose of this Part 'Authority' is referring to the Rwanda Civil Aviation Authority (RCAA).

Automatic deployable flight recorder (ADFR). A combination flight recorder installed on the aircraft which is capable of automatically deploying from the aircraft.

Causes. Actions, omissions, events, conditions, or a combination thereof, which led to the accident or incident. The identification of causes does not imply the assignment of fault or the determination of administrative, civil or criminal liability.

Collision: An impact between aircraft, or between an aircraft and another object.

Chief Investigator. The Chief Investigator of the AAID is responsible for:

- (a) the investigation of civil aircraft accidents and incidents in Rwanda, and;
- (b) the AAID involvement of investigations in other countries when the accident or incident involves a Rwanda-registered aircraft, a Rwanda airline or where involvement of the AAID is specifically requested by the investigating State.

Note: Within the organisational structure of the Rwanda Ministry of Infrastructure the Chief Investigator of the AAID is also referred to as Director General.

Contributing factors. Actions, omissions, events, conditions, or a combination thereof, which, if eliminated, avoided or absent, would have reduced the probability of the accident or incident occurring, or mitigated the severity of the consequences of the accident or incident. The identification of contributing factors does not imply the assignment of fault or the determination of administrative, civil or criminal liability.

C2 Link. The data link between the remotely piloted aircraft and the remote pilot station for the purposes of managing the flight.

Department: Any ministry, authority, organization or other concerned body of the government of Rwanda that has a direct interest in aircraft accidents or incidents.

Document: Includes any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic, film, sound recording, video tape, electronic files and data, and any copy thereof.

Draft Final Report: Draft investigation report that is sent in confidence to departments in Rwanda, other States, and organizations involved in the investigation, inviting their significant and substantiated comments on the report.

Final Report: A State's conclusive report on its investigation into an aircraft accident or incident. The Final Report is issued by the investigating authority and includes the pertinent factual information, analysis, conclusions and, when appropriate, associated safety recommendations. This report is made with the intention of preventing accidents or incidents and in no case has the purpose of creating a presumption of blame or liability.

Flight recorder. Any type of recorder installed in the aircraft for the purpose of complementing accident/incident investigation.

Ground-based recordings. Recordings and transcriptions of recordings from air traffic control units, radar surveillance data and all other video, data and communication records from ground service providers that are available for the investigation of an accident or incident.

Incident. An occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation.

Note. The types of incidents which are of main interest to the International Civil Aviation Organization for accident prevention studies are listed in Appendix 1 to this Part.

Investigation. A process conducted for the purpose of accident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of causes and/or contributing factors and, when appropriate, the making of safety recommendations.

Investigator-in-Charge. A person charged, on the basis of his or her qualifications, with the responsibility for the organization, conduct and control of an investigation.

Law. The current law establishing regulations governing civil aviation.

Maximum mass. Maximum certificated take-off mass.

Minister. The Minister of Rwanda in charge of Transport.

Operator. The person, organization or enterprise engaged in or offering to engage in an aircraft operation.

Note. – In the context of remotely piloted aircraft, an aircraft operation refers to the operation of an RPAS.

Occurrence: Any accident or incident associated with the operation of an aircraft.

Participant: A person authorized by the Authority to participate in an investigation being conducted by the Authority because in the opinion of the Authority that person has the expertise to contribute to achieving the Authority's mandate.

Preliminary Report. The communication used for the prompt dissemination of data obtained during the early stages of the investigation.

Remotely piloted aircraft (RPA). An unmanned aircraft which is piloted from a remote pilot station.

Remotely piloted aircraft system (RPAS). A remotely piloted aircraft, its associated remote pilot station(s), the required C2 Link(s) and any other components as specified in the type design.

Remote pilot station (RPS). The component of the remotely piloted aircraft system containing the equipment used to pilot the remotely piloted aircraft.

Safety recommendation. A proposal of an accident investigation authority based on information derived from an investigation, made with the intention of preventing accidents or incidents and which in no case has the purpose of creating a presumption of blame or liability for an accident or incident. In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies.

Safety recommendation of global concern (SRGC). A safety recommendation regarding a systematic deficiency having the probability of recurrence, with significant consequences at a global level, and requiring timely action to improve safety.

Serious incident. An incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down.

Note 1. The difference between an accident and a serious incident lies only in the result.

Note 2. Examples of serious incidents can be found in Appendix 1 to 19.025.

Serious injury. An injury which is sustained by a person in an accident and which:

- (a) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or
- (b) results in a fracture of any bone (except simple fractures of fingers, toes or nose); or
- (c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or
- (d) involves injury to any internal organ; or
- (e) involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface; or
- (f) involves verified exposure to infectious substances or injurious radiation.

State Aircraft. Aircraft, either carrying a military or civil registration, used by the Head of State and those used in military, customs or police services.

State of Design. The State having jurisdiction over the organization responsible for the type design.

State of Manufacture. The State having jurisdiction over the organization responsible for the final assembly of the aircraft, remote pilot station, engine or propeller.

State of Occurrence. The State in the territory of which an accident or incident occurs.

State of the Operator. The State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence.

Note: When an aircraft is leased, chartered or interchanged, the specifications in this Part concerning the State of the Operator apply only when that State is not the State of Registry and if it discharges, in whole or in part, the functions and obligations of the State of Registry.

State of Registry. The State on whose register the aircraft is entered.

Note. — In the case of the registration of aircraft of an international operating agency on other than a national basis, the States constituting the agency are jointly and severally bound to assume the obligations which, under the Chicago Convention, attach to a State of Registry.

State Safety Programme (SSP). An integrated set of regulations and activities aimed at improving safety.

Statement: The whole or any part of an oral, written or recorded statement relating to an aircraft accident or incident given by the author of the statement to the AAID.

19.010 ACRONYMS & ABBREVIATIONS

- (a) The following acronyms and abbreviations are used in this Part:

AAID: Aviation Accident & Incident Investigation Directorate General.

ACCID: Accident.

ADREP: The ICAO Accident/Incident Data Reporting system.

AIP: Aeronautical Information Publication.

AOC: Air Operator Certificate.

ICAO: International Civil Aviation Organisation.

INCID: Incident

SINCID: Serious Incident.

IIC: Investigator-in-Charge

PSE: Principal Structural Element.

UTC: Universal Coordinated Time.

19.015 OBJECTIVE OF INVESTIGATIONS

- (a) The sole objective of the investigation of an accident or incident shall be the prevention of accidents and incidents.
- (b) It is not the purpose of the activities subject to this Part to apportion blame or liability.

19.016 CONFLICTS OF INTEREST

- (a) Members of the AAID shall not directly or indirectly have an interest in or be an owner, shareholder, director, officer, partner, or otherwise:
 - (1) be engaged in an aviation undertaking or business; or
 - (2) have an interest in the manufacture or distribution of aircraft or aircraft equipment or components.
- (b) On appointment to the AAID, members of the AAID shall set aside conflicts of interest detailed in paragraph (a) of this regulation.
- (c) During their terms of office, members of the AAID shall not accept or hold any office or employment, or carry on any activity inconsistent with the performance of their duties under the Law, these Regulations and the policies of the AAID.
- (d) Civil aviation authority experts assigned to participate in an investigation being conducted by the AAID shall not be engaged in any duties associated with the civil aviation authority for the duration of their involvement in the investigation.
- (e) The AAID shall establish procedures to prevent conflicts of interest when appointing seconded or part-time investigators to AAID investigation processes.

19.018 INVESTIGATION COORDINATION

- (a) The AAID shall take all reasonable measures to ensure that the investigation procedures and practices that it follows in relation to aircraft accidents and incidents are compatible to the degree possible with investigation requirements, procedures and practices followed by other departments, regulatory authorities, police forces and coroners.
- (b) The AAID shall make all reasonable efforts to enter into agreements to provide for the coordination of activities between the AAID and the entities noted in paragraph (a) of this regulation, with respect to:
 - (1) investigation procedures and practices;
 - (2) requirements for reporting aircraft accidents and incidents;
 - (3) procedures to be followed in the event that conflicting interests arise during their activities with respect to aircraft accidents or incidents.
- (c) The AAID may investigate aircraft accidents and incidents that involve both State and civil aircraft and

facilities. For such situations, the AAID shall take all reasonable measures to ensure that its investigation activities are coordinated with those other on-going investigations, if any.

(d) Where a Department is notified of an aircraft accident or incident that the AAID has the power to investigate

under the Law, the department shall:

- (1) notify the AAID with particulars of the aircraft accident or incident; and
- (2) advise the AAID of any investigation that the department plans to conduct and of any remedial measures that the department plans to take.

19.019 REQUIREMENT TO ESTABLISH ACCIDENT/INCIDENT INVESTIGATIONS POLICIES AND PROCEDURES

(a) The Chief Investigator shall develop:

- (1) Documented policies and procedures detailing duties and operations of AAID,
- (2) Technical guidance on implementation of Part 19 requirements such as Advisory circulars, forms and safety alerts.

(b) The policies and procedures required under (a)(1) of this regulation shall include but not limited to:

- (1) Organization and planning of investigations
- (2) Conduct of the investigation
- (3) Reporting of the investigation, and
- (4) Human resource development.

The Remainder of This Page Intentionally Left Blank

SUBPART B: ACCIDENT/INCIDENT NOTIFICATION**19.020 APPLICABILITY**

- (a) This Subpart is applicable to operators and individuals who are involved in or have knowledge of an aircraft accident or serious incident:
- (1) Occurring within Rwanda airspace; or
 - (2) With a Rwanda-registered aircraft; or
 - (3) With a Rwanda AOC holder.

