



**International Air Law Treaty Workshop,  
Dar es Salaam , Tanzania  
25 to 27 February 2026**

**Legal Affairs and External Relations Bureau**

**INTERNATIONAL  
CIVIL AVIATION  
ORGANIZATION**





ICAO



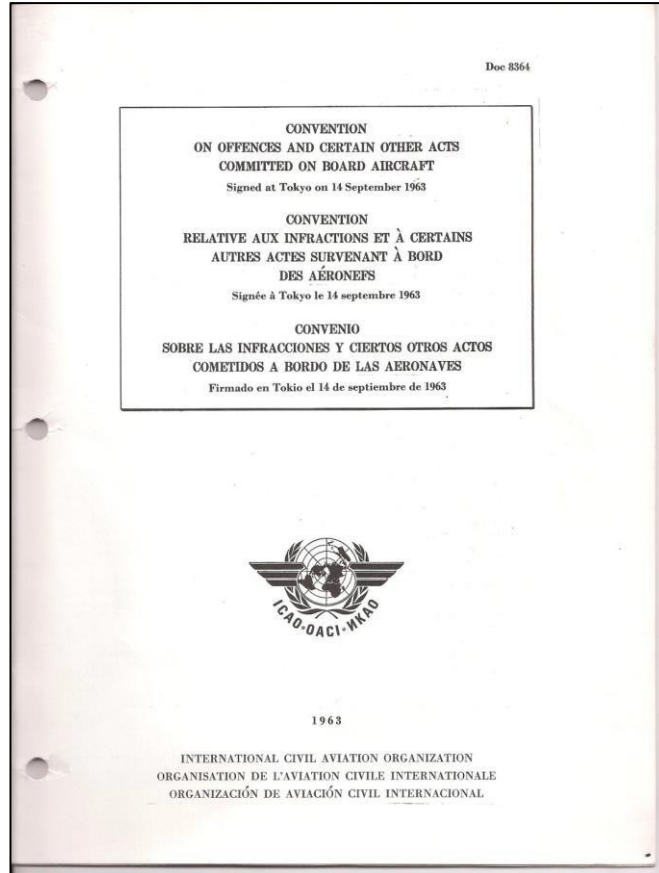
# Session 4: MP 14 - Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Montréal, 2014)

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# Convention on Offences and Certain Other Acts Committed on Board Aircraft, Tokyo Convention 1963



## □ Notable relevant features

- Jurisdiction of the State of registration (R V. Martin [1956] All ER 86; US v. Cordova); (Article 3)
- Power of aircraft commander; disembarkation, delivery of offender to authorities (Article 5-10);
- Restraint and imposition of reasonable measures on offenders (Article 6)
- No specific offences
- State duty to accept disembarkation and delivery (Articles 12-15)
- No requirement to prosecute or extradite (Article 16)
- Immunity of aircraft commander, crew and assisting passengers (Article 10)

- signed at Tokyo on 14 September 1963
- in force since 4 December 1969
- 188 States Parties (on 1 February 2026)

## Enforcement

Agencies often unaware of how to handle disembarked passengers delivered to airport. .

## Jurisdiction

States reluctant to take jurisdiction for occurrences of foreign origin.

