



THE REPUBLIC OF SUDAN
SUDAN CIVIL AVIATION AUTHORITY
(SCAA)

SUCAR PART 13
AIRCRAFT ACCIDENT AND
INCIDENT INVESTIGATION

September 2011



THE REPUBLIC OF SUDAN SUDAN CIVIL AVIATION AUTHORITY (SCAA)



Sudan Civil Aviation Regulation SUCAR PART 13 Aircraft Accident and Incident Investigation

SUCAR Part 13 – *Aircraft Accident and Incident Investigation* has been promulgated pursuant to Article 33 of the Civil Aviation Act, 2010 and issued under my consent as is required by the Act.

The SUCAR fully complies with the requirements of Annex 13 – *Aircraft Accident and Incident Investigation* to the Convention on International Civil Aviation; and, supported by Directives, Orders and Procedures that may be published, from time-to-time, by the Board of Directors of Civil Aviation and/or the Director General of Civil Aviation, as required by law, constitute the Aircraft Accident and Incident Standards of the Republic of Sudan.

Dr. Mohamed Elmukhtar Hassan
Minister of Cabinet Affairs
Khartoum, 20 October 2011





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**THE REPUBLIC OF SUDAN
SUDAN CIVIL AVIATION AUTHORITY
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**Sudan Civil Aviation Regulation
SUCAR PART 13
Aircraft Accident and Incident Investigation**

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Dr. Mohamed Elmukhtar Hassan
Minister of Cabinet Affairs
Khartoum, 20 October 2011



The Republic of Sudan Sudan Civil Aviation Regulations (SUCARs)

FOREWORD

1. Legal Background

Pursuant to Article 33 of the Civil Aviation Act, 2010 regarding the empowerment of the Board of Directors of Civil Aviation to issue and amend Sudan Civil Aviation Regulations (SUCAR) for the approval of the Competent Minister, Sudan Civil Aviation Safety Regulations are issued to ensure compliance with the Convention on International Civil Aviation, signed in Chicago on 7 December 1944 (Chicago Convention) to which the State of Sudan is a Party. The Convention, through its Annexes, provides for the minimum standards to ensure the safety of civil aviation activities and environmental protection throughout the application and implementation of common standards and technical requirements. Sudan Civil Aviation Regulations provide an appropriate and comprehensive framework for the definition and implementation of common technical requirements and administrative procedures in the field of civil aviation. Standards and Recommended Practices (SARPs) contained in ICAO Annexes as well as the technical information in its related publications form a main source in the making of Sudan Civil Aviation Regulations and therefore represent an acceptable guidance in the areas that are not covered by Sudan Civil Aviation Regulations.

- a) An aircraft, other than an aircraft registered in the State of Sudan, shall not fly over or land in the territories of the State of Sudan except under an authorization granted by the Civil Aviation Authority (CAA) on behalf of the Government of the State of Sudan.
- b) An aircraft other than an aircraft registered in the State of Sudan shall not take on-board or discharge any passengers or cargo at any location within the territories of the State of Sudan, being passengers or cargo carried or to be carried for hire or reward, without the permission of the CAA granted for the aircraft in accordance with any conditions and limitations to which such permission may be subjected.
- c) An aircraft shall not fly over or land in the territory of the State of Sudan unless it is registered in:
 - i. The State of Sudan; or
 - ii. An ICAO Contracting State; or
 - iii. Any other State where an agreement/arrangement between the State of Sudan and that State making provisions for over-flight or landing in the territory of the State of Sudan.
- d) In accordance with the provisions of **SUCAR Part 7**, an aircraft registered in the State of Sudan shall comply with the Sudan Civil Aviation Regulations.
- e) An Aircraft, registered outside the State of Sudan shall comply with the Sudan Civil Aviation Regulations while operating to/from or within the territories of the State of Sudan wherever is applicable.
- f) An aircraft registered in the State of Sudan should comply with the regulations of other States that it is overflying wherever is applicable.
- g) Sudan CAA accepts the codes of the Type Certification Authority of the State of Manufacturer and/or Design, for the purpose of issuing or Revalidation of Airworthiness



- Certificates, Airworthiness Directives (ADs), Minimum Equipment List (MEL), and all other related issues in that respect. The Sudan Civil Aviation Authority may impose additional requirements.
- h) Any difference that may exist between SUCAR requirements and corresponding ICAO Annex SARPs. Significant differences shall be published in the National AIP. The procedure for amending the SUCARs and filing of differences with ICAO are contained in paragraph 4 below and detailed information is found in the CAA Rule Making Manual.
- i) An effort has been made for SUCAR requirements to be fully compliant with corresponding ICAO Annexes; however, where an aviation activity for which a SUCAR regulation has not been promulgated is undertaken in the Sudan, the relevant Annex provisions shall be applicable until it is addressed in an amendment of the SUCAR.” Applicability date for SUCARs by users is set at six months after they have been promulgated (30 September 2011).

2. Layout of the SUCAR Document

Sudan Civil Aviation Regulations cover all aspects of aviation activities in the State of Sudan and comprise of the following parts;

Part 0	SUCAR Index
Part 1	Personnel Licensing
Part 2	Rules of the Air
Part 3	Meteorological Service for International Air Navigation
Part 4	Aeronautical Charts
Part 5	Units of Measurement
Part 6	Operation of Aircraft
	<i>Note: Designated as Volumes of SUCAR Part 6 in general; Standards contained in ANR Parts VII, Part VIII, Volumes 2, 3, 4, 5, 7 and ANR Part X, as amended, have been directly adopted as Volumes of SUCAR Part 6.</i>
Part 7	Aircraft Registration or Cancellation
Part 8	Airworthiness of Aircraft and Continuing Airworthiness
	<i>Note: Designated as Volumes of SUCAR Part 8 in general; Standards contained in ANR Parts III, IV, V, VI, and VIII, as amended, have been directly adopted as Volumes of SUCAR Part 8.</i>
Part 9	RESERVED (Facilitation)
Part 10	Aeronautical Telecommunications
Part 11	Air Traffic Services
Part 12	Search and Rescue
Part 13	Aircraft Accident and Incident Investigation
Part 14	Aerodromes
Part 15	Aeronautical Information Services
Part 16	Environmental Protection
Part 17	Aviation Security
Part 18	The Safe Transportation of Dangerous Goods by Air



Each Part of SUCAR, but not necessarily all, is composed of :

- a) An introduction;
- b) Text;
- c) Definitions;
- d) Notes;
- e) Tables and figures;
- f) Appendices; and
- g) Attachments.

3 Rules of construction

In the Parts of these Regulations, unless the context requires otherwise:

1. Words importing the singular include the plural
2. Words importing the plural include the singular, and
3. Words importing the masculine gender include the feminine.
4. “Shall” is used in an imperative sense.
5. “May /should” is used in a permissive sense to state authority or permission to do the act prescribed, and the words “no person may....” Or “a person may not” means that no person is required, authorized or permitted to do the act prescribed, and
6. The word “Includes” means includes but is not limited to.
7. The word “Show” and its derivatives in these regulations have the exact intent as shown in the dictionary.