19.025 INITIAL MANDATORY NOTIFICATION

- (a) The operator, pilot-in-command or any crewmember of any aircraft not classified as a State Aircraft shall immediately, and by the most expeditious means available, notify the AAID:
- (1) All aircraft accidents;
 - (2) All aircraft serious incidents as stated in Appendix 1 to 19.025(a);
 - (3) All aircraft incidents.
- (b) Any service provider, such as the airport operator, any person providing air traffic services, or any other party who has knowledge of an aircraft accident or an incident shall immediately, and by the most expeditious means available, notify the AAID.
- (c) This initial notification requirement also applies when an aircraft is overdue and is believed to have been involved in an accident.

Note: The initial report may be made to the nearest air traffic service unit or flight information unit or directly to the AAID as prescribed in the Aeronautical Information Publication. However, accidents and serious incidents should be reported via MININFRA website. Incidents are notified through the SafetCore platform.

19.030 OCCURENCES TO BE INVESTIGATED

- (a) The Chief Investigator shall establish policies respecting the types of aircraft accidents or incidents to be investigated and will ensure:
- (1) all accidents shall be investigated;
 - (2) all serious incidents involving aircraft of a maximum mass of over 2 250 kg shall be investigated;
 - (3) all serious incidents should be investigated; and
 - (4) other types of incidents may be investigated.

Note 1: Appendix 1 to 19.025(a) Example of lists serious incidents to be reported.
Note 2: The Chief Investigator shall determine other incidents to be investigated.

19.035 PRESERVATION & PROTECTION OF WRECKAGE AND ACCIDENT SITE

- (a) The Chief Investigator shall establish an agreement with Rwanda National Police to ensure as much as is practical that the wreckage and accident site is protected and preserved in accordance with the requirements of Subpart C of this Part.
- (b) In the absence of Rwanda National Police, the operator and pilot-in-command shall ensure as much as is practical that the wreckage and accident site is protected and preserved in accordance with the requirements of Subpart C of this Part.
- (c) An operator shall ensure, to the extent possible, in the event the aircraft becomes involved in an accident or incident, the preservation of all related flight recorder records and, if necessary, the associated flight recorders, and their retention in safe custody pending their disposition to AAID as described in this Part.

19.040 FORWARDING OF AN ACCIDENT OR INCIDENT NOTIFICATION FORM

- (a) The operator, pilot-in-command or any crewmember of any aircraft not classified as a State Aircraft shall file a notification form as prescribed by the AAID:
- (1) Within 48 hours after an accident; or

- (2) Within 48 hours if an overdue aircraft is still missing;
- (3) Within 48 hours after a serious incident or an incident;
- (b) Any service provider, such as the airport operator, any person providing air traffic services, or any other party who has knowledge of an aircraft accident or an incident shall file a notification form as prescribed by the AAID:
 - (1) Within 48 hours after an accident or incident, or
 - (2) After 48 hours if an overdue aircraft is still missing.

19.045 CREW MEMBER STATEMENT

- (a) Each crew member, if physically able at the time the formal notification is submitted, shall attach a statement setting forth the facts, conditions, and circumstances relating to the accident or incident as they appear to him.
- (b) If the crew member is incapacitated, he shall submit the statement as soon as he is physically able.

19.050 SUBMISSION OF MANDATORY NOTIFICATIONS

- (a) The operator of an aircraft shall submit any initial notification or any accident or incident notification form to the AAID as specified in the Aeronautical Information Publication.
- (b) Any service provider or other party aware of an aircraft accident or incident shall submit any initial notification to the AAID as specified in the Aeronautical Information Publication.

Note: Information on how to submit an initial notification or an accident or an incident notification form can also be found on the website of Ministry in Charge of Civil Aviation.

The Remainder of This Page Intentionally Left Blank

SUBPART C: PRESERVATION OF WRECKAGE & RECORDS**19.055 APPLICABILITY**

- (a) This Subpart is applicable to all persons and organisations that have access to the wreckage and records that are critical to the investigation of the accident or incident.

19.060 PRESERVATION & PROTECTION OF WRECKAGE

- (a) All persons involved in the search and rescue shall take all reasonable measures to protect the evidence and to maintain safe custody of the aircraft and its contents for such a period as may be necessary for the purposes of an investigation.
- (b) Protection of evidence shall include the preservation, by photographic or other means of any evidence which might be removed, effaced, lost or destroyed.
- (c) Safe custody shall include protection against further damage, access by unauthorised persons, pilfering and deterioration.
- (d) The operator of an aircraft involved in an accident or incident for which notification must be given is responsible for preserving to the extent possible any aircraft wreckage, cargo, and mail aboard the aircraft, and all records, including all recording mediums of flight, maintenance, and voice recorders pertaining to the operation and maintenance of the aircraft and to the airmen until the AAID takes custody thereof or grants a release.
- (e) The operator of an aircraft involved in an accident or incident shall retain all records, reports, internal documents, and memoranda dealing with the accident or incident, until authorised by the AAID to the contrary.

19.065 MOVING THE WRECKAGE

- (a) Prior to the time the AAID or its authorised representative takes custody of aircraft wreckage, mail, or cargo, such wreckage, mail, or cargo may not be disturbed or moved except to the extent necessary to:
- (1) Remove persons injured or trapped;
 - (2) Protect the wreckage from further damage; or
 - (3) Protect the public from injury.
- (b) Where it is necessary to move aircraft wreckage, mail, or cargo, sketches, descriptive notes, photographs and video footage shall be made, if possible, of the original positions and condition of the wreckage and any significant impact marks.
- (c) If a request is received from the State of Registry, the State of the Operator, the State of Design or the State of Manufacture that the aircraft, its contents, and any other evidence remain undisturbed pending inspection by an accredited representative of the requesting State, the Investigator-in-Charge shall take all necessary steps to comply with such request, so far as this is reasonably practicable and compatible with the proper conduct of the investigation. The aircraft may be moved however:
- (1) To the extent necessary to extricate persons, animals, mail and valuables;
 - (2) To prevent destruction by fire or other causes; or
 - (3) To eliminate any danger or obstruction to air navigation, to other transport or to the public, and
 - (4) Provided that it does not result in undue delay in returning the aircraft to service where this is practicable.

19.070 RELEASE FROM CUSTODY

- (a) Subject to the provisions of Sections 19.060 and 19.065, the Investigator-in-Charge shall release custody of the aircraft, its contents or any parts thereof as soon as they are no longer required in the investigation, to any person or persons duly designated by the State of Registry or the State of the Operator, as applicable.
- (b) For this purpose, the Investigator-in-Charge shall facilitate access to the aircraft, its contents or any parts thereof, provided that, if the aircraft, its contents, or any parts thereof lie in an area within which the

Investigator-in-Charge finds it impracticable to grant such access, the AAID shall coordinate for removal to a point where access can be given.

- (c) If a person to whom custody of the aircraft, parts, wreckage or contents is to be released refuses to take custody thereof or fails to take custody within one-year after release by AAID, the aircraft, parts, wreckage or contents may be disposed of in such manner as the Chief Investigator, after having consulted the Minister, considers fit.
- (d) The expenses incurred by the AAID in disposing of the aircraft, parts, wreckage or contents shall be recoverable from the owner or operator of the aircraft or both.
- (e) These Regulations shall not apply in respect of anything seized and tested to destruction.

The Remainder of This Page Intentionally Left Blank

SUBPART D: ACCIDENT & INCIDENT INVESTIGATION**19.075 APPLICABILITY**

- (a) This Subpart is applicable to the conduct of accident and incident investigations, the persons who conduct the investigations and those persons that have information or records pertinent to the investigations.

19.080 RESPONSIBILITY FOR THE INVESTIGATION

- (a) The AAID shall institute an investigation into the circumstances of an accident or serious incident for every aircraft and be responsible for the conduct of the investigation when the accident or serious incident:
- (1) Has occurred in the territory of Rwanda.
 - (2) Involves civil aircraft of Rwanda registry or operated by a Rwanda operator has occurred in a foreign state, not bound by the provisions of Annex 13 to the Chicago Convention, which does not intend to carry out an investigation. The conduct of the investigation shall be in accordance with any agreement entered into between the Government of Rwanda and the foreign state.
 - (3) Involves an aircraft registered in Rwanda or an aircraft operated by a Rwanda operator has occurred in a foreign state and the investigation has been delegated to Rwanda by the foreign state by mutual arrangement and consent.

Note: In the case of serious incidents, Rwanda, being the State of Occurrence, may consider delegating the investigation to the State of Registry or the State of the Operator, in particular those involving occurrences in which it might be beneficial or more practical for one of these States to conduct the investigation.

- (4) Has occurred at a location which cannot be definitely established as being in the territory of any State, such as international waters, and involves an aircraft registered in Rwanda or operated by a Rwanda operator.

Note: In the case of accident occurring in international waters, Rwanda, as the State of Registry, shall coordinate with the States nearest the scene of an accident in international waters and request for assistance as that State is able to assist.

- (b) The AAID may also institute an investigation into the circumstances of any other incident.
- (c) In the case of an accident or incident in a foreign State involving civil aircraft of Rwanda registry or operated by a Rwanda operator, where the foreign State is bound by the provisions of Annex 13 to the Chicago Convention, the foreign State of occurrence is responsible for the investigation.
- (d) The Chief Investigator may delegate the whole or any part of the investigation to another state or a regional accident and incident investigation organization by mutual arrangement and consent.

Note: When the whole investigation is delegated to another State or a regional accident and incident investigation organization, such a State is expected to be responsible for the conduct of the investigation, including the issuance of the Final Report and the ADREP reporting.