## Deterrence

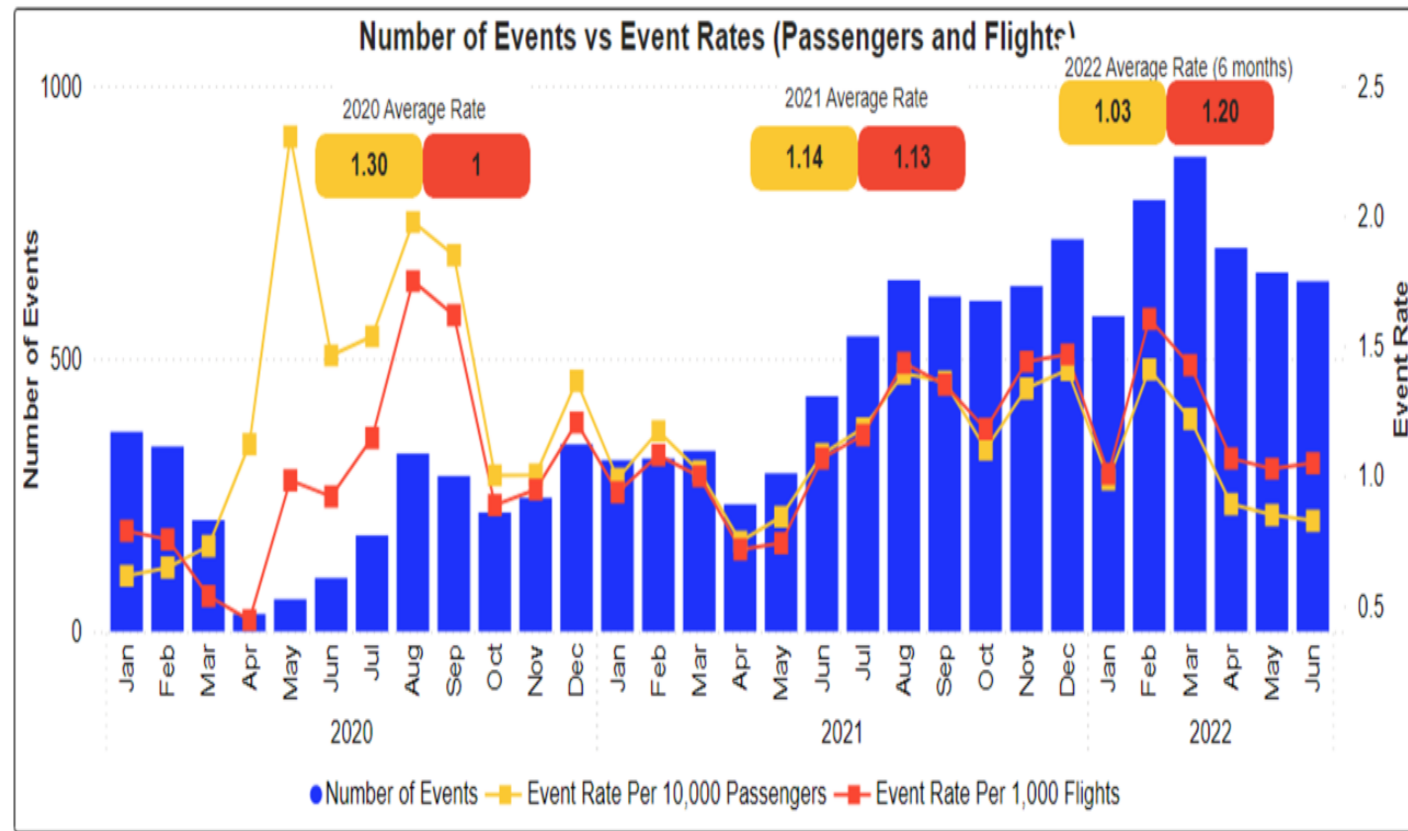
Passengers did not often see consequences for the conduct.

An offence in one State may not be an offence in another

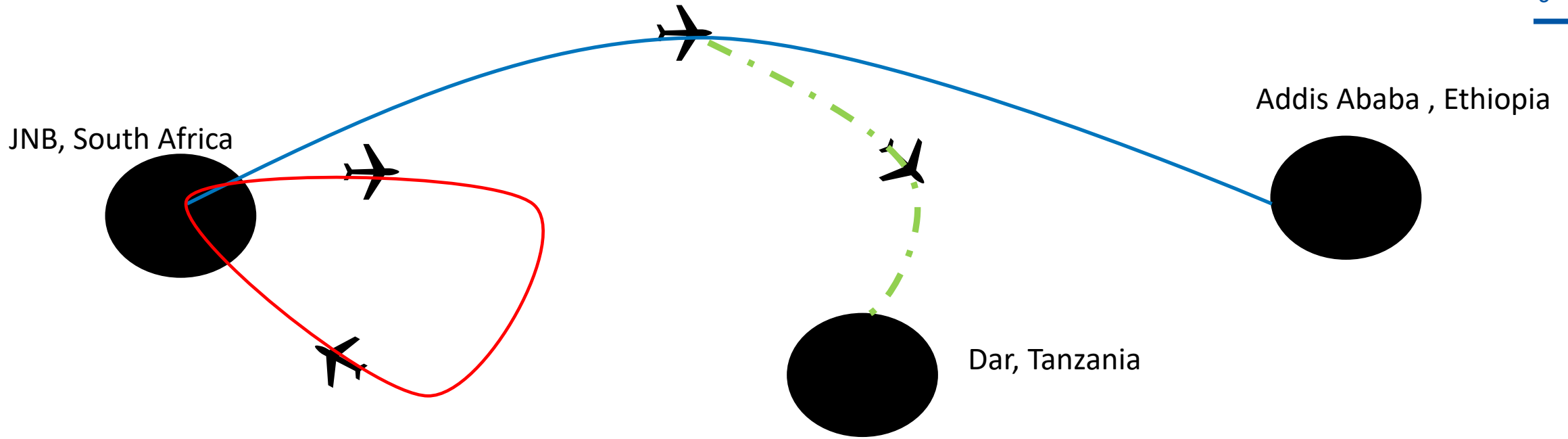
Educating courts, law enforcement and regulators is essential to ensure that the letter and the spirit of the Convention are respected in every national setting.