4 Amendment Rationale and Procedures

The existing Sudan Civil Aviation Regulations will from time to time be amended to reflect the latest updates of ICAO Standards and Recommended Practices (SARPs); it will also be amended to reflect the latest up to date aviation safety related matters detected by the Civil Aviation Authority, the aviation industry service providers or operators, and individuals and authorization holders; amendment may also be generated to ensure safety standardization and to accommodate new initiatives or technologies. The amendment procedure shall be as follows;

1. When the Civil Aviation Authority (CAA) receives an amendment to any of the current ICAO Annexes, the same will be routed by the Office of the Director General of Civil Aviation to the Standard and Safety Surveillance Committee (SSSC) which in turn will provide a copy to the concerned Directorate for their study and comments within a specified period of time and route the same back to the SSSC for final study and release.
2. When any of the different CAA Directorates requires a change to the applicable SUCAR parts, it will send a letter stating the required change along with its justified reasons for such change where it will then be studied and decided upon by the SSSC.
3. Any of the above mentioned change requests would then be prepared in draft form and sent to the concerned Directorate for further study and comments within a specified period of time.
4. All suggested changes will be drafted in the form of notices of proposed amendments and addressed to all concerned including industry representatives for comments prior to final release.



5. Any differences between the new regulations and ICAO standards and recommended practices will be reported and recorded as differences to ICAO and reflected in the Aeronautical Information Publications (**AIP**).
 6. Entry into force time frame for any new regulations will be the responsibility of the **SSSC**. The **SSSC** will also be responsible for coordinating the identification of differences from corresponding ICAO Annexes in coordination with the concerned Directorates.
 7. The Office of the Director General is responsible for filing differences with ICAO as soon as new regulations or amendments thereto have been promulgated.
 8. All concerned parties will be given a copy of the new amendment and will be requested to update their copy of the regulations including their list of effective pages.
 9. Approved amendments or corrigenda of SUCAR or part(s) thereof will be disseminated to the industry through hardcopies (news release circulars directives and other) and softcopies (online or database, Internet address, CD-ROM and other).
 10. It is the responsibility of all concerned parties to keep their copy of the regulations up to date.
 11. Where applicable, regulations contained in the Air Navigation Regulations (ANRs) that have not been revoked may be enforced should the need arise.
 12. The State may release no regulation prior to the formal approval of the Competent Minister as determined in Civil Aviation Act 2010 or the Director General of Civil Aviation on delegation by the Competent Minister.
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**SUCAR 13****AIRCRAFT ACCIDENTS AND INCIDENTS INVESTIGATION****CHAPTER 1****ARTICLE 1*****Title***

The Competent Minister, pursuant to Article 33 of the Civil Aviation Act, 2010 has approved these Investigation of Aircraft Accidents and Incidents Regulations, (SUCAR 13) which prescribe the manner of exercising and carrying out the powers, duties and functions under the Law, and the standards that the aviation transportation system needs to achieve compliance with the provisions of the Law.

This regulation may be cited as SUCAR 13 – The Aircraft Accident and Incident Regulations 2011 and shall come into effect on the date of approval by the Competent Minister.

ARTICLE 2***Competent Authority***

The Competent Minister responsible for Civil Aviation in the Republic of Sudan is vested by the Government of the Republic of Sudan as the Competent Authority for the approval and promulgation of Regulations pertaining to aircraft accident and incident investigation.

The AAICD is authorized by the Competent Minister to develop the required Regulations and present it for approval and promulgation of the Competent Minister through the Board of Directors of Civil Aviation.



CHAPTER 2

ARTICLE 3

Definitions

For the purpose of implementing the provisions of these Regulations, and unless otherwise specifically stated, the terms and phrases used in this document shall have the following meanings:

1. **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:
 - a) 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
 - b) 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), 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
 - c) the aircraft is missing or completely inaccessible.
2. **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. Where the State has established an accident investigation authority, the designated accredited representative would normally be from that authority.
3. **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.
4. **Aerodrome/airport operator:** A person, organization or enterprise engaged in the operation of an aerodrome/airport.
5. **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. This comprises fixed-wing and variable-wing aeroplanes, helicopters, as well as balloons and the like, when used for civil purposes.
6. **Air traffic services unit:** A generic term encompassing Rescue Coordination Centre, Area Control Centre, Approach/Departure Control or Aerodrome Control Tower.
7. **Air operator:** A person, organization or enterprise engaged in or offering to engage in an aircraft operation.
8. **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.
9. **Communication record:** The whole or any part of any record, recording, copy, transcript or substantial summary of any type of communications in respect of air traffic control or



- related matters that take place between any of the following persons: air traffic controllers, aircraft crew members, airport vehicle operators, flight service station specialists and persons who relay messages respecting air traffic control or related matters.
10. **Competent Minister:** The Minister appointed by the President of the Republic of Sudan as responsible for civil aviation in the State.
 11. **Collision:** An impact, other than an impact associated with normal operating circumstances, between aircraft, or between an aircraft and another object.
 12. **Crew member:** A person assigned to duty by an operator on an aircraft during flight time.
 13. **Department:** A government department of Sudan.
 14. **Director:** The Director of the Aircraft Accident and Incident Investigation Central Directorate (AAICD).
 15. **Directorate:** The Aircraft Accident Investigation Central Directorate (AAICD).
 16. **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.
 17. **Draft report:** Draft investigation report that is sent in confidence to Ministers, State accredited representatives, and any other persons who in the opinion of the Directorate have a direct interest in the findings of the investigation, inviting their comments on the report.
 18. **Flight Crew Member:** A licensed crew member charged with duties essential to the operation of an aircraft during flight time.
 19. **Flight recorder:** Any type of recorder installed in the aircraft for the purpose of complementing accident/incident investigation.
 20. **Incident:** An occurrence or situation, other than an accident or serious incident, associated with the operation of an aircraft, which affects or could affect the safety of operation. An incident may involve (but is not limited to):
 - a) unauthorised aircraft or vehicle incursions on runways, taxiways and ramp areas;
 - b) aircraft and vehicle collisions or risk of collision not involving the operation of an aircraft;
 - c) the transport of dangerous goods;
 - d) the carriage of important persons;
 - e) serious maintenance event and/or failure;
 - f) serious weather phenomenon;
 - g) breaches of security;
 - h) passenger offences affecting safety; and
 - i) any other factor affecting or derogating safety.
 21. **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.
 22. **Investigator:** A person designated by the Directorate to conduct its investigations.
 23. **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.
 24. **In operation:** The operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all persons have disembarked.
 25. **Law:** The Civil Aviation Act 2010 and the Civil Aviation Safety Act 2010 of the Republic of Sudan.
 26. **Loss of separation:** A situation where the distance separating two aircraft is less than the minimum established in the Air Traffic Services requirements.
 27. **Maximum mass:** Maximum certificated take-off mass.
 28. **Observer:** A representative of an involved government department who is authorized by the Directorate to attend a Directorate investigation as an observer, or a Directorate investigator authorized to attend an investigation conducted by another department.
 29. **Occurrence:** An accident, serious incident or incident, or any situation associated with the