- (e) Where the task of carrying out an investigation has been delegated, the Chief Investigator shall to the best of his ability, facilitate the investigation carried out by the Investigator-in-Charge appointed by the Contracting State or the regional accident and incident investigation organisation conducting the investigation.

19.085 CONDUCT & INDEPENDENCE OF THE INVESTIGATION

- (a) The AAID shall be functionally independent in particular of aviation authorities responsible for airworthiness, certification, flight operation, maintenance, licensing, air traffic control or aerodrome operation and, in general, of any other party or entity the interests or missions of which could conflict with the task entrusted to the AAID or influence its objectivity.
- (b) The AAID shall have independence in the conduct of the investigation and have unrestricted authority over the conduct of an investigation consistent with the provisions of the Civil Aviation Law and this Part.
- (c) The investigation shall normally include:
- (1) Gathering, recording and analysis of all relevant information on accidents, serious incidents or incidents;
 - (2) Protection of accident and incident investigation records in accordance with regulation 19.155;

- (3) Timely public dissemination of factual information, as appropriate
 - (4) If appropriate, the issuance of safety recommendations;
 - (5) If possible, the determination of the causes and/or contributing factors; and
 - (6) Completion of the final report.
- (d) The scene of the accident shall be visited, the wreckage examined and statements taken from witnesses.
- (e) The extent of the investigation and the procedure to be followed in carrying out an investigation shall be determined by the AAID, depending on:
- (1) The objective of the investigation set out in this Part;
 - (2) The lessons expected to be drawn from the investigation for the improvement of safety; and
 - (3) The complexity of the investigation.
- (f) Any investigation conducted in accordance with the provisions of this Part shall be separate from and without prejudice to any judicial or administrative proceedings to apportion blame or liability.
- (g) The AAID shall develop documented policies and procedures detailing its accident investigation duties. These shall include: organization and planning, investigation and reporting.
- (h) The AAID shall determine the means required to carry out its responsibilities independently and shall be able to obtain sufficient resources to do so.

19.090 INVESTIGATOR-IN-CHARGE: DESIGNATION

- (a) The Chief Investigator shall designate the Investigator-in-Charge of the investigation and shall initiate the investigation immediately.
- (b) The Chief Investigator, through the Minister, shall call on the services from other authorities to ensure protection of the accident site, including the aircraft and its contents, until the Investigator-in-Charge is able to directly take over custody and determine the required security of the aircraft and its contents.
- (c) The Chief Investigator may appoint any person with the required expertise to assist the Investigator-in-Charge in a particular investigation carried out under this Part.
- (d) The Chief Investigator shall appoint such number of investigators as he thinks fit to participate in the investigation under the control of the Investigator-in-Charge.
- (e) The Chief Investigator shall ensure that, next to the Investigator-in-Charge, at least one experienced investigator is assigned to each investigation to provide the required level of experience during an investigation.

19.095 INVESTIGATOR-IN-CHARGE: ACCESS & CONTROL

- (a) The Investigator-in-Charge shall have unrestricted access to the wreckage and all available evidential material immediately, including flight recorders and ATS records, and shall have unhampered control over it to ensure that a detailed examination can be made without delay by authorised personnel participating in the investigation.

Note. — In the case of a remotely piloted aircraft system, relevant material in (a) includes the remotely piloted aircraft, its associated remote pilot station(s), the required C2 Link(s), any other components as specified in the type design, and any associated recordings and documents.

19.100 INVESTIGATOR-IN-CHARGE: DUTIES

- (a) The designated Investigator-in-Charge organizes, conducts, controls, and manages the field phase of the investigation, regardless of the parallel investigations being conducted by other representatives of the Government at the accident or incident site.
- (b) The Investigator-in-Charge has the responsibility and authority to supervise and coordinate all resources and activities of all personnel, both government and civilians, involved in the on-site investigation.
- (c) The Investigator-in-Charge continues to have considerable organisational and management responsibilities throughout later phases of the investigation, up to and including the AAID's consideration

and adoption of a report.

19.105 POWERS OF ACCIDENT INVESTIGATORS

(a) Investigators appointed under the Law may exercise the following powers for the purpose of investigating aircraft accidents or incidents:

- (1) Upon presentation of appropriate credentials, an authorised representative of the AAID is authorised to:
 - (i) Have immediate unrestricted and unhampered access to the site of the accident or incident as well as to the aircraft, its contents or its wreckage, including flight recorders and any other relevant recordings;
 - (ii) Enter any property where an accident or incident subject to the AAID's jurisdiction has occurred; and
 - (iii) Do all things considered necessary for proper investigation.
- (2) Further, upon demand of an authorised representative of the AAID and presentation of credentials, any Government agency, or person having possession or control of any transportation vehicle or component thereof, any facility, equipment, process or controls relevant to the investigation, or any pertinent records or memoranda shall forthwith permit inspection, photographing, or copying thereof by such authorised person for the purpose of investigating an accident or incident, or preparing a study, or related to any special investigation pertaining to safety or the prevention of accidents.
- (3) The records and memoranda specified in paragraph 2 shall include all files, medical records, and correspondence then or thereafter existing, and kept or required to be kept.
- (4) A authorised representative of the AAID may question any person having knowledge relevant to an accident/incident, study, or special investigation.
- (5) Have exclusive authority, on behalf of the Government of Rwanda, to decide the way in which any testing will be conducted, including:
 - (i) Decisions on the person that will conduct the test;
 - (ii) The type of test that will be conducted; and
 - (iii) Any individual who will witness the test.
- (6) Upon presenting appropriate credentials, is authorised to examine and test to the extent necessary any civil aircraft engine, propeller, appliance, or property aboard such aircraft involved in an accident in commercial air transport.
- (7) Upon presenting appropriate credentials, is authorized to:
 - (i) Prohibit or limit access to the area immediately surrounding the place at which anything involved or likely to have been involved in an accident or incident is located for such period as is necessary for the purposes of preserving and protecting evidence. (The investigator shall have regard to the desirability of minimizing any resulting disruption to transportation services);
 - (ii) Require the protection and preservation of:
 - (A). the aircraft accident or incident site(s);
 - (B). the aircraft and any parts thereof, and;
 - (C). all records and documents associated with the occurrence.
 - (iii) Call before him or her and examine all persons as the investigator thinks fit, and to require such persons to answer any questions or furnish any information;
 - (iv) Require a person(s) who was or were directly or indirectly involved in the operation of an aircraft to submit to a medical examination, where the investigator believes on reasonable grounds that the medical condition is, or may be, relevant to the investigation:
 - (A). the notice for medical examinations shall be made in writing and signed by the investigator; and
 - (B). this requirement shall not be construed as a requirement that the person submit to any procedure involving surgery, perforation of the skin or any external tissue or the entry into the body of any drug or foreign substance;
 - (v) Call on the services of local authorities or other authorised persons to ensure protection of the

accident site, including the aircraft and its contents, until such time as the Authority is able to directly take over custody and security of the aircraft and its contents.

- (8) No person shall refuse or fail to produce information to an investigator, or to attend before an investigator and give a statement, or to provide information, to submit to a medical examination, or to make the body of a deceased person or other human remains available for the performance of an autopsy or medical examination imposed under this regulation.
- (9) Investigators appointed under Law may apply for a court order from the responsible department of the Rwanda to compel compliance with orders or directives issued under this regulation.

19.110 AUTOPSY & MEDICAL EXAMINATIONS

- (a) The Investigator-in-Charge conducting the investigation into a fatal accident has the right to arrange for complete autopsy examination of fatally injured flight crew and, subject to the particular circumstances, of fatally injured passengers and cabin crew members, by a pathologist, preferably experienced in accident investigation.
- (b) The Investigator-in-Charge is authorised to obtain, with or without reimbursement, a copy of the report of autopsy performed on any person who dies as a result of having been involved in an aircraft accident within the jurisdiction of the AAID.
- (c) The Investigator-in-Charge may, next to an autopsy, seek other tests of such persons as may be necessary to the investigation, provided that such tests are consistent with the needs of the accident investigation.
- (d) When appropriate, the Investigator-in-Charge shall arrange for medical examination of the crew, passengers and involved aviation personnel, by a physician, preferably experienced in accident investigation.
- (e) The Investigator-in-Charge shall ensure these examinations shall be expeditious and complete.
- (f) The Investigator-in-Charge may require a physician or other practitioner to provide medical information concerning a patient where the investigator believes on reasonable grounds that such information is relevant to the investigation. (The notice for medical information shall be made in writing and signed by the investigator).
- (g) In implementing the provisions of this regulation, the Investigator-in-Charge shall issue a notice for medical examinations in writing.

Note: Nothing in this regulation shall be construed as a requirement that the person submit to any procedure involving surgery, perforation of the skin or any external tissue or the entry into the body of any drug or foreign substance.

19.115 PARTIES TO THE INVESTIGATION

- (a) The Investigator-in-Charge designates parties to participate in the investigation. Parties shall be limited to those persons, government agencies, companies, and associations whose employees, functions, activities, or products were involved in the accident or incident and who can provide suitable qualified technical personnel actively to assist in the investigation. No other entity is afforded the right to participate in investigations by the AAID.

Note: When other States are involved in an AAID investigation, these States will be represented by accredited representatives, advisors and experts. Their functions and entitlements are described in Subparts G & H.

