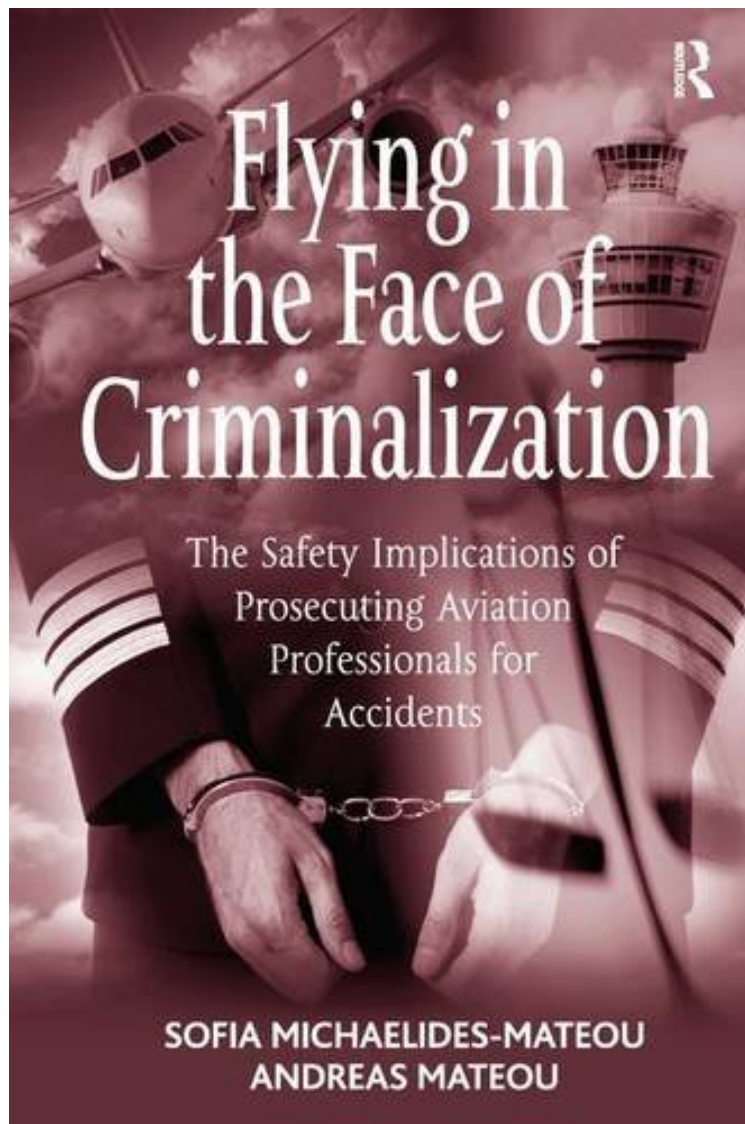


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Flying in the Face of Criminalization: The Safety Implications of Prosecuting Aviation Professionals for Accidents

Sofia Michaelides-Mateou, Andreas Mateou
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Two parallel investigations take place after every aviation accident: one technical, one judicial. The former must be conducted with the sole intention of making safety recommendations to prevent the recurrence of similar accidents. The judicial investigation, however, has the intention of identifying those parties that have been at fault and to apportion blameworthiness for criminal and civil liability. Consequently, this results in a predicament for those parties that have been identified as having played a role in the accident, a dilemma between not supplying information aimed at enhancing safety and preventing future accidents and, on the other hand, supplying such information which may possibly be used against them in subsequent criminal prosecution. The situation is compounded by inconsistent approaches between different legal systems; aviation professionals may find themselves faced with criminal charges in one country but not in another, and they may also be unsure as to whether statements given during the technical investigation could be used against them in a court of law. Aviation safety is, to a large extent, built upon the trust placed by pilots, ATCOs and other aviation professionals in the process of accident investigation. This book examines the growing trend to criminalize these same people following an accident investigation and considers the implications this has for aviation safety.

'Flying in the Face of Criminalization, with its unique collection of case studies, gives aviation professionals an insight into the law of negligence and how it applies to their profession. The book is essential reading for aviation professionals as well as aviation authorities and judicial authorities that regulate their activities.' --Journal Luchtrecht (Dutch Aviation Law Journal) , Feb 2011'The authors argue that criminal prosecution of individuals for omissions and negligent actions, as opposed to actions based on intent or wilfulness, which are the usual criminal standards, is chilling and potentially dangerous. What individual faced with possible criminal prosecution, especially in countries of questionable process, would voluntarily open up and tell "the whole truth"? Here, we are given many examples of problems with competing jurisdictions, evidence battles, incarceration of individuals and wrestling matches between agencies within a single nation and between nations. In short, it's a mess.' --Times Higher Education

About the Author
Dr Sofia Michaelides-Mateou holds a Doctorate from the University of Middlesex, UK, a BA and a law degree (LLB) from the University of Witwatersrand, South Africa. She practised law in South Africa before returning to Cyprus to start her academic career and is currently an Associate Professor in the Law Department, University of Nicosia and is a guest lecturer, at Cranfield University, UK. Sofia is a member of the Just Culture Task Force of Eurocontrol, an Associate Member of ISASI and a Member of the Executive Board of the Flight Safety Foundation - SE Europe-Cyprus (FSF-SEC). Sofia was an advisor to the Cyprus Air Accident and Incident Investigation Board (AAIIB). She attended a number of CRM, Safety and Quality Management System and Accident Investigation courses. Sofia has published articles on numerous aviation areas, has presented many papers in international aviation conferences and is the author of the book, Key Issues in Aviation. She is an aviation-legal consultant who has participated in a number of aviation litigation cases and currently a director of MM Aviation Consultancy Ltd.

Captain Dr Andreas Mateou holds a Doctorate from the University of Middlesex, UK, a MSc in Aviation Management from the University of New South Wales, Australia and a law degree (LLB) from the University of London. He was Head of Flight Safety, the Head of the Flight Data Monitoring Program and the Head of the Emergency Response Programme of Cyprus Airways for a number of years. He has 25 years flying experience with more than 16000 flying hours and is a Type Rating Instructor and Examiner on the Airbus A320. He is also a part-time lecturer in Law at the University of Nicosia and is a guest lecturer at Cranfield University, UK. Andreas has written extensively on aviation topics, participated in a number of aviation conferences. He is an Associate Member of ISASI and has been an aviation safety and legal consultant in a number of aviation litigation cases and