Diversion of flights for disembarkation or delivery is costly for all

# The Montréal Protocol 2014 and the State of the issue of Unruly Passengers 2020-2025



# Example of the jurisdictional problem



The aircraft is registered in, and the airline is based in SA. The flight departs but there is an unruly passenger incident en route over the Indian Ocean in international waters

**Scenario 1** – Captain elects to return to Johannesburg – SA has jurisdiction so police and prosecutors can deal with the passenger under SA law. No problems!

**Scenario 2** – Captain elects to continue to Addis Ababa (scheduled destination) – SA authorities as State of aircraft registration have jurisdiction under the Tokyo Convention. But they are 5,900km away. What can the police at ADD do?

**Scenario 3** – Captain elects to divert to Dar, Tanzania, but again SA has jurisdiction, so what can the Tanzanian police do?

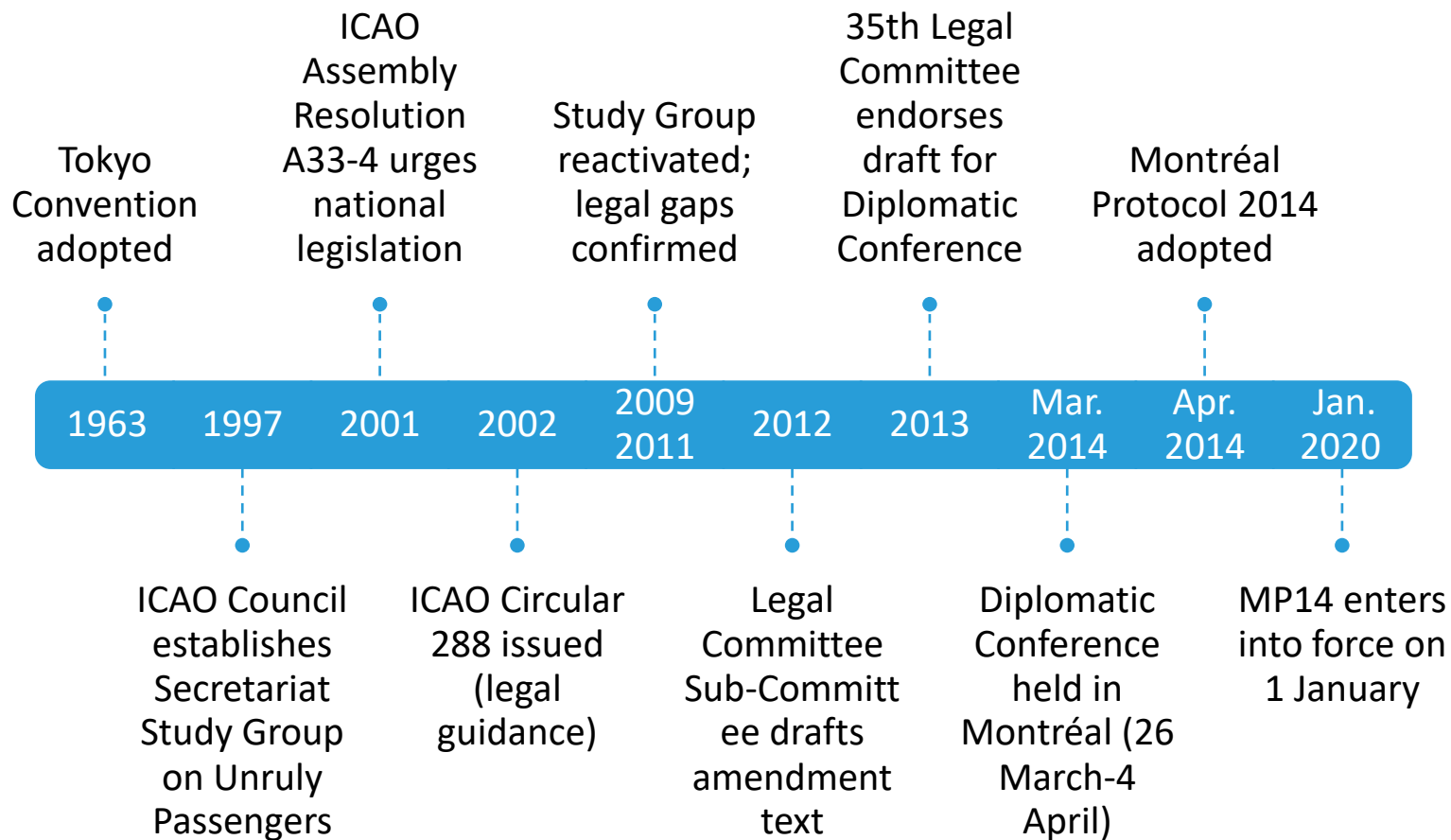


## Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Montréal Protocol 2014)