- operation of an aircraft, or any situation or condition that the Directorate has reasonable grounds to believe could, if left unattended, induce an accident, serious incident, incident or unsafe situation.
30. **On-board recording:** The whole or any part of a recording made using recording equipment that is intended not to be controlled by the operating personnel on the flight deck of the aircraft and includes a transcript or substantial summary of such a recording such as:
- a) Recording of voice communications originating from, or received on or in the flight deck of an aircraft; and
 - b) Video recording of the activities of the operating personnel of an aircraft.
31. **Operator:** A person, organization or enterprise engaged in or offering to engage in an aircraft operation.
32. **Owner:** Owner of an aircraft involved in an accident, serious incident or incident.
33. **Participant:** A person authorized by the Directorate to participate in an investigation being conducted by the Directorate because in the opinion of the Directorate that person has a direct interest in the subject matter of the investigation and has the expertise to contribute to achieving the Directorate's objective.
34. **Pilot-in-command:** The pilot responsible for the operation and safety of the aircraft during flight time.
35. **Preliminary report:** The communication used for the prompt dissemination of data obtained during the early stages of the investigation.
36. **Regulations:** SUCAR 13 – Aircraft Accident and Incident Investigation Regulations enabled by the Civil Aviation Act 2010.
37. **Risk of collision:** A situation where an aircraft comes so close to being involved in a collision that a threat to the safety of any person, property or the environment exists.
38. **Safety recommendation:** A proposal of the 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.
39. **Serious incident:** An incident involving circumstances indicating that there was a high probability of an accident 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: Attachment C to ICAO Annex 13 lists typical examples of incidents that are likely to be serious incidents. The list is not exhaustive and only serves as guidance to the definition of serious incident.*
40. **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;
 - b) results in a fracture of any bone (except simple fractures of fingers, toes or nose);
 - c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage;
 - d) involves injury to any internal organ;
 - 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.
41. **State:** A contracting State of the International Civil Aviation Organization.
42. **State of Design:** The State having jurisdiction over the organization responsible for the type design.
43. **State of Manufacture:** The State having jurisdiction over the organization responsible for



- the final assembly of the aircraft.
44. **State of Occurrence:** The State in the territory of which an accident or incident occurs.
45. **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.
46. **State of Registry:** The State on whose register the aircraft is entered.
47. **State Safety Programme:** An integrated set of regulations and activities aimed at improving safety.
48. **Statement:** The whole or any part of an oral, written or recorded statement relating to an accident or incident given by the author of the statement to the Directorate; a transcription or substantial summary of a such as statement.
49. **Substantial damage:** Damage or failure which adversely affects the structural strength, performance or flight characteristics of the aircraft and which would normally require major repair or replacement of the affected component. For the purposes of these Regulations, the following conditions are not considered "substantial damage":
- a) for multiengine aircraft: engine failure or damage limited to an engine if only one engine fails or is damaged;
 - b) bent fairings or cowling, dented skin, small punctured holes in the skin or fabric;
 - c) ground damage to rotor or propeller blades; and
 - d) damage to landing gear, wheels, tires, flaps, engine accessories, brakes or wing tips.
50. **Sudanese aircraft:** An aircraft that is registered in Sudan.
51. **Sudanese operator:** An operator whose principal place of business is located in Sudan, or if there is no such place of business, an operator whose permanent residence is in Sudan.



CHAPTER 3

ARTICLE 4

Applicability

The provisions of these Regulations apply in respect of:

- a) Civil aviation in the territory of the Republic of Sudan;
- b) Civil aircraft registered in the Republic of Sudan, wherever they may be, subject to the laws of any foreign State in which they may be operating;
- c) Civil airports in the Republic of Sudan, including all technical activities such as air traffic services and the installation, operation and maintenance of communication equipment, radio equipment, navigation aids, meteorology; and
- d) Air transport in general.

In this SUCAR the specifications concerning the State of the Operator apply only when an aircraft is leased, chartered or interchanged and when that State is not the State of Registry and if it discharges, in respect of this Annex, in part or in whole, the functions and obligations of the State of Registry.

ARTICLE 5

Purpose

The sole objective of the investigation of an accident or incident under this Regulation shall be the prevention of accidents and incidents. It shall not be the purpose of such an investigation to apportion blame or liability.

ARTICLE 6

Independence to Conduct Investigations

The AAICD shall have independence in the conduct of the investigation and unrestricted authority over its conduct, consistent with the provisions in ICAO Annex 13. The investigation shall normally include:

- a) The gathering, recording and analysis of all relevant information on the accident or incident;
- b) If appropriate, the issuance of safety recommendations;
- c) If possible, the determination of the causes and/or contributing factors; and
- d) The completion of the final report.

ARTICLE 7

Mandatory Reporting of Accident and Incidents

Where an aviation accident or serious incident takes place, the owner, operator, pilot-in-command, any crew member of the aircraft, manager of the airport (or airstrip) and, where the accident or serious incident involves a loss of separation or a risk of collision or collision, the operator of the air traffic unit or any air traffic controller having direct



knowledge of the accident or incident shall report to the Directorate as soon as possible and by the quickest means available.

Where any person required to do so makes a report to the Directorate, no other person referred to in this Article is required to make a report.

ARTICLE 8

Reporting of Incidents

Where an incident, other than a serious incident, takes place, the owner, operator, pilot-in-command, any crew member of the aircraft, manager of the airport (or airstrip) and, where the accident or serious incident involves a loss of separation, the operator of the air traffic services unit or any air traffic controller having direct knowledge of the incident shall report to the Directorate in a form approved by the Directorate, by submitting the information required by Article 9 to the Directorate within 72 hours after such an incident.

The AAICD may issue more detailed regulations on the reporting of incidents within a mandatory occurrence-reporting scheme.

ARTICLE 9

Contents of the Accident/Incident Notification

The notification required by Article 7 regarding an aviation accident or serious incident shall have as much of the following information as possible:

- a) the type, model, nationality and registration marks, and serial number of the aircraft;
- b) the names of the owner, operator and, where applicable, the hirer of the aircraft;
- c) the qualification of the pilot-in-command; nationality of crew and passengers;
- d) the date and time of the accident or serious incident;
- e) the last point of departure and the point of intended landing of the aircraft, including the date and time of the departure;
- f) the location of the accident or incident by reference to an easily defined geographical point, and latitude and longitude;
- g) the number of crew members, passengers and other persons that were killed or sustained a serious injury;
- h) a description of the accident or serious incident and the extent of any resulting damage to the aircraft, environment and other property;
- i) the presence and description of any dangerous goods on board or released from the aircraft;
- j) where the aircraft is missing or inaccessible:
- (i) the last known position of the aircraft by reference to an easily defined geographical point, or by latitude and longitude, including the date and time of that position,
- (ii) the number of crew members and passengers on board the aircraft,
- (iii) a description of any dangerous goods carried on board the aircraft,
- (iv) the action being taken to locate, or gain access to, the aircraft; and
- k) the name, address and contact information of the person making the report.

ARTICLE 10

Statements of Crewmembers

As soon as possible after the accident or serious incident, each crew member shall forward to the Directorate a statement setting forth the facts, conditions and circumstances relating to the accident or serious incident as they appear to the crew member.



If the crew member is incapacitated, the crew member shall submit the statement as soon as the crew member is physically able to do so.

ARTICLE 11

Submission of Information

In addition to the initial reporting requirements set out in Article 7 of these Regulations, the person making the report shall, in a form approved by the Directorate, submit the information required by Article 9 to the Directorate within 72 hours after the accident or serious incident.

The Directorate may exempt a person from submitting the information referred to in this Article where the Directorate has gathered the information through its own investigation of the accident or serious incident.

ARTICLE 12

Voluntary Reporting

Any person having knowledge of any accident, serious incident, incident or special situation associated with the operation of an aircraft may voluntarily report to the Directorate any information that the person believes is relevant.