- (b) Representatives of a party participating in the investigation shall be responsive to the direction of designated AAID investigators and may lose status as a participating party if they do not comply with their assigned duties, actively proscriptions or instructions, or if they conduct themselves in a manner prejudicial to the investigation.
- (c) No party to the investigation shall be represented in any aspect of the AAID's investigation by any person who also represents claimants or insurers. No party representative may occupy a legal position. Failure to comply with these provisions may result in sanctions, including loss of status as a party.
- (d) In addition to compliance with the provisions of paragraph (a) of this regulation, and to assist in ensuring complete understanding of the requirements and limitations of their status of a participating party, all party

representatives in investigations by the AAID shall sign a statement containing these requirements and limitations immediately upon attaining party representative status. Failure to timely sign that statement may result in sanctions, including loss of status as a participating party.

19.120 ACCESS TO & RELEASE OF WRECKAGE, RECORDS, MAIL & CARGO

- (a) Only the accident investigation personnel of the AAID, and persons authorised by the investigator-in-charge to participate in any particular investigation, examination or testing shall be permitted access to wreckage, records, mail, or cargo in the AAID's custody.
- (b) Wreckage, records, mail, and cargo in the AAID's custody shall be released when it is determined that the AAID has no further need of such wreckage, mail, cargo, or records.

Note: 'wreckage' includes specific parts, separated from the wreckage as such, that need to be investigated, e.g. in laboratory test facilities.

19.125 NOTIFICATION OF OTHER STATES INVOLVED

- (a) The Chief Investigator shall notify the other States involved and, if applicable, the ICAO of the accident or incident within 48 hours of the occurrence.
- (b) The collection and recording of information shall not be delayed to await the arrival of an accredited representative.

19.130 GROUND-BASED RECORDINGS & FLIGHT RECORDERS

- (a) Effective use shall be made of available ground-based recordings in the investigation of an accident or an incident.
- (b) Effective use shall be made of flight recorders in the investigation of an accident or an incident. The Investigator-in-Charge shall arrange for the read-out of the flight recorders without delay.
- (c) When during the conduct of an accident or incident investigation, the Investigator-in-Charge determines that adequate facilities to read out the flight recorders are not available in Rwanda, he may use the facilities made available to him by other States, giving consideration to the following:
 - (1) The capabilities of the read-out facility;
 - (2) The timeliness of the read-out; and
 - (3) The location of the read-out facility.
- (d) A Representative of the State of Manufacturer & State of the Operator should preferably be present during read-out of flight recorders.
- (e) The flight data recorder and the cockpit voice recorder shall be read-out at the same facility.

Note. — The requirements for the recording of flight data are contained in RCARs Part 10 — Operation of Aircraft

19.135 COORDINATION AND COOPERATION WITH JUDICIAL AUTHORITIES

- (a) The Investigator-in-Charge shall be notified in case the judicial authorities intend to initiate an investigation as well.
- (b) The cooperation between the judicial authorities of Rwanda and the Investigator-in-Charge or his assigned representative shall include any evidence which requires prompt recording and analysis for the investigation to be successful, such as the examination and identification of victims and read-outs of flight recorder recordings under authority of the Investigator-in-Charge.
- (c) The judicial authorities of Rwanda shall ensure support and access of the Investigator-in-Charge or his assigned representative during the conduct of an accident investigation.
- (d) The judicial authorities of Rwanda shall coordinate with the Investigator-in-Charge or his assigned representative during the conduct of an aircraft incident or accident investigation, so that the investigation is not impeded by administrative or judicial investigations or proceedings.
- (e) The judicial authorities of Rwanda shall ensure separation between investigations conducted under ICAO Annex 13 by AAID and those conducted by the judicial authorities.

- (f) The Investigator-in-Charge shall ensure traceability and retain custody of flight recorders and any physical evidence.
- (g) The judicial authority may appoint an official from that authority to accompany the flight recorders or physical evidence to the place of the read-out or treatment, thus maintaining custody.
- (h) Where examination or analysis of physical evidence referred to in paragraph G may modify, alter or destroy it, prior agreement from the judicial authorities will be required.
- (i) Where an agreement referred to in paragraph H is not obtained within a reasonable time and not later than 2 weeks following the request, it shall not prevent the Investigator-in-Charge from conducting the examination or analysis.
- (j) Where the judicial authority is entitled to seize any evidence, the Investigator-in-Charge shall have immediate and unlimited access to and use of such evidence.

19.140 INFORMING AVIATION SECURITY AUTHORITIES

- (a) If, in the course of an investigation it becomes known, or it is suspected, that an act of unlawful interference was involved, the Chief Investigator shall immediately initiate action to ensure that the aviation security authorities of the State(s) concerned are so informed.

19.145 FLOW & DISSEMINATION OF ACCIDENT OR INCIDENT INFORMATION

- (a) The Chief Investigator shall cooperate with concerned parties to determine the limitations on disclosure or use that will apply to information before it is exchanged for the purposes of an accident or incident investigation
- (b) Release of information during the field investigation, particularly at the accident scene, shall be limited to factual developments and shall be made only through the Chief Investigator.
- (c) All information concerning the accident or incident obtained by any person or organisation participating in the investigation shall be passed to the Investigator-in-Charge through appropriate channels before being provided to any individual outside the investigation.
- (d) Parties to the investigation may relay to their respective organisations information necessary for purposes of prevention or remedial action.
- (e) However, parties to the investigation shall not disseminate information to any person who does not participate in the investigation before release of that information by the AAID without prior consultation and approval of the Investigator-in-Charge.
- (f) If AAID has any data available from a flight recorder of an aircraft involved in an accident or incident, the Chief Investigator shall:
 - 1. Without delay, provide the State conducting the investigation with all such data available; and
 - 2. Not divulge such data without the express consent of the State conducting the investigation.

19.150 PROPOSED FINDINGS

- (a) Any person, government agency, company, or association whose employees, functions, activities, or products were involved in an accident or incident under investigation may submit to the AAID written proposed findings to be drawn from the evidence produced during the course of the investigation, a proposed probable cause, and/or proposed safety recommendations designed to prevent future accidents or incidents.
- (b) To be considered, these submissions must be received before the matter is calendared for consideration at a meeting chaired by the AAID. All written submissions are expected to have been presented to staff in advance of the formal scheduling of the meeting. This procedure ensures orderly and thorough consideration of all views.

19.155 NON-DISCLOSURE OF RECORDS

- (a) During the conduct of an investigation of an accident or incident, subject to Appendix to this regulation,

no person may make the following records available for purposes other than accident or incident investigation, unless the competent authority determines that their disclosure outweighs the adverse domestic and international impact such action may have on that or any future investigations:

- (1) All statements taken from persons by the investigation authorities in the course of their investigation;
 - (2) All communications between persons having been involved in the operation of the aircraft;
 - (3) Medical or private information regarding persons involved in the accident or incident;
 - (4) Cockpit voice recordings and airborne image recordings and transcripts from such recordings;
 - (5) Recordings and transcriptions of recordings from ground-based recordings; and
 - (6) Analysis of and opinions about information, including flight recorder information, made by the accident investigation authority and accredited representatives in relation to the accident or incident; and
 - (7) The draft Final Report of an accident or incident investigation.
- (b) The Chief Investigator shall determine whether any other records obtained or generated by the investigation, as a part of an accident or incident investigation, need to be protected in the same way as the records listed in paragraph (a).
- (c) These records shall be included in the final report or its appendices only when pertinent to the analysis of the accident or incident.
- (d) Those records or parts of the records collected during the investigation but not deemed relevant to the analysis shall not be disclosed.
- (e) The AAID shall not disclose names of the persons involved in the accident or incident to the public.
- (f) The AAID shall ensure that requests for records in its custody or control are directed to the original source of the information, where available.
- (g) The AAID shall retain, where possible, only copies of records obtained in the course of an investigation.
- (h) Subject to the provisions of paragraph (a), AAID shall take measures to ensure that audio content of cockpit voice recordings as well as image and audio content of airborne image recordings are not disclosed to the public.

19.160 RE-OPENING OF THE INVESTIGATION

- (a) If new and significant evidence becomes available after the investigation of an accident or incident that occurred within the jurisdiction of Rwanda has been closed, the Chief Investigator shall consider re-opening the investigation.
- (b) If new and significant evidence becomes available to the AAID regarding an accident or incident that occurred in another State, that evidence shall be transmitted to the appropriate authorities of the State, which instituted the original investigation.
- (c) If the Chief Investigator would like to re-open an investigation that was not instituted by the AAID, the Chief Investigator shall obtain consent from the Authority of the State, which instituted the investigation.

The Remainder of This Page Intentionally Left Blank

SUBPART E: RESPONSIBILITY OF RWANDA AS THE STATE OF OCCURRENCE**19.165 APPLICABILITY**

- (a) This Subpart is applicable to international obligations in the event of an accident or incident investigation where Rwanda is the State of Occurrence or the investigating State.

19.170 NOTIFICATION OF OTHER STATES

- (a) In situations where Rwanda is the State of Occurrence, the Chief Investigator shall ensure the forwarding of the notification of an accident, a serious incident, or an incident to be investigated within the context of this Part, within 48 hours and by the most suitable means available to:
- (1) The State of Registry;
 - (2) The State of the Operator;
 - (3) The State of Design;
 - (4) The State of Manufacture; and
 - (5) The International Civil Aviation Organisation, when the aircraft involved is of a maximum mass of over 2,250kg or is a turbo-jet powered aeroplane.
- (b) In situations where Rwanda is the State of Registry and the AAID institutes the investigation of an accident a serious incident or an incident, the Chief Investigator shall forward a notification in the format and content specified in Section 19.230, within 48 hours and by the most suitable means available, to the other States listed in paragraph (a).
- (c) In situations where Rwanda is either the State of Registry or the State of the Operator, if it is determined that the civil aviation authorities of the State of Occurrence are not aware of a serious incident or an incident to be investigated, the Chief Investigator shall ensure the forwarding of a notification of such an incident to the:
- (1) State of Design;
 - (2) State of Manufacture; and
 - (3) State of Occurrence.