- done on 4 April 2014
- in force since 1 January 2020
- 58 States Parties (as of 15 February 2026)

### Deals mainly with unruly and disruptive passengers

- Supplements the Tokyo Convention 1963
- **Art. 3:** expands the grounds of jurisdiction by adding the State of landing and the State of operator
- **Arts. 6 (2), 6 (3), 6 (4), 10:** extends certain protections to in-flight security officers
- Facilitates enforcement action against unruly and disruptive passengers
- Changes in scope of when an aircraft is “in flight”



Montréal Protocol  
2014 (MP 14)  
– Amendments to  
TC 1963

<b>Jurisdiction</b> (Art 3(1bis) & (2bis))	New State of <u>landing</u> jurisdiction - mandatory New <u>State of the operator</u> jurisdiction - mandatory
<b>List of offences</b> (Article 15bis)	No list of offences States encouraged to take measures to initiate proceedings in 2 cases <u>Resolution</u> requesting ICAO Secretary-General to update <i>Circular 288</i> (guidance)
<b>Extradition</b> (Art 16)	For extradition purpose – offences treated as committed in place of occurrence and territories of States required to establish jurisdiction

# Montreal Protocol 2014 – Amendments to TC63

<b>Aircraft commander immunity</b> (Art 10)	No amendment to TC63 immunity provisions
<b>In flight security officers (air marshals)</b> (Arts 6 & 10)	<ul style="list-style-type: none"> <li>• Aircraft commander may ask, not require IFSO to restrain unruly passenger</li> <li>• May take preventive action against passengers, on reasonable grounds where they believe that an offence is about to be committed</li> <li>• Same immunity as aircraft commander, crew &amp; passengers</li> </ul>
<b>Airline damages recovery</b> (Art 18 <i>bis</i> )	Recovery of damages under national law not precluded (& not only for airlines)
<b>Due process Rights (Article 2 and 17)</b>	Adds non- discrimination on grounds of nationality and gender. guarantees due process in the application of measures
<b>Termination of contract of carriage</b>	Refer to contract of carriage

58  
States  
Parties

Angola  
Armenia  
Azerbaijan  
Bahrain  
Botswana  
Bulgaria  
Congo  
Cote d'Ivoire  
Cuba  
Cyprus  
Dominican  
Republic  
Egypt  
Estonia  
Finland  
France  
Gabon  
Gambia  
Ghana  
Guyana  
Honduras  
Hungary

Iraq  
Jordan  
Kazakhstan  
Kenya  
Kuwait  
Latvia  
Luxembourg  
Malaysia  
Malta  
Mongolia  
Mozambique  
Namibia  
Netherlands  
Niger  
Nigeria  
Oman  
Paraguay  
Peru  
Portugal  
Qatar  
Romania  
Russian

Federation  
Rwanda  
Saint Kitts and  
Nevis  
Saint Lucia  
Senegal  
Sierra Leone  
Singapore  
Somalia  
South Africa  
Switzerland  
Tunisia  
Türkiye  
Uganda  
United Arab  
Emirates  
Uruguay

## Montréal Protocol 2014

ICAO urges States to accelerate ratification of international unruly air passenger treaty.

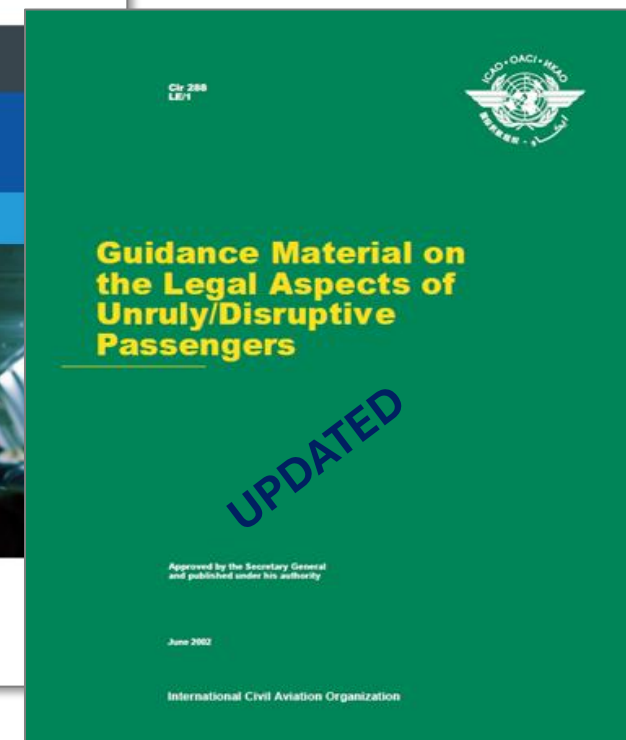


Montréal, 4 April 2024 – In response to the increase in incidents of unruly passenger behavior on international flights being reported by regulators and airlines, the International Civil Aviation Organization (ICAO) issued an urgent call to its Member States to fast-track the ratification of the 2014 Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Montréal Protocol 2014 or MP14).