ARTICLE 13

Release of Identity

Where a report is made to the Directorate, other than a report concerning a reportable accident or serious incident, no person shall release the identity of the person making the report or any information that could reasonably be expected to reveal that person's identity, unless the person making the report authorizes, in writing, its release.

ARTICLE 14

Action to be Taken in Response to a Notifications

Where an accident or serious incident occurs in Sudan involving a civil aircraft, the AAICD shall initiate the following actions:

- a) With the least possible delay and by the quickest means of communication available, forward a notification of the accident or serious incident containing as much of the information referred to in Article 9 as may be available to:
 - (i) a contracting State that is the State of Registry, State of the Operator, State of Design and State of Manufacture of the aircraft involved; and
 - (ii) if the aircraft is of a maximum certificated take-off mass of more than 2,250 kg, the International Civil Aviation Organization (ICAO);
- b) Inform the States referred to in sub-paragraph a) (i) either in the communication forwarding the notification or as soon as practicable:
 - (i) as to whether and, if so, the extent to which an investigation will be conducted or is proposed to be delegated to another contracting State; and
 - (ii) as to the means by which the AAICD and the investigator-in-charge may be contacted; and
- c) As soon as it is practicable to do so, provide the States referred to in sub-paragraph a) (i) with any other information referred to in Article 9 which becomes subsequently available to the AAICD and any other known relevant information pertaining to the accident or serious incident.

ARTICLE 15

Accidents or Incidents Occurring Outside of Sudan



Upon receipt of a notification of an accident or a serious incident, which occurs outside Sudan involving a Sudanese aircraft or an aircraft operated by a Sudanese operator, the AAICD shall initiate the following actions:

- a) Acknowledge receipt of the notification;
- b) Where the State of Occurrence, the State of Registry or State of the Operator, which is investigating the accident or serious incident is a contracting State, provide the State with the following information with the least possible delay:
 - (i) Any relevant information the AAICD has regarding the aircraft and flight crew involved in the accident or serious incident; and
 - (ii) If Sudan is the State of the Operator, details of any dangerous goods on board the aircraft;
- c) Inform the State referred to in sub-paragraph b):
 - (i) Whether the AAICD intends to appoint or has appointed an accredited representative; and
 - (ii) if such accredited representative will be or has been appointed and will be travelling to the State in which the investigation is being carried out, the contact details and expected date of arrival of the accredited representative in the involved State.
- d) However, when the State of Occurrence is not aware of a serious incident involving a Sudanese aircraft or an aircraft operated by a Sudanese operator, forward a notification of the serious incident to the State of Occurrence, State of Design and State of Manufacture, and if the aircraft is of a maximum certificated takeoff mass of more than 2,250 kg, the International Civil Aviation Organization (ICAO).
- e) Subject to Articles 21 b) and d), the AAICD shall forward with the least possible delay and by the quickest means of communication available a notification of an accident or serious incident containing as much of information referred to in Article 9 as may be available to:
 - (i) A contracting State that is the State of the Operator, State of Design and State of Manufacture; and
 - (ii) If the aircraft is of a maximum certificated takeoff mass of more than 2,250 kg, the International Civil Aviation Organization (ICAO).



CHAPTER 4

ARTICLE 16

Preservation of Evidence

Where a reportable accident or serious incident takes place, the police, local authorities, manager of the airport (or airstrip), the owner, operator, pilot-in-command and any crew member shall, to the extent possible and until otherwise instructed by the Directorate, preserve and protect all evidence relevant to the reportable accident or serious incident, including evidence contained in documents as defined by Law.

The content of this Article shall not be construed as preventing any person from taking necessary measures to ensure the safety of any person, property or the environment.

Where any person required to do so preserves and protects evidence relevant to the reportable accident or serious incident, no other person referred to in that sub-section is required to preserve or protect that evidence.

Should the aircraft be wrecked on water, the aircraft or any of its contents may be removed to such extent as may be necessary for bringing them to a place of safety.

ARTICLE 17

Recording of Evidence

Where evidence relevant to a reportable accident or serious incident has to be interfered with pursuant to Article 16, the person directing, supervising or arranging the interference shall, to the extent possible in the circumstances and prior to the interference, record the evidence by the best means available, such as sketches, descriptive notes and photographs of the original position and condition of the wreckage and any significant impact marks.

ARTICLE 18

Removal of Damaged Aircraft

With due regard to Article 16, where an accident or a serious incident occurs in Sudan:

- a) No person other than the AAICD investigator-in-charge, AAICD investigators and persons authorized by the AAICD shall have access to the aircraft involved in the accident or serious incident, the contents thereof and the site of the accident or serious incident; and
- b) No person shall move or interfere with the aircraft, its contents or the site of the accident or serious incident except under the authority of the AAICD or the investigator-in-charge.

ARTICLE 19

Removal of Goods from Damaged Aircraft

Where the AAICD or the investigator-in-charge has authorized any person to remove any goods or passenger baggage from the aircraft, or to release any goods or passenger baggage from the custody of the AAICD or the investigator-in-charge, the person may:

- a) Remove the goods or passenger baggage from the aircraft subject to the supervision of a police officer; and
- b) Release the goods or passenger baggage from the custody of the AAICD or the investigator-in-charge subject to clearance by or with the consent of an officer of customs, if the aircraft has come from a place outside Sudan.

**ARTICLE 20*****Removal of Damaged Aircraft Constituting Danger or Obstruction***

Where the AAICD or the investigator-in-charge is of the opinion that the aircraft involved in the accident or serious incident is likely to be a danger or obstruction to the public, air navigation or other transport, the AAICD may order the owner, operator or hirer of the aircraft to remove it to such a place as the AAICD or the investigator-in-charge shall indicate.

In the absence of the owner, operator or hirer, or in the event of non-compliance with the regulation above, the AAICD or the investigator-in-charge shall be empowered to remove or cause the removal of the aircraft.

The expenses incurred in removing the aircraft shall be borne by the owner, operator or hirer of the aircraft, and where the aircraft is removed by the AAICD or the investigator-in-charge shall be recoverable from the owner, operator or hirer, or all of them.



CHAPTER 5

ARTICLE 21

Obligation to Investigate

Pursuant to relevant Articles contained in the Civil Aviation Act 2010 and the Civil Aviation Safety Act 2010, the AAICD shall initiate an investigation to be carried out into an accident or serious incident in the following circumstances:

- a) Where the accident or serious incident occurs in Sudan;
- b) Where the accident or serious incident occurs in any non-contracting State which does not intend to carry out an investigation of the accident in accordance with ICAO Annex 13 and involves a Sudanese aircraft or an aircraft operated by a Sudanese operator;
- c) Where the accident or serious incident involves a Sudanese aircraft or an aircraft operated by a Sudanese operator and the investigation has been delegated to Sudan by another Contracting State by mutual arrangement and consent; or
- d) Where the accident or serious incident occurs in a location, which cannot be definitely established as being in the territory of any State and involves a Sudanese aircraft.

The AAICD may, when it expects to draw safety lessons from an investigation, initiate an investigation to be carried out into an incident, which occurs:

- a) In Sudan; or
- b) Outside Sudan involving a Sudanese aircraft or an aircraft operated by a Sudanese operator.

In the case of an accident in international waters nearest to the territories of the State, Sudan shall provide such assistance as may be required within its ability to do so and also respond to requests of assistance by the State of Registry.