19.175 FORMAT & CONTENT OF THE NOTIFICATION

- (a) The notification shall be in plain language and contains as much of the following information as is readily available, but the notification process shall not be delayed due to the lack of complete information:
- (1) For accidents the identifying abbreviation ACCID shall be used, for serious incidents SINCID and for incidents INCID;
 - (2) Manufacturer, model, nationality and registration marks, and serial number of the aircraft;
 - (3) Name of owner, operator and hirer, if any, of the aircraft;
 - (4) Qualification of the pilot-in-command, and nationality of crew and passengers;
 - (5) Date and time (local time or UTC) of the accident or incident;
 - (6) Last point of departure and point of intended landing of the aircraft;
 - (7) Position of the aircraft with reference to some easily defined geographical point and latitude and longitude;
 - (8) Number of crew and passengers; aboard, killed and seriously injured; others, killed and seriously injured;
 - (9) Description of the accident or incident and the extent of damage to the aircraft so far as is known;
 - (10) An indication to what extent the investigation will be conducted or is proposed to be delegated by the State of Occurrence;
 - (11) Physical characteristics of the accident or incident area, as well as an indication of access difficulties or special requirements to reach the site;
 - (12) Identification of the originating authority and means to contact the Investigator-in-Charge and the AAID at any time; and
 - (13) Presence and description of dangerous goods on board the aircraft.

19.180 LANGUAGE TO BE USED IN THE NOTIFICATION

- (a) The notification shall be prepared in English.
- (b) Notification may be made in one of the ICAO working languages, taking into account the language of the recipient(s), whenever it is possible to do so without causing undue delay.

19.185 ADDITIONAL RELEVANT INFORMATION

- (a) As soon as it is possible to do so, the Chief Investigator shall ensure to dispatch the details omitted from the notification as well as other known relevant information to all applicable States.

19.190 PARTICIPATION OF STATES

- (a) When notifying the State of Registry, the State of the Operator, the State of Design and the State of Manufacture, the Chief Investigator shall request the respective State(s) to acknowledge receipt of the notification of an accident or serious incident or incidents to be investigated.
- (b) If these acknowledgements do not occur in a timely fashion, the Chief Investigator will contact the accident investigation authority of the State(s) concerned.
- (c) The State of Registry, the State of the Operator, the State of Design and the State of Manufacture are expected to appoint an accredited representative when specifically requested to do so by the AAID in case of the investigation of an accident to an aircraft over 2,250 kg.

19.195 REQUIRED INFORMATION FROM OTHER STATES

- (a) When sending a notification of the accident or serious incident or incident to the State of Registry, or State of the Operator, or State of Design and or the State of Manufacture, the Chief Investigator shall request the respective states to provide, as soon as possible, any relevant information available to them regarding the aircraft and flight crew involved in the accident or serious incident or incident.
- (b) When notifying the State of the Operator of an accident or serious incident or incident, the Chief Investigator shall request the State of the Operator to, with a minimum of delay and by the most suitable and quickest means available, provide the details of dangerous goods on board the aircraft.
- (c) The Chief Investigator shall request each State that receives the notification of an accident, serious incident or incident to confirm if:
 - (1) It intends to appoint an accredited representative; and
 - (2) Such an accredited representative is appointed, the name and contact details; as well as the expected date of arrival if the accredited representative will travel to Rwanda.

19.200 CONDUCT OF THE INVESTIGATION

- (a) The Chief Investigator shall ensure that the investigation of an accident or incident is conducted according to the procedures, responsibilities, entitlements and limitations as described in Subpart D of this Part.

19.205 COORDINATION OF PARTICIPATION OF OTHER STATES

- (a) The Investigator-in-Charge shall ensure the proper coordination and participation of the representatives, advisors and technical experts in accordance with the provisions of Subparts G and H.

19.210 TIMELY COMPLETION OF REPORTS

- (a) The Chief Investigator shall ensure the timely and completeness of all required reports specified in Subpart I.

The Remainder of This Page Intentionally Left Blank

SUBPART F: RWANDA NOT BEING THE STATE OF OCCURRENCE**19.215 APPLICABILITY**

- (a) This Subpart is applicable to international obligations in the event of an accident or incident investigation where Rwanda is not the State of Occurrence, but is the:
- (1) State of Registry;
 - (2) State of the Operator;
 - (3) State of Manufacturer; and/or
 - (4) State of Design.

19.220 ACTIONS FOLLOWING RECEIPT OF NOTIFICATION

- (a) The AAID shall acknowledge receipt of the notification of an accident or incident from the State of Occurrence.
- (b) The AAID shall also inform the State of Occurrence:
- (1) Whether it intends to appoint an accredited representative;
 - (2) If such an accredited representative is appointed, the name and contact details; as well as
 - (3) The expected date of arrival if the accredited representative will be present at the investigation.

19.225 ACTIONS WHEN NO INVESTIGATION IS BEING INSTITUTED

- (a) In situations where the State of Occurrence does not conduct an investigation, and does not delegate the investigation to another State or a regional accident and incident investigation organization, Rwanda, as the State of Registry or the State of the Operator shall request in writing the State of Occurrence to delegate the conducting of such investigation. If the State of Occurrence gives express consent, or does not reply to such a request within 30 days the AAID shall institute and conduct the investigation with such information as is available.
- (b) In situations outside the territory of any State where the State of Registry does not conduct an investigation, and does not delegate the investigation to another State or a regional accident and incident investigation organization, Rwanda, as the State of Operator shall request in writing the State of Registry to delegate the conducting of such investigation. If the State of Registry gives express consent, or does not reply to such a request within 30 days the AAID shall institute and conduct the investigation with such information as is available.
- (c) When an accident or the serious incident has occurred in the territory of a non-Contracting State which does not intend to conduct an investigation in accordance with this Annex, Rwanda, as State of Registry or, the State of the Operator, will endeavour to institute and conduct an investigation in cooperation with the State of Occurrence but, failing such cooperation, will conduct an investigation with such information as is available.

Note: However, Chief Investigator may delegate the whole or any part of the investigation to another State by mutual arrangement and consent.

19.230 TIMELY PROVISION OF RELEVANT INFORMATION

- (a) Upon receipt of the notification, the Chief Investigator shall, upon request, provide the State of Occurrence with any relevant information available to them regarding the flight crew and the aircraft involved in the accident or incident.
- (b) Upon receipt of the notification, the Chief Investigator shall, within 48 hours and by the most suitable and quickest means available, provide the State of Occurrence with details of dangerous goods on board of the aircraft.

19.235 PROVISION OF ADDITIONAL INFORMATION

- (a) The Chief Investigator shall, on request from the State conducting the investigation of an accident or an incident, provide that State with all the relevant information available to the AAID.

- (b) The AAID shall, when the facilities or services of Rwanda have been, or would normally have been, used by an aircraft prior to an accident or an incident, and if it has information pertinent to the investigation, provide such information to the State conducting the investigation.

19.240 PROTECTION & PROVISION OF FLIGHT RECORDER AND GROUND-BASED RECORDINGS

- (a) When an aircraft involved in an accident or a serious incident lands in Rwanda, the Chief Investigator shall, on request from the State conducting the investigation, furnish the latter State with the:
- (1) Flight recorder records;
 - (2) If necessary, the associated flight recorders; and
 - (3) Relevant ground-based recordings.
- (b) When an aircraft registered or operated by entity certified by the Authority is involved in an accident or a serious incident lands in a State other than the State of Occurrence, Rwanda shall, on request from the State conducting the investigation, furnish the latter State with the:
- (1) flight recorder records and,
 - (2) if necessary, the associated flight recorders,
 - (3) Relevant ground-based recordings.

19.245 PROVISION OF RELATED ORGANISATION INFORMATION

- (a) The AAID shall, on request from the State conducting the investigation, provide pertinent information on any organisation whose activities may have directly or indirectly influenced the operation of the aircraft.

19.250 REQUIRED APPOINTMENT OF AN ACCREDITED REPRESENTATIVE AND ADVISORS

- (a) When the State conducting an investigation of an accident to an aircraft of a maximum mass of over 2,250 kg specifically requests participation of Rwanda, the Chief Investigator, in coordination with the Minister, shall appoint an accredited representative and one or more advisors to participate in the investigation.
- (b) When the State conducting an investigation into an incident or accident notifies Rwanda as the State of Registry, State of the Operator, State of Manufacturer and/or State of Design, the Chief Investigator, in coordination with the Minister, may appoint an accredited representative and one or more advisors to participate in the investigation.
- (c) When the State conducting an investigation into an incident or accident whereby Rwanda provides information, facilities or experts on request of that State, the Chief Investigator, in coordination with the Minister, may appoint an accredited representative and one or more advisors to participate in the investigation.

19.255 ACTION ON SAFETY RECOMMENDATIONS

- (a) Upon receipt of safety recommendations from the State that conducted the investigation, the Chief Investigator shall inform the proposing State, within 90 days of the date of the transmittal correspondence:
- (1) Of the preventive action taken or under consideration, or
 - (2) Of the reasons why, no action will be taken, or
 - (3) Of alternative proposals for preventive action other than the original safety recommendations.