Since its adoption on 4 April 2014, MP14 has sought to remedy jurisdictional gaps that hinder the effective prosecution of offences occurring on international flights. "On the tenth anniversary of MP14, it is crucial that Member States reinforce their commitment to safe air travel by ratifying this essential treaty," urged Salvatore Sciacchitano, President of the ICAO Council.

## ICAO TOOLS

- Model Legislation
- Administrative Sanctions Regime
- Other guidance materials
- Assembly Resolution A42-5, Appendix E

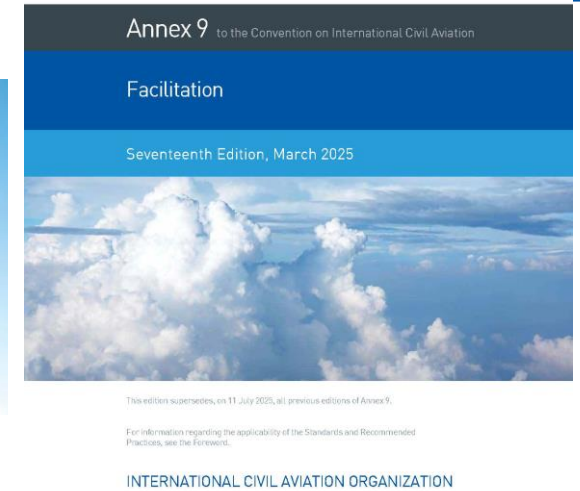


# Chapter 6 – D. Unruly Passengers

Each Contracting State shall, in cooperation with airport operators and aircraft operators, promote passenger awareness of the unacceptability and possible legal consequences of unruly or disruptive behaviour at airports and onboard aircraft to deter and prevent unruly and disruptive behaviour.

## Annex 9 Standard 6:35

Note.— *Guidance material on the legal aspects of unruly/disruptive passengers can be found in the Manual on the Legal Aspects of Unruly and Disruptive Passengers (Doc 10117).*



## Annex 9 Standard 6:36

Each Contracting State shall take measures, in cooperation with airport operators and aircraft operators, to ensure that relevant personnel are trained to identify and manage unruly and disruptive passenger situations.



# SCENARIO



Incident based on an actual case



**Occurred on an 8-hour international flight from NOP in Country C to XYZ in Country D. Aircraft is registered in Country C. Both countries are parties to the Tokyo Convention 1963.**

- A business class passenger in seat 3A asked the purser for another glass of champagne during the meal service
- ❑ She had already had several glasses before and was starting to show signs of possible intoxication (she was slurring words and dropping items).
- The cabin crew informed her that they had run out of champagne. She demanded wine, but the crew informed her discreetly that she had already had a lot of alcohol and that they would not serve her any more for the remainder of the flight.
- The woman then started to abuse the senior male cabin crew member racially. She also hit him in the face and bit him on the arm so severely that he had to receive first aid.
- The passenger then started a verbal tirade using foul language and spitting at the crew and other passengers highlighting that she was an international human rights lawyer.
- The Captain was informed, and he gave the crew permission to restrain the passenger and called XYZ to request the police to attend the aircraft upon landing.
- The crew followed their restraint training and successfully managed to restrain the passenger. However, in the process, the unruly passenger fell onto two other passengers.
- The unruly passenger remained belligerent until landing.
- The police attended the aircraft.

# Incident – Volunteers for roles!

## Relevant Roles:

1. Passenger 3A (“FP3A”)
2. Cabin Crew (Male Cabin Crew, Female Cabin Crew, etc.) (“FCC”, “MCC”, “FCC2”, “MCC2”)
3. Captain
4. Passenger B
5. Passenger C
6. Air Traffic Control (“Arrival Control”)
7. Police Officer 1 (“PO1”)
8. Police Office 2 (“PO2”)



**We are in the business class cabin of Global Generic Airways Flight 800, en route from NOP in Country C to XYZ in Country D. Meal service is just concluding, and passengers are being served dessert. The flight is operated by Global Generic Airways' long-haul aircraft, which is registered in Country C.**

FP3A: Another glass of champer... champagne, pleaaaaaaase. And make it snaaaaaaappy!

FCC: I'm sorry madame, we've run out of champagne.

FP3A: Get me a vino, then. Cheers.