ARTICLE 22

Designation of Investigator-in-Charge

The Competent Minister, in consultation with the Director of AAICD, and as may be applicable with the Director General of the CAA, shall designate the investigator-in-charge of the investigation and initiate the investigation immediately.

Without prejudice to the power of an investigator-in-charge to seek such advice or assistance as he may consider necessary in carrying out an investigation, the Competent Minister may appoint any person or persons as investigator(s), advisers or observers to assist an investigator-in-charge in an investigation carried out under this Regulation. The Competent Minister may wish to delegate the appointment of investigator(s), advisers or observers. To the Director of the AAICD

In any case where the AAICD considers that more than one investigator is required to carry out an investigation, the AAICD, in consultation with the Competent Minister may designate one or more investigators, one of whom shall be designated deputy investigator-in-charge, to assist the investigator-in-charge.

ARTICLE 23

Delegation of the Investigation

The Competent Minister in consultation with the AAICD may delegate the conduct of an investigation into an accident or a serious incident to another contracting State by mutual arrangement and consent.



Where the Competent Minister delegates the conduct of an investigation, the AAICD shall facilitate and assist in the investigation carried out by the contracting State to which the conduct of the investigation was delegated.

ARTICLE 24
Public Notice

Where the AAICD is of the opinion that it would be desirable for a public notice to be given that an investigation is being initiated, the AAICD may do so in such manner as it sees fit.

The notice may, when the AAICD considers it appropriate, state that any person who desires to make representations concerning the circumstances or causes of the accident or incident may do so in writing within a time to be specified in the notice.



CHAPTER 6

ARTICLE 25

Powers of Investigators

Pursuant to relevant Articles of the CAA Act 2010 and CAA Safety Act 2010, for the purpose of enabling the AAICD investigator-in-charge and the AAICD investigators to carry out an investigation into an accident or incident in an efficient way and within the shortest time possible, an AAICD investigator-in-charge and AAICD investigators shall have the access rights and powers specified in the Acts where the whole or any part of the investigation is carried out in Sudan.

The investigator-in-charge shall have:

- a) Free and unhampered access to the site of the accident or incident, as well as to the aircraft, its contents or its wreckage;
- b) Immediate and unrestricted access to and use of the contents of the flight recorders, air traffic services (ATS) records and any other recordings;
- c) Access to and be provided with the results of examination of the bodies of victims or of tests made on samples taken from the bodies of the victims;
- d) Immediate access to and be provided with the results of examinations of the persons involved in the operation of the aircraft or of tests made on samples taken from such persons; and
- e) Free access to any relevant information or records held by the owner, the operator, the operator's maintenance contractors and sub-contractors, the hirer, the designer and the manufacturer of the aircraft and by the authorities for civil aviation or airport operation or air traffic services.

ARTICLE 26

Powers of the Investigator-in-Charge

The investigator-in-charge may:

- a) By summons under his hand:
 - (i) Call before him and examine any person as he thinks necessary;
 - (ii) Require any such person to answer any question or furnish any information or produce any books, papers, documents and articles which he may consider relevant; and
 - (iii) Make copies of and retain any such books, papers, documents and articles until the completion of the investigation;
- b) Take statements from all such persons as he thinks necessary and require any such person to make and sign a declaration of the truth of the statement made by him;
- c) On production, if required, of his credentials, enter and inspect any place, building or aircraft where the entry or inspection appears to him to be necessary for the purposes of the investigation;
- d) On production, if required, of his credentials, remove, test, take measures for the preservation of or otherwise deal with any aircraft other than an aircraft involved in the accident or incident where it appears to him to be necessary for the purposes of the investigation;
 - e) Take possession of, examine, remove, test or take measures for the preservation of any object or evidence as he considers necessary for the purposes of the investigation;



- f) Require an immediate listing of evidence and removal of debris or components for examination or analysis purposes;
- g) Require the readout of the flight recorders;
- h) In the case of a fatal accident, require a complete autopsy examination of fatally injured flight crew and, when necessary, passengers and cabin crew by a pathologist, and if a pathologist experienced in the investigation of aircraft accidents is available, by such pathologist;
- i) Where appropriate, require the medical and toxicological examination of the crew, passengers and aviation personnel involved in the accident or incident by a medical practitioner, and if a medical practitioner experienced in the investigation of aircraft accidents is available, by such medical practitioner;
- j) Require the crew, passengers and aviation personnel involved in the accident or incident to undergo other tests (including a breathalyzer test) as he considers necessary for the purposes of the investigation; and
- k) Seek such advice or assistance, as he considers necessary for the purposes of the investigation.

ARTICLE 27

Exercising the Rights and Powers of an Investigator-in-Charge

The following persons may, where the whole or any part of the investigation is carried out in Sudan, exercise the rights and powers of an investigator-in-charge specified in Articles 25 and 26:

- a) The deputy investigator-in-charge and any investigator designated by the AAICD to assist the investigator-in-charge in the investigation; and
- b) Any expert or adviser appointed by the AAICD to assist the investigator-in-charge in the investigation, but only to the extent specified by the AAICD.

**CHAPTER 7****ARTICLE 28*****Expenses***

Every person summoned, as a witness in the investigation shall be allowed such expenses as the AAICD may, from time to time, determine.

Any expenses incurred by reason of actions undertaken by the investigator-in-charge, or the persons authorized to exercise any rights or powers referred to in Article 27 for the purposes of the investigation, shall be borne by the State.

Without prejudice to the generality of Article 26 k), the investigator-in-charge may request another contracting State to provide such information, facilities or experts as he may consider necessary for the purposes of an investigation.



CHAPTER 8

ARTICLE 29

Form and Conduct of Investigations

The extent of the investigation and the procedure to be followed in carrying out the investigations shall be determined by the AAICD, taking into account:

- a) The purpose of the investigation set out in Articles 5 and 6;
- b) The principles and objectives of ICAO Annex 13; and
- c) The lessons the AAICD expects to draw from the investigation for the improvement of safety.

ARTICLE 30

Separation of Investigation from Judicial Proceedings

Any investigation conducted in accordance with this Regulation shall be separate from any judicial or administrative proceedings to apportion blame or liability.

ARTICLE 31

Public Participation in the Conduct of Investigation

Any investigation conducted in accordance with this Regulation shall not be open to the public. In accordance with Article 53, the AAICD shall cause the final report of an investigation into an accident or incident to be made public.



CHAPTER 9

ARTICLE 32

Accredited Representatives and Advisers of Contracting States

Where an investigation into an accident or a serious incident is being carried out by the AAICD under this Regulation, each of the following States that is a contracting State shall be entitled to appoint an accredited representative to participate in the investigation and one or more advisers to assist the accredited representative:

- a) The State of Registry;
- b) The State of the Operator;
- c) The State of Manufacture;
- d) The State of Design; and
- e) Any State, which has, on request, provided information, facilities or experts to the investigator-in-charge in connection with the investigation.

ARTICLE 33

Participation of an Accredited Representative

An accredited representative shall be entitled to participate in all aspects of an investigation under the control of the investigator-in-charge and shall be entitled, in particular to:

- a) visit the scene of the accident;
- b) examine the wreckage;
- c) obtain witness information and suggest areas for questioning witnesses;
- d) have full access to all relevant evidence as soon as possible;
- e) receive copies of all pertinent documents;
- f) participate in readouts of recorded media;
- g) participate in off-scene investigative activities such as component examinations, technical briefings, tests and simulations;
- h) participate in investigation progress meetings, including deliberations related to analysis, findings, causes and safety recommendations; and
- i) make submissions in respect of various aspects of the investigation.