The Remainder of This Page Intentionally Left Blank

SUBPART G: RIGHT OF PARTICIPATION IN THE INVESTIGATION**19.260 APPLICABILITY**

- (a) This Subpart provides the requirements for allowing the participation of accredited representatives, their advisors and other experts to assist in the accident investigation, formulating reports and safety recommendations.
- (b) The AAID Investigator-in-Charge will ensure that these persons are included in the accident or incident

investigation to the extent of their entitlements.

19.265 STATES ENTITLED TO APPOINT AN ACCREDITED REPRESENTATIVE

- (a) The following States are entitled to appoint an accredited representative to participate in an accident or incident investigation conducted by the AAID:
 - (1) The State of Registry;
 - (2) The State of the Operator;
 - (3) The State of Design; and
 - (4) The State of Manufacture.
- (b) The State that designed or manufactured the powerplant or major components of the aircraft shall also be invited to appoint an accredited representative for participation in the investigation of an accident.
- (c) Any State which on request provides information, facilities or experts to the AAID shall be entitled to appoint an accredited representative to participate in the investigation.
- (d) Any State that provides an operational base for field investigations, or is involved in search and rescue or wreckage recovery operations, or is involved as a State of a code-share or alliance partner of the operator, shall also be invited to appoint an accredited representative to participate in the investigation.

19.270 ADDITIONAL INVITED PARTICIPANTS

- (a) If neither the State of Registry, nor the State of the Operator appoint an accredited representative, the Chief Investigator shall invite the operator to participate, subject to the procedures of the AAID.
- (b) When neither the State of Design nor the State of Manufacture appoint an accredited representative, the Chief Investigator shall invite the organisations responsible for the type design and the final assembly of the aircraft to participate, subject to the procedures of the AAID.

19.275 APPOINTMENT OF ADVISORS TO THE ACCREDITED REPRESENTATIVES

- (a) The State of Registry or the State of the Operator may appoint one or more advisors, proposed by the operator, to assist its accredited representative.
- (b) The State of Design and the State of Manufacture shall be entitled to appoint one or more advisors, proposed by the organisations responsible for the type design and the final assembly of the aircraft, to assist their accredited representatives.

19.280 STATES WITH FATALITIES OR SERIOUS INJURIES TO ITS CITIZENS

- (a) A State which has a special interest in an accident by virtue of fatalities or serious injuries to its citizens shall, upon making a request to do so, be permitted by the AAID to appoint an expert who shall be entitled:
 - (1) To visit the scene of the accident;
 - (2) To have access to the relevant factual information;
 - (3) To participate in the identification of the victims;
 - (4) To assist in questioning surviving passengers who are citizens of the expert's State; and
 - (5) To receive a copy of the Final Report.

SUBPART H: ENTITLEMENTS OF ACCREDITED REPRESENTATIVES**19.285 APPLICABILITY**

- (a) This Subpart provides the requirements that will be applied to the accredited representatives that participate in the investigation of aircraft accidents and incidents in Rwanda.
- (b) The AAID Investigator-in-Charge shall ensure that these accredited representatives are accorded the appropriate entitlements.

19.290 ACCREDITED REPRESENTATIVES & THEIR ADVISORS

- (a) A State entitled to appoint an accredited representative shall also be entitled to appoint one or more advisors to assist the accredited representative in the investigation.
- (b) A State participating in an investigation may call upon the best technical experts from any source and appointing such experts as advisors to its accredited representative.
- (c) Advisors assisting accredited representatives shall be permitted, under the accredited representatives' supervision, to participate in the investigation to the extent necessary to enable the accredited representatives to make their participation effective.

19.295 PARTICIPATION

- (a) The accredited representatives, their advisors and other invited participants may participate in all aspects of the investigation, under the control of the AAID Investigator-in-Charge, in particular to:
 - (1) Visit the scene of the accident;
 - (2) Examine the wreckage;
 - (3) Obtain witness information and suggest areas of questioning;
 - (4) Have full access to all relevant evidence as soon as possible;
 - (5) Receive copies of all pertinent documents;
 - (6) Participate in read-outs of recorded media;
 - (7) Participate in off-scene investigative activities such as component examinations, technical briefings, tests and simulations;
 - (8) Participate in investigation progress meetings including deliberations related to analysis, findings, causes and safety recommendations; and
 - (9) Make submissions in respect of the various elements of the investigation.
- (b) However, participation of States other than the State of Registry, the State of the Operator, the State of Design and the State of Manufacture may be limited to those matters which entitled such States to participation under Section 19.335.

19.300 ADHERENCE TO AAID PROCEDURES

- (a) All participants in the accident or incident investigation, or part thereof, shall be subject to the restrictions and procedures of the AAID, as administered by the Investigator-in-Charge.

19.305 LIMITS TO ENTITLEMENT

- (a) Nothing in this Part precludes the AAID from extending participation beyond the entitlement enumerated herein.
- (b) The pertinent documents shall also include documents such as the reports on examinations of components or studies performed within the framework of the investigation.

19.310 OBLIGATIONS OF FOREIGN PARTIES IN THE INVESTIGATION

- (a) Accredited representatives and their advisors:
 - (1) Should provide the AAID or the State conducting the investigation, with all relevant information available to them; and

- (2) Shall not divulge information on the progress and the findings of the investigation without the express consent of the Chief Investigator.
- (b) Nothing in paragraph (a) precludes prompt release of facts when authorised by the AAID Investigator-in-Charge, nor does this paragraph preclude accredited representatives from reporting to their respective States in order to facilitate appropriate safety actions.

The Remainder of This Page Intentionally Left Blank

SUBPART I: INVESTIGATION REPORTS**19.315 APPLICABILITY**

- (a) This Subpart is applicable to the completion, editing and distribution of the reports that are required in the accident and incident investigation process.

Subdivision I: General**19.320 SAFETY OF FLIGHT**

- (a) When matters directly affecting safety are determined to be involved in an accident or incident, the Chief Investigator shall ensure the forwarding of that information, including interim safety recommendations, to the appropriate States and ICAO:
- (1) As soon as the information is available; and
 - (2) By the most suitable and quickest means available.

19.325 LANGUAGE

- (a) All notifications and reports by the AAID during the course of accident and incident investigations shall be submitted to all States concerned and to the ICAO in the English language.

19.330 RELEASE OF INFORMATION: CONSENT

- (a) No person may circulate, publish or give access to a draft report or any part thereof, or any documents obtained during an investigation of an accident or incident, without the express consent of the Chief Investigator, unless such reports or documents have already been published or released by the AAID on behalf of the government of Rwanda.

Subdivision II: Preliminary Report**19.335 REQUIRED REPORT**

- (a) During the investigation of an aircraft accident, the AAID shall complete a Preliminary Report outlining the facts, observations and findings of the investigators at the time of the report.

19.336 ACCIDENT/INCIDENT WITH HEIGHTENED PUBLIC ATTENTION

- (a) The AAID shall publicly release relevant factual information within the early days of the investigation of an accident or incident that draw heightened public attention.

Note: The provision of factual information in the early days of the investigation is intended to address the substantial public interest in the accident or incident and help to ensure that the information in the public domain is as accurate as possible. Guidance on high-profile accidents and incidents and various formats and methods for provision of information is contained in AAID Procedures Manual Chapter 8- Final Report

- (b) For accidents or incidents that draw heightened public attention, the AAID should publish a written Preliminary Report within thirty days of the accident containing established factual information and indicating the progress of the investigation
- (c) The AAID shall develop guidance on the purpose, format, and content of the written Preliminary Report.
- (d) Provision in (a) does not intend to preclude the AAID, when Rwanda is the State conducting the investigation, from consulting States participating in the investigation before publishing the written Preliminary Report

19.340 ACCIDENTS TO AIRCRAFT OVER 2,250 Kg

- (a) When an aircraft involved in an accident is of a maximum mass of over 2,250 kg, the AAID shall send the Preliminary Report to:
- (1) The State of Registry;
 - (2) The State of the Operator;
 - (3) The State of Design;
 - (4) The State of Manufacture;

- (5) Any State that provided relevant information, significant facilities or experts; and
- (6) The International Civil Aviation Organisation.

19.345 ACCIDENTS TO AIRCRAFT OF 2,250 Kg OR LESS

- (a) When an aircraft, with a maximum mass of 2,250 kg or less, is involved in an accident and when airworthiness or matters considered to be of interest to other States are involved, the AAID shall forward the Preliminary Report to:
 - (1) The State of Registry;
 - (2) The State of the Operator;
 - (3) The State of Design;
 - (4) The State of Manufacture; and
 - (5) Any State that provided relevant information, significant facilities or experts.

19.350 SUBMISSION OF THE PRELIMINARY REPORT

- (a) The AAID shall send the Preliminary Report by facsimile, e-mail, or airmail within 30 days of the date of the accident or incident, unless the Accident or Incident Data Report has already been sent by that time.

Subdivision III: Accident or Incident Data Report**19.355 REQUIRED REPORT**

- (a) During the investigation of an aircraft accident or serious incident, the AAID shall complete an Accident or Incident Data Report in the form and manner prescribed by ICAO.

19.360 ACCIDENTS TO AIRCRAFT OVER 2,250 Kg

- (a) When the aircraft involved in an accident is of a maximum mass of over 2,250 kg, the AAID shall send, as soon as practicable after the investigation, the Accident Data Report to the ICAO.

19.365 ADDITIONAL INFORMATION TO OTHER STATES

- (a) The AAID shall, upon request, provide other States with pertinent information additional to that made available in the Accident/Incident Data Report.

19.370 INCIDENTS TO AIRCRAFT OVER 5,700 Kg

- (a) When the AAID conducts an investigation into an incident to an aircraft of a maximum mass of over 5,700 kg, the Incident Data Report shall be sent to the ICAO as soon as practicable after the investigation.