FCC: You've had quite a bit this evening. Perhaps I can suggest an orange juice or a tea?

FP3A: Don't start on this. I've had a stressful day. Wine, red, now, thanks.

FCC: Madame, under our cabin rules – we're not allowed to serve you additional alcoholic beverages. Now, please let me know, is there something else you'd like to be comfortable?

FP3A: Look, get the [expletive] wine or you'll have bigger problems OK. I'm not the [expletive] problem. Just get me a nice glass of wine, you little [expletive]. Thank [expletive] you.

MCC: [*Second male crew member intervening*] I'm sorry, we can't get you this – these are our cabin rules, and we must follow them. Please watch your language and calm down so we can help you.

FP3A: That'd be right you [racial epithet] [expletive]! Don't tell me about rules, I probably wrote them. How about you do your actual job and let me have the drink that I've paid business class for. You [racial epithet] [expletive]! Just [expletive] do it and spare me the attitude!

MCC: Madame... please... It's not helpful...

[MCC leans closer to FP3A - FP3A strikes MCC by slapping him on the face with her hand, using some force.] MCC: Arrggh! Ma'am stop this. Calm down!

FP3A: What do you expect, you impertinent [expletive]!

MCC: Ma'am, I will report this to the captain. You can't hit me.

FP3A: [Grabs and firmly bites the arm of the MCC, breaking the skin, and leading to a scuffle as MCC attempts to extricate himself from FP3A]

FP3A: Look at this, do you know who I am? Do you know who I am? MCC: Please, please – I need help now with the passenger.

FP3A: [Gets up from her seat] This is what you get, nowadays... jack [expletive]! Look, look at this. You just can't get service. And service from this [expletive]. You disgust me!

[FP3A spits on the withdrawing MCC]

FP3A: There we go, you coward. Afraid of a little tough criticism.

Passenger A: Hey, come on, you're a bit excited! Sit down! Come on, you're ruining things for others. Do yourself a favour here. FP3A: You, you – you jumped up [expletive]! You too, then! No respect for your betters.

*[FP3A spits into the seat area and upon the person of Passenger A]*

FP3A: Anyone else got an opinion? Do you know who I am? You people... Wouldn't know a day's work in your lives.

Passenger B: Really, please miss, you're really scaring me...

FCC: Madame, you must sit down. This is very serious. You've assaulted the crew. Sit down now.

FP3A: Make me. Where's the bar? I'm having the wine I paid for... get out of my way. FCC: Ma'am, stop. You're out of line.

FCC2 and MCC2: Hey! Listen to her. You are going to sit down now. If you don't you will be made to sit down. You've assaulted a team member.

### **In the cockpit**

FFC: Captain, sorry, we've got a serious issue in business class. A female passenger in 3A has bit my pursuer and slapped him on the face. She's now carrying on erratically and is spitting on other passengers.

Captain: She's violent?

FFC3: Yes, my purser's getting first aid for his arm and she struck him to the face. She's now trying to get to the bar and is spitting on other passengers. We don't know what she'll do.

Captain: OK, you've got the restraining kit? You can follow the procedure to apply restraints and I want to know when she is restrained.

FFC: OK..

Captain: This is Global Generic Airways 800, I've got a violent passenger on board. This person has hit and bitten my crew. We're applying restraints and, ah, expect arrival in 3 hours. We want to request that police meet the aircraft.

Arrival Control: GGA800, roger that. You say that the passenger is restrained?

Captain: Not yet. But we're going to apply restraints and will give her over to police.

Arrival Control: Roger that, you will deliver to police. We will have police meet the aircraft. Can you please confirm when you have restrained the passenger, thank you. We'll be calling back for more details in a bit.

Captain: Roger that, GGA800 to confirm when restrained.

### **[In the business class cabin]**

FP3A: This is outrageous, outrageous you [expletive] people can't tell me what to do. I've paid for where I am. Who are you? Go [expletive] yourself.

MCC2: I need you to return to your seat. The captain has ordered you to return to your seat immediately. You are breaking regulations.

FP3A: I'm going to see the Captain, where is he? Hiding back there, what a [expletive]. He's got a [expletive] team here.

MCC2: Ma'am...

FP3A: Get the [expletive] out of my way...

[FP3A slaps MCC2 repeatedly on the face, head and neck and then spits into his face]

MCC2: Arggh... Stoppp... OK, OK – What is it you want?

FP3A: Give me the bottle of red or I'll make you [expletive] sorry.

MCC2: If you'll just...