ARTICLE 34

Entitlements of an Advisor

An adviser assisting an accredited representative shall be entitled to participate in the investigation under the accredited representative's supervision and to the extent necessary to make the accredited representative's participation effective. The accredited representative, his adviser and the expert appointed under Article 36 shall:

- a) provide the investigator-in-charge with all relevant information available to them; and
- b) not disclose any information on the progress and findings of the investigation without the express consent in writing of the AAICD or the investigator-in-charge.

ARTICLE 35

Limitations on Participations

Notwithstanding Article 33, the participation of the accredited representative of a contracting State 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 in respect of which the



State has, on request, provided information, facilities or experts to the investigator-in-charge in connection with the investigation.

ARTICLE 36

Entitlement to Appoint a Representative by Interested States

A Contracting State which has a special interest in an accident by virtue of fatalities or serious injuries to its citizens shall be entitled to appoint an expert who shall be entitled to:

- a) visit the scene of the accident;
- b) have access to the relevant factual information which is approved for public release by the State conducting the investigation, and information on the progress of the investigation; and
- c) receive a copy of the final report.

This will not preclude the State (expert) from also assisting in the identification of victims and meeting with survivors from that State.

ARTICLE 37

Appointment of Sudanese Accredited Representative, Advisers and Experts

The AAICD may appoint an accredited representative to participate in the investigation into an accident or incident, which occurs in another contracting State and one or more advisers to assist the accredited representative in any of the following cases:

- a) where Sudan is the State of Registry, State of the Operator, State of Manufacture or State of Design of the aircraft involved in the accident or incident; or
- b) where Sudan has, at the request of the contracting State conducting the investigation, provided information, facilities or experts to the State in connection with the investigation.

ARTICLE 38

Participation of Sudanese Experts in Other Investigations

The AAICD may appoint an expert to participate in the investigation into an accident, which occurs in another Contracting State where Sudan has a special interest in the accident by virtue of fatalities or serious injuries to citizens of Sudan.

ARTICLE 39

Rights of Advisors Appointed by AAICD

The accredited representative and, to the extent specified by the AAICD, an adviser appointed by the AAICD under Article 37 may, for the purposes of the investigation in which they are participating, exercise all or any of the rights and powers of the investigator-in-charge in respect of any aircraft, records, information, documents, objects, witnesses or other evidence in Sudan or held by any person in Sudan which or whom the accredited representative or the adviser considers to be relevant or necessary to the investigation.

ARTICLE 40

Settlement of Expenses

Any expenses incurred by the accredited representative and the adviser by reason of their participation in an investigation under Article 37 or by reason of anything done during, in or incidental to the investigation by the accredited representative and the adviser in exercise of their rights and powers shall be borne by the State.



CHAPTER 10

ARTICLE 41

Observers/Participants

Where a person referred to in the applicable Articles of the Law attends as an observer or a participant at the investigation of an accident or incident conducted by the Directorate, the person may, subject to the conditions imposed by the Directorate and under the supervision of an AAICD investigator:

- a) attend at the location of the accident, incident or special situation;
- b) examine the aircraft involved in the accident, incident or special situation and its component parts and contents; and
- c) unless otherwise prohibited by law, examine any document as defined in Article 3 and any other relevant evidence, relating to:
 - (i) the transportation activity during which the accident, incident or special situation took place,
 - (ii) the crew members involved in the accident, incident or special situation,
 - (iii) the aircraft and its component parts and contents; and
 - (iv) attend laboratory tests or analyses.

(See Attachment A for the AAICD “Granting of Participant/Observer Status” form.)

ARTICLE 42

Rights and Privileges of Accredited Representatives

Where an accredited representative referred to in Article 37 of this SUCAR attends as a participant at an investigation of an accident or incident conducted by the Directorate, the person shall, unless otherwise prohibited by law, be granted the rights and privileges expressed in the Standards and Recommended Practices set out in ICAO Annex 13.

ARTICLE 43

Rights and Privileges of Observers/Participant

The rights and privileges granted to a participant or an observer shall not, unless otherwise authorized by the Directorate, include attendance at an interview of a witness during an investigation.

ARTICLE 44

Participation of Technical Experts

Where a person is invited to be present at a test pursuant to Articles 37 to 43 of this SUCAR, that person may:

- a) be represented by a person having technical knowledge and expertise in the subject matter of the test; and
- b) record or cause to be recorded the condition of the item being tested prior to, during and after the test.



CHAPTER 11

ARTICLE 45

Preservation of Records

Where the Directorate conducts an investigation into an accident, incident or special situation, the Directorate shall open and maintain a file relating to the investigation, which includes:

- a) the relevant evidence gathered during the investigation;
- b) any document as defined in this SUCAR and other approved documents; and
- c) records of comments received on the draft report.

ARTICLE 46

Preservation of the Investigation File

The Directorate shall preserve the investigation file referred to in Article 45 for a period of not less than 10 years after the date that the investigation report was made public by the Directorate.

ARTICLE 47

Release/Disposal of Wreckage/Property

Whereas the Directorate is the authority for the release or disposal of wreckage and other property seized or acquired, and for the return of any property taken or seized during an investigation, prior to releasing any such evidence the AAICD shall ascertain that the following conditions are met:

- a) All the reasonable examination, tests and analyses should be completed, and suitable documentation of the test and the findings results must be completed;
- b) Prior to releasing any wreckage and property, the owners of such evidence and any party having an interest in the wreckage must be consulted;
- c) When disposing of the wreckage, document all actions taken, particularly showing that the disposal was in accordance with these Regulations and good environmental practices, and that any hazardous materials were disposed of appropriately; and
- d) The release of wreckage and seized property is to be documented, indicating the property released by the Investigator-in-charge, with an acknowledgement by the owner or other responsible authority of receipt of this property.

ARTICLE 48

Retention of Wreckage and Evidence

The Directorate should retain wreckage and evidence until the release of the final report if any of the following conditions exist:

- a) When the pre-impact position, status or operation of an aircraft component or wreckage piece is likely to be a matter of controversy;
- b) When the components or pieces are assessed to have either failed prior to impact or otherwise involved in the circumstances leading up to the occurrence; and
- c) When political implications, public interest or other circumstances are such that either controversy or news coverage is likely.



CHAPTER 12

ARTICLE 49

Investigation Reports

No person shall circulate, publish, disclose or give access to any draft report, any part of its contents or any documents obtained during an investigation of an accident or incident which is carried out under this Regulation or carried out by another contracting State without the express consent of the AAICD and the investigator-in-charge or the State which conducted the investigation unless the report has already been published by the State concerned, as the case may be.