Subdivision IV: Final Report**19.375 REQUIRED REPORT**

- (a) During the investigation of an aircraft accident or serious incident, the Investigator-in-Charge shall ensure the drafting, coordination and completion of a Final Report of that investigation in sufficient detail for analysis by the AAID, other States and the ICAO.
- (b) The format of the Final Report in Appendix 1 of current edition of ICAO Annex 13 shall be used. However, this format may be adapted to the circumstances of the accident or incident.

19.380 CONSULTATION WITH OTHER STATES

- (a) Rwanda, as the State conducting the investigation, shall send a copy of the draft Final Report to the following States inviting their significant and substantiated comments on the report within timelines prescribed by the Chief Investigator:
 - (1) The State of Registry;
 - (2) The State of the Operator;
 - (3) The State of Design;
 - (4) The State of Manufacture;
 - (5) The State that instituted the investigation, if applicable; and

- (6) Any other State that participated in the investigation.

Note: Intended safety recommendations are to be included in the draft Final Report.

- (b) When sending the draft Final Report to recipient States, the AAID shall use the most suitable and quickest means available, such as email or courier service.

19.385 INVITING COMMENTS FROM OTHER INVOLVED PARTIES

- (a) The Chief Investigator shall send, through the State of the Operator, a copy of the draft Final Report to the operator to enable the operator to submit comments on the draft Final Report.

Note: Intended safety recommendations are to be included in the draft Final Report.

- (b) The Chief Investigator shall send, through the State of Design and the State of Manufacture, a copy of the draft Final Report to the organisations responsible for the type design and the final assembly of the aircraft to enable them to submit comments on the draft Final Report.
- (c) The Chief Investigator shall send a copy of the draft Final Report to the facility at which the flight recorders are read out on behalf of the AAID to enable them to comment on the draft Final Report and ensure that the characteristics of the flight recorder analysis have been adequately taken into account.

19.390 PROCESSING OF TIMELY COMMENTS

- (a) In the case Rwanda shares draft Final report to involved States for comments, the usual consultation period shall be thirty days from the date of the correspondence transmitting the draft report.
- (b) The AAID may extend the consultation period stated in paragraph (a) to sixty days, if it is notified of the need for additional time by any State invited to comment
- (c) If the AAID receives comments within the consultation period, it shall either:
- (1) Amend the draft Final Report to include the substance of the comments received; or
 - (2) If desired by the State that provided comments, append the comments to the Final Report.
- (d) The Investigator-in-Charge shall:
- (1) keep a record of those comments;
 - (2) notify in writing each of the persons who made those comments, indicating how the Investigator-in-Charge has disposed of that person's comments.
- (e) If the AAID receives no comments within the consultation period, it shall issue the Final Report, unless an extension of that period has been agreed by the States concerned.
- (f) During the course of the investigation, the AAID may consult with other States, such as those States which provided relevant information, significant facilities, or experts who participated in the investigation.
- (g) Comments to be appended to the Final Report are restricted to non-editorial specific technical aspects of the Final Report upon which no agreement could be reached.

19.395 RECIPIENT STATES

- (a) The Chief Investigator, when Rwanda is the State conducting the investigation, shall send the Final Report of the investigation within 48 hours after its formal publication to:
- (1) The State that instituted the investigation;
 - (2) The State of Registry;
 - (3) The State of the Operator;
 - (4) The State of Design;
 - (5) The State of Manufacture;
 - (6) Any State having suffered fatalities or serious injuries to its citizens; and
 - (7) Any State that provided relevant information, significant facilities or experts.

19.400 INTERNATIONAL DISSEMINATION OF THE FINAL REPORT

- (a) In the interest of accident prevention, the AAID shall release the Final Report of an accident or incident and make it publicly available in the shortest possible time, if possible within twelve months of the date of occurrence.
- (b) If the report cannot be released within twelve months, the AAID shall publish an interim report on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised.
- (c) When the AAID has released a Final Report of an investigation into an accident or an incident involving an aircraft of a maximum mass of over 5,700 kg, it shall send a copy of that report to the ICAO.

Note: The copy of the Final Report sent to ICAO is preferably prepared in an electronic format to facilitate its upload onto the e-Library of Final Reports.

- (d) Where Rwanda is not the State of Occurrence, and the State conducting the investigation does not make the Final Report or an interim statement publicly available within 60 days after the anniversary of the accident or incident Rwanda, the AAID as State participating in the investigation may request in writing from the State conducting the investigation express consent to release a statement containing safety issues raised with such information as is available. If the State conducting the investigation gives express consent or does not reply to such a request within 30 days, the AAID may release such a statement after coordinating with participating States.

19.405 SAFETY RECOMMENDATIONS

- (a) At any stage of the investigation of an accident or incident, the Investigator-in-Charge conducting the investigation shall recommend in a dated transmittal correspondence to the appropriate authorities, including those in other States, any preventive action that it considers necessary to be taken promptly to enhance aviation safety.

Note: Nothing in paragraph (a) is intended to preclude Rwanda, as the State conducting the investigation from consulting States participating in the investigation on its draft safety recommendations, inviting their comments on the appropriateness and effectiveness of these recommendations.

- (b) When the AAID issues safety recommendations to parties or bodies in Rwanda, these parties or bodies shall submit their implementation plan of the safety recommendations to the AAID within 90 days.
- (c) When the AAID issues safety recommendations to parties or bodies in Rwanda, these parties or bodies shall submit documentation on the actual implementation of the related recommendation(s) to the AAID within one year. The AAID shall address, when appropriate, any safety recommendations arising out of its investigations to the accident investigation authorities of other State(s) concerned.
- (d) The AAD shall establish procedures to record the responses to the safety recommendation issued.
- (e) The AAID shall implement procedures to monitor the progress of the action taken in response to safety recommendations.
- (f) In the interest of safety, Rwanda, as the State participating in the investigation, shall be entitled to issue safety recommendations after coordinating with the State conducting the investigation.

Note: Effective coordination of draft safety recommendations would avoid issuance of conflicting safety recommendations by the States participating in the investigation.

19.410 RESPONSIBILITY OF RWANDA WHEN RECEIVING OR ISSUING SAFETY RECOMMENDATIONS

- (a) The Chief Investigator shall ensure that any safety recommendation addressed to an organisation in another State, is transmitted to that State's investigation authority.
- (b) The Chief Investigator shall address, when appropriate, any safety recommendations arising out of its investigations in a dated transmittal correspondence to the accident investigation authorities of other State(s) concerned and, when ICAO documents are involved, to ICAO.
- (c) When Final Reports contain safety recommendations addressed to ICAO, because ICAO documents are involved, the AAID shall ensure that these reports will be accompanied by a letter outlining the specific action proposed.
- (d) When an AAID safety recommendation is made to a State Civil Aviation Authority, or to ICAO regarding a

systemic deficiency having a probability of recurrence with the potential for significant consequences, and requiring timely action to improve safety, then the Chief Investigator should submit such a recommendation as a 'Safety Recommendation of Global Concern (SRGC)' to ICAO.

- (e) A SRGC stated in paragraph (d) of this regulation, shall be one or more of the following criteria:
- (1) The deficiency underlying the recommendation is systemic and not solely a local issue;
 - (2) The probability of recurrence of the accident and the adverse consequences are high;
 - (3) The risk to persons, equipment and/or environment is high;
 - (4) the urgency for taking effective remedial safety action is high;
 - (5) There is a history of recurrence of the relevant deficiency;
 - (6) The deficiency underlying the recommendation constitutes a risk to the airworthiness, design, manufacture, maintenance, operation and/or regulation of the involved aircraft type;
 - (7) The deficiency underlying the recommendation constitutes a risk to more than one aircraft type, to more than one operator, to more than one manufacturer and/or to more than one State; and
 - (8) The mitigation of the risks associated with the deficiency will require coordinated efforts of more than one entity of the air transport industry, such as civil aviation authority(ies), manufacturer(s) and operator(s).
- (f) Safety recommendations that arise from other sources other than safety investigations, which may include safety studies, shall be addressed and transmitted:
- (1) To concerned local organizations;
 - (2) If originating from Rwanda, to an organization in another State, through that State's accident investigation authority.

The Remainder of This Page Intentionally Left Blank

SUBPART J: STATE AIRCRAFT**19.415 INVESTIGATIONS INVOLVING STATE AIRCRAFT**

- (a) This Section shall apply to any accident or incident:
- (1) involving a State aircraft during a public flying display; or
 - (2) occurring while a State aircraft was on, in the course of taking-off from or landing on, a civil aerodrome in Rwanda; and
 - (3) occurring while a State aircraft was under control of civil Air Traffic Control Services in Rwanda.
- (b) In case of an investigation into an accident or incident referred to in paragraphs (a), matters relating to discipline or internal administration of the State authorities operating state aircraft, which are more appropriate for investigation by some other person or body, may arise. If it appears to the Investigator-in-Charge from the AAID that, apart from such matters, the investigation is completed, that investigation may be treated as accomplished without such matters being investigated under these Regulations.
- (c) Where investigation of matters relating to the discipline or internal administration of the Rwanda Defence Forces has not been carried out by virtue of paragraph (b), the report of the AAID investigation into the accident or incident shall specify which matters have not been covered in the investigation.

The Remainder of This Page Intentionally Left Blank

SUBPART K: ACCIDENT & INCIDENT DATABASE**19.420 DATABASE AND PREVENTIVE ACTIONS**

- (a) As part of their State Safety Programme, the Authority shall establish and maintain an accident and incident database to facilitate the effective analysis of information on actual or potential safety deficiencies and to determine any preventive actions required.
- (b) The AAID, and all other entities responsible for the implementation of the Rwanda State Safety Programme, shall have access to the accident and incident database referenced in paragraph A to support their safety responsibilities.