*[Group of three cabin crew approach and twist arm of FP3A, hooking her knee and placing FP3A on ground. They apply the restraint kit to the passenger. The passenger is returned to her seat under restraint, where she verbally protests for some time. Routine checks are made on her. She however appears aggressive and agitated, yelling and spitting profanities until the aircraft lands in XYZ.]*

### **In the cockpit**

Captain: Arrival Control this is GCA800 again, we have a violent passenger under restraint. Passenger has assaulted crew and should be detained upon landing. Ah, under our procedures, we are requesting to make a delivery to your authorities in XYZ.

Arrival Control: Thank you, GCA. Confirm you have a passenger under restraint, we will have law enforcement attend the aircraft after landing. We'll provide taxi directions after landing.

Captain: Roger, thank you.

Arrival Control: Do you have any injuries on board?

Captain: I'll call you back.

Arrival Control: OK, when you have a moment, we'll need more details about the passenger who is restrained, and any medical assistance required on arrival.

*[The Captain replies to Arrival Control with some basic details about the aircraft, the incident, the number of people affected and the injuries to the crew. He also reports on medical situation of FP3A, reporting no apparent medical problems, that she is responsive but abusive when questioned.]*

*[Some time later.... Aircraft lands at XYZ, where the aircraft is directed to taxi to a special stand. Two police officers board the aircraft and attend at the seat of 3A]*

PO1: Madame, how are you this morning?

FP3A: Yeah... [mumbles incoherently]

PO1: Big night then... Madame, do you understand me? Are you in any pain at the moment?

FP3A: You're a [expletive] pain.

PO1: Relax Madame, we need to sort through some things before we'll be moving you.

FP3A: [Expletive] you.

Captain: Uh, Officer, for the formal bit, I'm asked to deliver this passenger to you by our procedures. I wish to make a complaint on behalf of the crew and the company. We have our incident report, which we will provide to you. This passenger has been violent, hitting my crew and was a threat to safety. I'm also giving you the Global Generic Airway's delivery card, completed for today's incident. [Captain hands PO1 a delivery card]

PO1: Madame, I'm sorry but you're at XYZ in Country D. I'm PO1 with the XYZ police unit. You've been restrained, I see, but now I am arresting for offences under the Civil Aircraft Ordinance 1984. You do not have to say anything but what you do say can go into court. This is PO2 and we will be processing you today.

PO1: *[To the Captain]* OK, Captain, we'll need those documents and to take statements.

*PO1 and PO2 lift FP3A up and carry her off the aircraft into a police vehicle. FP3A is placed in a holding unit in the airport police wing. Statements are taken from the cabin crew, other passengers and captain. A record is made that the captain and MCC wish to press charges]*

*[Some time later...]*

PO1: FP3A, ah, good evening. We're holding you for charges on flight CGA800. You've had quite the time on board, I see?

FP3A: I'm not saying anything, sorry.

CPO1: Let's get this cleared up, why don't you tell us what happened? You'll feel better.

FPA3A: Nice try. I'm not making any statement. I want a lawyer.

*[After some more time, the interview is terminated and FPA3 is returned to her cell. The police have 48 hours to charge under their local law, which started ticking after the arrest on board the aircraft. The police have the incident reports, statements from the cabin crew and captain, together with medical reports on injury to the arm of MCC].*

# Script Incident (8)

PO1: Well, we've got her slapping, biting and spitting on crew.

CPO1: And she's going to see the captain at one point...

Prosecution Lawyer: But she didn't get to the cockpit, or the cockpit door.

PO1: No, she wanted to go see the Captain, or fight her way to the bar. Mainly she wanted another drink.

Prosecution Counsel: Right. She just said she wanted to see the Captain?

PO1: Yeah.

Prosecution Counsel: Do we know when this drama occurred, how long was the flight?

PO1: Urr... 8 hours I think from Country C

Prosecution Counsel : And when did the action happen?

PO1: Mid-flight.

Prosecution Counsel: That puts the aircraft well over the ocean. What about after landing?

PO1: No, she was restrained. Abusive language, but that's it.

Prosecution Counsel: Resist arrest?

PO1: No.

# Script Incident (9)

Prosecution Counsel: No, no. Sorry. This is bad for the statistics. The jurisdiction bit is shaky. I think you let her go with a talking to

O1: Catch and release, but we've got her biting into the flesh of a steward? I'd charge that on the street no worries.

Prosecution Counsel: I hear you. But no jurisdiction. And no one's going to request extradition here under, what is it, the Tokyo Convention... I've never seen one request yet. I can't see the motivation for the Country C to put one in. The injuries to the crew member don't sound permanent.

PO1: Surely, it's worth putting charges into the system?

Prosecution Counsel: We'd just be wasting your time, Sergeant. Jurisdiction would be the first issue. It's not worth the time or money on the prosecution. The whole thing would get dismissed.

CPO1: OK, we've got our steer. Thank you.