ARTICLE 50

Action Following the Completion of Investigation

The AAICD shall, as soon as possible after the completion of an investigation, do the following:

- a) Send a copy of the draft final report to the contracting State that instituted the investigation, the State of Registry, State of the Operator, State of Design, State of Manufacture and any contracting State that participated in the investigation, inviting their significant and substantiated comments on the draft final report;
- b) Send copies of the draft final report through the State of the Operator to the operator; and through the State of Design and State of Manufacture to the organizations responsible for the type design and the final assembly of the aircraft; inviting their significant and substantiated comments on the draft final report;
- c) If any such comments are received within 60 days of the date on which the draft final report was sent out, either amend the draft final report to include the substance of the comments received or, if desired by the contracting State that provided the comments, append the comments to the final report; and
- d) If no comments are received within 60 days of the date on which the draft final report was sent out and no extension of time has been agreed upon with the contracting State to whom it was sent, issue and send out the final report to the following:
 - (i) the contracting States referred to in Article 50a);
 - (ii) any Contracting State that has suffered fatalities or serious injuries to its citizens; and
 - (iii) where the accident involves an aircraft of a maximum certificated takeoff mass of more than 5'700 kg, the International Civil Aviation Organization;

ARTICLE 51

Final Report Statement

The final report of an investigation shall state the objective of the investigation as set out in Article 5 of the Investigation of Aircraft Accidents and Incidents Regulation.

ARTICLE 52

Approval of the Final Report

The Investigation Committee under the leadership of the Investigator-in-Chief, shall prepare its final report on the accident, its reasons and such circumstances underlying such accident and submit the report to the Director of the AAICD for his review. The Director of AAICD shall submit the final report to the Competent Minister through the Director General of Sudan Civil Aviation Authority before dissemination to any State under this Regulation.



ARTICLE 53
Publication of Final Reports

The AAICD shall cause the final report of an investigation into an accident or incident to be made public.

The report shall be made public:

- a) after the final report has been sent out to the contracting States under Article 50a);
- b) in the shortest time possible; and
- c) in such manner as the AAICD considers appropriate.



CHAPTER 13

ARTICLE 54

Safety Recommendations

The AAICD or the investigator-in-charge may, at any stage of an investigation carried out under this Regulation, recommend in a dated transmittal correspondence to the appropriate authorities, including those in other contracting States, any preventive action that the AAICD and the investigator-in-charge considers necessary to be taken promptly to enhance aviation safety.

ARTICLE 55

Addressing Safety Recommendations

When conducting investigations of accidents and incidents under this Regulation, the AAICD or the investigator-in-charge may address, when appropriate, any safety recommendation arising out of the investigation or from diverse sources including safety studies in a dated transmittal correspondence to the accident investigation authorities of the other contracting States concerned and, when International Civil Aviation Organization documents are involved, to the International Civil Aviation Organization.

When safety recommendations are addressed to an organization in another State, they shall also be transmitted to that State's investigation authority.

ARTICLE 56

Transmission of Dated Correspondence

The AAICD shall forward in a dated transmittal correspondence to such directly involved personnel, operator or authority in Sudan as the AAICD may determine appropriate:

- a) safety recommendations referred to in Article 54; and
- b) any recommendation of preventive action or safety recommendation forwarded to the AAICD by another contracting State.

ARTICLE 57

Preventive Action Taken by Organizations in Sudan

Any person, operator or authority in Sudan to whom a safety recommendation is communicated under Article 56 shall inform the AAICD, within 90 days of the date of the transmittal correspondence, of the preventive action taken or under consideration, or the reasons why no action will be taken.

ARTICLE 58

Preventive Action Taken by Foreign States and Organizations

Where a safety recommendation has been forwarded to the AAICD by another contracting State, the AAICD shall inform the proposing State, within 90 days of the date of the transmittal correspondence, of the preventive action taken or under consideration, or the reasons why no action will be taken.

ARTICLE 59

Recording Responses to Safety Recommendations

The AAICD shall implement procedures to record the responses to the safety recommendations issued.



Where the AAICD receives a safety recommendation from another contracting State, the AAICD shall implement procedures to monitor the progress of the action taken in response to that safety recommendation.

ARTICLE 60
Presumption of Blame or Liability

A safety recommendation shall, in no case, create a presumption of blame or liability for an accident or incident.

**CHAPTER 14****ARTICLE 61*****Re-opening of Investigations***

Pursuant to applicable Articles contained in CAA Act 2010, CAA Safety Act 2010 and this SUCAR, the AAICD shall cause an investigation carried out under this Regulation to be re-opened if evidence has been disclosed after the completion of the investigation, which in the opinion of the AAICD, is new and significant.

Where the investigation was instituted by another contracting State, the AAICD shall obtain the consent of that State before causing the investigation to be re-opened.

Any re-opened investigation shall be carried out in accordance with this Regulation.



CHAPTER 15

ARTICLE 62

Non-Disclosure of Records

Pursuant to applicable Articles contained in CAA Act 2010, CAA Safety Act 2010 and subject to Article 63 in this Regulation, the AAICD shall not disclose or make available any of the following records for any purpose other than an investigation carried out under this Regulation, unless the High Court determines that the benefits resulting from disclosure outweighs the adverse domestic and international impact the disclosure may have on that or any future investigation:

- a) All statements taken from persons by the AAICD in the course of an investigation;
- b) All communications between persons having been involved in the operation of the aircraft;
- c) Medical or private information regarding persons involved in the accident or incident;
- d) Cockpit voice recordings and transcript from such recordings;
- e) Recordings and transcriptions of recordings from air traffic control units;
- f) Cockpit airborne image recordings and any part of transcripts from such recordings; and
- g) Opinions expressed in the analysis of information, including flight recorder information.

ARTICLE 63

Inclusion of Records in the Final Report

A record referred to in Article 62 shall be included in a final report or its appendices, or in any other AAICD report, only when it is pertinent to the analysis of the accident or incident. Parts of the records, which are not relevant to the analysis of the accident or incident shall not be included in the final report.



CHAPTER 16

ARTICLE 64

Disposal of Aircraft Wreckage

Pursuant to applicable Articles contained in CAA Act 2010, CAA Safety Act 2010 if the retention of the aircraft involved in an accident or incident, parts of the aircraft or aircraft wreckage, or any contents of the aircraft are no longer necessary for the purposes of an investigation, the AAICD shall release custody of the aircraft, parts, wreckage or contents as follows:

- a) if the aircraft is a Sudanese aircraft:
 - (i) to the owner of the aircraft, parts, wreckage or contents;
 - (ii) where the owner is dead, his personal representative; or
 - (iii) a person authorized in writing by the owner or his personal representative to take custody on behalf of the owner or the owner's personal representative; and
- b) in any other case, to the owner, operator or persons designated by the State of Registry or the State of the Operator, as the case may be.

ARTICLE 65

Refusal to Take Custody of Wreckage

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 a reasonable period, the aircraft, parts, wreckage or contents may be disposed of in such manner as the AAICD considers fit.

ARTICLE 66

Expenses Related to the Removal of Wreckage

The expenses incurred by the AAICD in disposing of the aircraft, parts, wreckage or contents shall be recoverable from the owner or operator of the aircraft or both.



CHAPTER 17

ARTICLE 67

Assistance to the Victims of Aircraft Accidents and their Relatives

The Civil Aviation Authority, in cooperation with the AAICD, the police and appropriate national and local authorities, shall establish a civil aviation emergency plan. Such an emergency plan shall also cover assistance to the victims of civil aviation accidents and their relatives.

ARTICLE 68

Airlines' Plans for Assisting Victims of Accidents

The Civil Aviation Authority shall ensure that all airlines established in Sudan have a plan for the assistance to the victims of civil aviation accidents and their relatives. Those plans must take particular account of psychological support for victims of civil aviation accidents and their relatives and allow the airline to react to a major accident. The Civil Aviation Authority shall audit the assistance plans of airlines established in Sudan. The Civil Aviation Authority shall also encourage airlines from outside Sudan but operating into Sudan to similarly adopt a plan for the assistance of victims of civil aviation accidents and their relatives.