The Remainder of This Page Intentionally Left Blank

APPENDICES

APPENDIX 1 TO 19.025: LIST OF EXAMPLES OF SERIOUS INCIDENTS

- (a) **Serious incident:** An incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down.
- (b) There may be a high probability of an accident if there are few or no safety defences remaining to prevent the incident from progressing to an accident. To determine this, an event risk-based analysis (that takes into account the most credible scenario had the incident escalated and the effectiveness of the remaining defences between the incident and the potential accident) can be performed as follows:

- (i) consider whether there is a credible scenario by which this incident could have escalated to an accident; and
- (ii) assess the remaining defences between the incident and the potential accident as:
 - (A) effective, if several defences remained and needed to coincidentally fail; or
 - (B) limited, if few or no defences remained, or when the accident was only avoided due to providence.
- (iii) In the case of an unmanned aircraft, consider whether the most credible outcome, had the incident escalated into an accident, could have resulted in a person being fatally or seriously injured. Fatal and serious injuries are more likely to justify an investigation than those occurrences where the most credible outcome was merely damage to or loss of the unmanned aircraft. The risk of fatal or serious injury may also influence the extent of the investigation to be conducted.

- (1) Consider both the number and robustness of the remaining defences between the incident and the potential accident. Ignore defences that failed, and consider only those that worked and any subsequent defences still in place.

Note 1. — The most credible scenario refers to the realistic assessment of injury and/or damage resulting from the potential accident.

Note 2. — Defences include crew, their training and procedures, ATC, alerts (within and outside the aircraft), aircraft systems and redundancies, structural design of the aircraft and aerodrome infrastructure.

- (2) The combination of these two assessments helps to determine which incidents are serious incidents:

		(1) Remaining defences between the incident and the potential accident	
		Effective	Limited
(2) Most credible scenario	Accident	Incident	Serious Incident
	No accident	Incident	

- (c) The incidents listed below are examples of what may be serious incidents. However, the list is not exhaustive and, depending on the context, items on the list may not be classified as serious incidents if effective defences remained between the incident and the credible scenario.

- (1) Near collisions requiring an avoidance manoeuvre to avoid a collision or an unsafe situation or when an avoidance action would have been appropriate.
- (2) Collisions not classified as accidents.
- (3) Controlled flight into terrain only marginally avoided.
- (4) Aborted take-offs on a closed or engaged runway, on a taxiway¹ or unassigned runway.
- (5) Take-offs from a closed or engaged runway, from a taxiway¹ or unassigned runway.

¹ Excluding authorized operations by helicopters.

- (6) Landings or attempted landings on a closed or engaged runway, on a taxiway¹, on an unassigned runway or on unintended landing locations such as roadways.
- (7) Retraction of a landing gear leg or a wheels-up landing not classified as an accident.
- (8) Dragging during landing of a wing tip, an engine pod or any other part of the aircraft, when not classified as an accident.
- (9) Gross failures to achieve predicted performance during take-off or initial climb.
- (10) Fires and/or smoke in the cockpit, in the passenger compartment, in cargo compartments or engine fires, even though such fires were extinguished by the use of extinguishing agents.
- (11) Events requiring the emergency use of oxygen by the flight crew.
- (12) Aircraft structural failures or engine disintegrations, including uncontained turbine engine failures, not classified as an accident.
- (13) Multiple malfunctions of one or more aircraft systems seriously affecting the operation of the aircraft.
- (14) Flight crew incapacitation in flight:
 - a) for single pilot operations (including remote pilot); or
 - b) for multi-pilot operations for which flight safety was compromised because of a significant increase in workload for the remaining crew.
- (15) Fuel quantity level or distribution situations requiring the declaration of an emergency by the pilot, such as insufficient fuel, fuel exhaustion, fuel starvation, or inability to use all usable fuel on board.
- (16) Runway incursions classified with severity A². The Manual on the Prevention of Runway Incursions (ICAO Doc 9870) contains information on the severity classifications.
- (17) Take-off or landing incidents. Incidents such as under-shooting, overrunning or running off the side of runways.
- (18) System failures (including loss of power or thrust), weather phenomena, operations outside the approved flight envelope or other occurrences which caused or could have caused difficulties controlling the aircraft.
- (19) Failures of more than one system in a redundancy system mandatory for flight guidance and navigation.
- (20) The unintentional or, as an emergency measure, the intentional release of a slung load or any other load carried external to the aircraft.

² Class A runway incursion: a serious incident in which a collision was narrowly avoided.

APPENDIX 1 TO REGULATION 19.155 (A) - PROTECTION OF ACCIDENT AND INCIDENT INVESTIGATION RECORDS**1. INTRODUCTION**

- 1.1 The disclosure or use of records listed in regulation 19.155, in criminal, civil, administrative or disciplinary proceedings, or their public disclosure, can have adverse consequences for persons or organizations involved in accidents and incidents, likely causing them or others to be reluctant to cooperate with accident investigation authorities in the future.
- 1.2 The determination on disclosure or use required by regulation 19.155 is designed to take account of these matters. In accordance with regulation 19.155, the provisions specified in this Appendix are intended to assist AAID in developing policies to protect accident and incident investigation records appropriately; and assist the competent authority in making the determination as required by regulation 19.155.
- 1.3 In this Appendix, balancing test refers to the determination by the competent authority, in accordance with regulation 19.155, of the impact the disclosure or use of accident and incident investigation records may have on current or future investigations.

Note 3. — Provisions on the use and protection of safety information and related sources other than accident and incident investigation records are included in RCARs Part 30 — Safety Management.

2. GENERAL

- 2.1. AAID shall accord the protections in 19.155 and this Appendix to the entire recording of the cockpit voice recorder and airborne image recorder, and any transcripts from such recordings. These protections shall apply from the time an accident or incident occurs and continue after the publication of the Final Report.
- 2.2. States shall accord the protections in regulation 19.155 and this Appendix to the other records listed regulation 19.155. These protections shall apply from the time they come into the custody or control of the accident investigation authority and continue after the publication of the Final Report.
- 2.3. In addition to regulation 19.155 and this Appendix, the Chief Investigator shall take action to achieve the non-disclosure of audio content of cockpit voice recordings as well as image and audio content of airborne image recordings to the public, such as:
 - (a) prevention of disclosure through the adoption of policies; or
 - (b) prevention of disclosure of recordings through technical means, such as encrypting or overwriting, before returning the cockpit voice recorders or airborne image recorders to the owners.

Note. — Ambient workplace recordings, such as cockpit voice recordings and airborne image recordings, required under this Part may be perceived as constituting an invasion of the privacy of operational personnel if disclosed or used for purposes other than those for which the recordings were made.

3. COMPETENT AUTHORITY

- 3.1 Subject to the provisions of regulation 19.155 and this Appendix, the Chief Investigator is tasked to administer the balancing test.
- 3.2 The Attorney General or judiciary authorities are the competent authority designated for applying the balancing test in criminal or civil proceedings may be a judicial authority.

4. ADMINISTRATION OF THE BALANCING TEST

- 4.1 Where the request is for a record to be disclosed or used in a criminal, civil, administrative or disciplinary proceeding, the Attorney General or judiciary authorities shall be satisfied that a material fact in question in the proceedings cannot be determined without that record, before administering the balancing test.

Note. — A material fact is a legal term used to refer to a fact that is significant or essential to the matter at hand, that one party alleges and that the other controverts, and is to be determined by the competent authority administering the balancing test.

- 4.2 When administering the balancing test, the competent authority shall take into consideration factors such as:

- (a) the purpose for which the record was created or generated;
- (b) the requester's intended use of that record;
- (c) whether the rights or interests of a person or organization will be adversely affected by the disclosure or use of that record;
- (d) whether the person or organization to whom that record relates has consented to make that record available;
- (e) whether suitable safeguards are in place to limit the further disclosure or use of that record;
- (f) whether that record has been or can be de-identified, summarized or aggregated;
- (g) whether there is an urgent need to access that record to prevent a serious risk to health or life;
- (h) whether that record is of a sensitive or restrictive nature; and
- (i) whether that record reasonably indicates that the accident or incident may have been caused by an act or omission considered, in accordance with national laws and regulations, to be gross negligence, willful misconduct, or done with criminal intent.

5. RECORDS OF THE DECISIONS

The competent authority should record the reasons for its determination when administering the balancing test. The reasons should be made available and referred to as necessary for subsequent decisions.

6. FINAL REPORT

In order to limit the use of the Final Report for purposes other than the prevention of accidents and incidents;

- (a) The judiciary authorities should consider instituting a separate investigation for those other purposes; or
- (b) AAID should consider differentiating between the parts of the Final Report in order to allow the use of factual information contained therein while preventing use of analysis, conclusions and safety recommendations for apportioning blame or liability; or
- (c) No person should use Final Report as evidence in proceedings to apportion blame or liability.

Note. — Final Reports are publicly available in the interest of accident prevention and are not subject to protection under regulation 19.155. However, the use of portions of the Final Report, in particular the analysis, conclusions and safety recommendations, as evidence before national courts in view of assigning blame or determining liability is against the purposes for which the investigation was undertaken.

7. ACCIDENT AND INCIDENT INVESTIGATION PERSONNEL

In the interest of safety, accident investigation personnel are not compellable to give an opinion on matters of blame or liability in civil, criminal, administrative or disciplinary proceedings unless otherwise approved by the judiciary authorities.