	Actions/Decisions	Considerations / Outcomes	What if MP14 applies
<b>Cabin crewmembers (MCC, FCC, MCC2, FCC2 &amp; others)</b>	<ul style="list-style-type: none"> <li>• Verbal warning</li> <li>• Reported to Captain</li> <li>• Imposed restraint</li> </ul>	<ul style="list-style-type: none"> <li>• Gave statements to police officers</li> <li>• MCCs presses for charges</li> </ul>	
<b>Captain (Aircraft Commander)</b>	<ul style="list-style-type: none"> <li>• Imposed restraint</li> <li>• Requested police attendance</li> <li>• Hands over the delivery card to the police officers</li> </ul>	<ul style="list-style-type: none"> <li>• Violent passenger</li> <li>• Injury to crew members</li> <li>• Unruly passenger restrained</li> <li>• Police attended when aircraft landed</li> <li>• Presses for charges</li> </ul>	<ul style="list-style-type: none"> <li>• Delivery if serious offence, in aircraft commander's <u>opinion</u></li> </ul>
<b>Police Officers (PO1 and PO2)</b>	<ul style="list-style-type: none"> <li>• Attended aircraft on arrival</li> <li>• Took incident reports, statements from cabin crew and medical reports</li> </ul>	<ul style="list-style-type: none"> <li>• Arrested FP3A for offences under Civil Aircraft Ordinance</li> <li>• Place FP3A in holding unit</li> <li>• Consulted prosecution Counsel</li> </ul>	
<b>Prosecution Counsel</b>	<ul style="list-style-type: none"> <li>• Requested facts from PO1</li> <li>• Assessed that Country D has no jurisdiction to prosecute</li> <li>• Advised that she be let go with a warning</li> </ul>	<ul style="list-style-type: none"> <li>• FP3A is foreign national and arrived on 'foreign airline'</li> <li>• FP3A did not try to go to cockpit or get to the Captain</li> <li>• Occurrences in mid-flight</li> <li>• Injuries to MCCs not permanent</li> <li>• Country D is State of landing not State of registration</li> </ul>	<ul style="list-style-type: none"> <li>• Country D has jurisdiction as State of landing</li> </ul>

## Jurisdiction over offences committed on board aircraft

### 1. Extended jurisdiction

(1) This section applies to any offence under this Act which is committed on board an aircraft in flight.

(2) For the purposes of subsection (1), **it is immaterial** whether the conduct constituting the offence occurs **wholly or partly** outside the [State].

### 2. Deeming provision

(1) An offence to which this section applies is to be treated for all purposes as having been committed within the {State} if any of the conditions in subsection (2) is satisfied.

(2) Those conditions are that—

- (a) the aircraft is registered in the [State];
- (b) the aircraft lands in the [State] **with the alleged offender remaining on board**; or
- (c) the aircraft is operated by an operator whose **principal place of business** or habitual residence is in the [State].

### 3. Proceedings

(1) Proceedings for an offence deemed to have been committed in the [State] by virtue of this section may be taken in any place in the [State].

(2) The offence is to be treated for all incidental purposes as an offence committed within the jurisdiction of the court seised of the proceedings.

## Administrative sanctions for unruly conduct on board aircraft

(1) The Minister may by regulations make provision for <sup>27</sup>the imposition of **administrative sanctions** in respect of conduct on board an aircraft which—

- (a) constitutes unruly or disruptive behaviour, or
- (b) would constitute an offence under this Act but for the fact that **criminal proceedings are not instituted**.

(2) Regulations under this section may apply **whether or not the conduct occurs within the [State]**.

(1) may be imposed on any **person who engages in conduct to which subsection 1(1) applies, including a person who is not a [State] national**.

### 3. Types of sanctions

(1) Regulations under this section may provide for one or more of the following—

- (a) a **monetary penalty** or a prohibition **or restriction on carriage by air** or such **other non-criminal sanctions** as the Minister considers appropriate.

### Procedure and safeguards

(1) Regulations under this section must make provision—

- (a) for notice of the proposed sanction to be given to the person concerned;
- (b) for a right of appeal to an independent tribunal;

### Interpretation

In this section “aircraft” includes any aircraft registered in the [State], operated by a [State] operator, or landing in the [State] with the person concerned remaining on board.

# THE CALL TO ACTION – ratify and implement



**Ratification is the First Step... enables States to take action ..by closing the jurisdictional gap.**

Framework provides **accountability and deterrence** through enforcement.

Domestication provides a legal basis to act.

Preventing unruly conduct is essential for aviation safety, security, enabling good travel experience and good work environment or crew.

**Educating courts and law enforcement** is essential to ensure that the letter and the spirit of the Convention are respected in every national setting.

Ratify. Legislate. Train.  
Prevent. Inform. Enforce.  
Comply. Together.

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# Thank You