ARTICLE 69

Appointment of a Reference Person

When an accident occurs in Sudan, the AAICD shall provide for the appointment of a reference person as a point of contact and information for the victims and their families. Similarly, when an accident occurs outside Sudan to a Sudanese aircraft or Sudanese operator, or when a large number of Sudanese nationals were on board, the AAICD shall provide for the appointment of a reference person as a point of contact and information for the victims and their families.

**CHAPTER 18****ARTICLE 70*****Obstruction of Investigation***

No person or entity shall obstruct or impede an investigator or any person acting under the authority of the AAICD in the exercise of any rights, powers or duties under this Regulation.

ARTICLE 71***Complying with Summons to Assist the Investigation***

No person shall without reasonable excuse and after having had the expenses, if any, to which he is entitled tendered to him fail to comply with any summons of:

- a) an AAICD investigator carrying out an investigation under this Regulation; or
- b) any person empowered to exercise the powers of the investigator-in-charge.

The onus of proving reasonable excuse for failing to comply with a summons shall lie on the person relying on such excuse.



CHAPTER 19

ARTICLE 72

Aircraft Accidents Prevention Methods

Incident reporting systems

Service providers, certified, licensed or authorized to conduct a safety-related activity shall establish mandatory incident reporting system to facilitate collection of information on actual or potential safety deficiencies.

Such service providers are also required to establish a voluntary incident reporting system to facilitate the collection of information that may not be captured by a mandatory incident reporting system.

The voluntary incident reporting system to be established shall be non-punitive and should also ensure protection to the sources of the information.

Sudan Civil Aviation Authority shall establish and maintain an accident and incident database and analyze the information contained in the accident/incident reports and the database to determine any preventive actions required.



Attachment A

Granting of Participant/Observer Status Form

REPUBLIC OF SUDAN

Our File Reference

 Day Month Year

Dear _____

GRANTING OF PARTICIPANT/OBSERVER STATUS

OCCURRENCE

FILE NO: _____ **DATE:** _____ **TIME:** _____

AIRCRAFT INVOLVED

OCCURRENCE LOCATION

The Aircraft Accident Investigation Central Directorate (AAICD) is empowered to investigate aviation occurrences in the Republic of Sudan. The objective of an AAICD investigation is to advance aviation safety by identifying safety deficiencies and making safety recommendations designed to eliminate or reduce such deficiencies.

During the course of an occurrence investigation, the AAICD may authorize a person to attend as a participant/observer when the person is designated as observer by a Minister responsible for a department having a direct interest in the investigation or as a participant when, in the opinion of the Agency, the person has a direct interest in the subject matter of the investigation and will contribute to achieving the AAICD's objective.

(Applicable Articles contained in CAA Act 2010, CAA Safety Act 2010)

By this letter, you are granted the status of a participant or observer to the investigation of the occurrence and, subject to any conditions the AAICD may impose and under the supervision of an AAICD investigator, you may:

- (a) attend at the occurrence site;
- (b) examine the aircraft, its component parts and contents;
- (c) unless otherwise prohibited by law, examine relevant information as defined in Article 41 of the Investigation of Aircraft Accidents and Incidents Regulations and other information pertaining to:
 - (i) the aviation activity during which the occurrence took place;
 - (ii) the crew members involved in the operation of the aircraft;
 - (iii) the aircraft, its component parts and contents; and
 - (iv) attend laboratory tests or analyses.

(Applicable Articles contained in CAA Act 2010, CAA Safety Act 2010)

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Your attendance as a participant/observer is subject to the following conditions:

- (a) You shall limit your activities at the occurrence site to those outlined by the investigator-in-charge;
- (b) You shall ensure that your activities do not restrict, endanger or otherwise interfere with AAICD investigators in the performance of their duties;
- (c) The sole purpose of this AAICD investigation is the advancement of aviation safety. Consequently, any information you gain as a result of your observer status shall only be used for that purpose. Until the investigation report is released to the public, you shall not disclose or otherwise use this information without the expressed consent of the investigator-in-charge;
- (d) To be permitted on the occurrence site, you shall have the appropriate inoculations against disease and biohazards (refer to the Immunization Guide - Health Department, or equivalent);
- (e) To be permitted on the occurrence site, you shall have the appropriate biohazard and Occupational Safety and Health (OSH) training, and the appropriate safety clothing and equipment for operating on biohazard, remote and dangerous sites; and
- (f) You shall on request provide proof of compliance with the training and inoculation requirements in (d) and (e) above.

The rights and privileges granted to an observer shall not include attendance at an interview of a witness during an investigation.

Failure to comply with any of the conditions above could result in the immediate revocation of your participant/observer status.

(Applicable Articles contained in CAA Act 2010, CAA Safety Act 2010)

You should also understand that the privileges of an observer will be exercised at your own risk.

Please sign and return this letter to the investigator-in-charge, indicating your understanding and acceptance of the above-mentioned conditions and responsibilities.

Yours truly,

Investigator-in-charge

ACCEPTANCE OF PARTICIPANT/OBSERVER STATUS

I understand and accept the conditions outlined above with respect to my attendance as an observer/participant at the subject investigation.

I also understand that the privileges of a participant/observer will be exercised at my own risk, and I hereby agree to indemnify the Aircraft Accident Investigation Central Directorate for any damage or injuries I may suffer as a result of my attending the investigation as a participant/observer.

Signed: _____ Date: _____
(Participant/Observer)



Attachment B

List of examples of serious incidents

The term *serious incident* is defined in the ICAO Annex 13, Chapter 1 as follows:

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.

The incidents listed in Attachment C to ICAO Annex 13 (reproduced below) are typical examples that are likely to be serious incidents. The list is not exhaustive and only serves as guidance to the definition of serious incident.

1. Near collisions requiring an avoidance manoeuvre to avoid a collision or unsafesituation or when an avoidance action would have been appropriate.
2. Controlled flight into terrain only marginally avoided.
3. Aborted takeoffs on a closed or engaged runway, taxiway or unassigned runway.
4. Take-offs from a closed or engaged runway, taxiway or unassigned runway.
5. Landings or attempted landings on a closed or engaged runway, taxiway or unassigned runway.
6. Gross failures to achieve predicted performance during take-off or initial climb.
7. Fires or smoke in the passenger compartment, cargo compartments or engine fires, even though such fires were extinguished by the use of extinguishing agents.
8. Events requiring the emergency use of oxygen by the flight crew.
9. Aircraft structural failures or engine disintegrations, including uncontained turbine engine failures, not classified as an accident.
10. Multiple malfunctions of one or more aircraft systems seriously affecting the operation of the aircraft.
11. Flight crew incapacitation in flight.
12. Fuel quantity requiring the declaration of an emergency by the pilot.
13. Runway incursions classified with severity A. The ICAO *Manual on the Prevention of Runway Incursions* (Doc 9870) contains information on severity classifications.
14. A take-off or landing incident. Incidents such as undershooting, overrunning or running off the side of runways.



15. System failures, weather phenomena, operations outside the approved flight envelope or other occurrence, which could have caused difficulties controlling the aircraft.

16. Failures of more than one system in a redundancy system mandatory for flight guidance or navigation.

- END -