



The Guild of Air Traffic Control Officers

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His Excellency Mr Alexandre Fasel
Ambassador of Switzerland to the UK
Embassy of Switzerland in the UK
16-18 Montagu Place
London, W1H 2BQ, UK

Dear Ambassador Mr Alexandre Fasel,

I am writing to you on behalf of the Guild of Air Traffic Control Officers (GATCO), a UK-wide professional organisation which promotes the highest standard in all aspects of Air Traffic Management (ATM). GATCO represents over 1,600 civil and military air traffic controllers and ATM personnel in the UK and is the UK member of the International Federation of Air Traffic Controllers' Associations (IFATCA).

GATCO would like to express its greatest concern for the recent decision by the Swiss Federal Supreme Court (6B_1220/2018) to reject an appeal by an air traffic controller, convicted of negligent disruption of public transport by the Federal Criminal Court in Bellinzona for an incident which took place in 2013 and which resulted in no loss of lives and no material damage. The incident was resolved satisfactorily by the ground-based and airborne safety nets present in the ATM system, which triggered corrective actions by the air traffic controller and the pilots involved.

The Swiss judiciary system has struck a blow at the very foundation of the aviation safety system, built up over decades, by bringing and upholding a prosecution against an air traffic controller who reported a safety incident. The key element of the aviation industry's safety reporting procedures is trust. The ability of an air traffic controller to work in a Just Culture environment, where incidents and even mistakes can be freely reported without fear of punishment or reprimand is paramount to maintaining and improving the safety of our industry.

The decision of the Federal Supreme Court to uphold the verdict of the Federal Criminal Court, charging an air traffic controller with criminal intent, is both contrary to the principles of Just Culture and inconsistent with international regulations. Furthermore, this decision can have long-lasting and very detrimental effects on the vital reporting culture of our industry. Air traffic controllers must perform their safety critical job in an environment where they are not afraid of reporting safety incidents for fear of being criminally prosecuted. The open reporting of those



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incidents on the basis of Just Culture, the subsequent investigations and the dissemination of the lessons learnt form the foundations making aviation the safest mode of transport.

GATCO joins other European organisations in calling for changes in the way the Swiss judiciary system views such incidents to remove the fear of punishment and prosecutions.

Should you wish to discuss the content of this letter further, please do not hesitate to contact me.

Yours sincerely,

Luis Barbero