

PART XVII
SAFEGUARD AGAINST ACTS OF UNLAWFUL INTERFERENCE

280. General Principles.-(1) **Applicability.**- (a) The provision of this Part shall be applied by the concerned authorities to the prevailing threats of acts of unlawful interference against civil aviation to which each aerodrome or airport within Bangladesh is exposed.

(b) The Chairman shall ensure that measures designed to safeguard against acts of unlawful interference are applied to domestic operations to the extent practicable, based upon a security risk assessment carried out by the relevant national authorities.

(2) **Objectives.**- (a) The primary objective shall be the safety of passengers, crew, ground personnel and the general public in all matters related to safeguarding against acts of unlawful interference with civil aviation.

(b) The Chairman shall develop and implement regulations, practices and procedures to safeguard civil aviation against acts of unlawful interference taking into account the safety, regularity and efficiency of flights.

(c) The Chairman shall ensure that such regulations, practices and procedures protect the safety of passengers, crew, ground personnel and the general public in all matters related to safeguarding against acts of unlawful interference with civil aviation; and are capable of responding rapidly to meet any increased security threat.

(d) The Chairman should whenever possible arrange for the security controls and procedures to cause a minimum of interference with, or delay to the activities of, civil aviation provided the effectiveness of these controls and procedures is not compromised.

(e) The Chairman should ensure appropriate protection of aviation security information.

281. Cooperation and co-ordination.- (1) The Chairman shall ensure that requests from other Contracting States for additional security measures in respect of a specific flight(s) by operators of such other States are met, as far as may be practicable. The requesting State shall give consideration to alternative measures of the other State that are equivalent to those requested.

(2) The Chairman shall cooperate with other States in the development and exchange of information concerning national civil aviation security programmes, training programmes and quality control programmes, as necessary.

(3) The Chairman shall establish and implement procedures to share with other Contracting States threat information that applies to the aviation security interests of those States, to the extent practicable.

(4) The Chairman shall establish and implement suitable protection and handling procedures for security information shared by other Contracting States, or security information that affects the security interests of other Contracting States, in order to ensure that inappropriate use or disclosure of such information is avoided.

(5) The Chairman should share, as appropriate, and consistent with the sovereignty of Bangladesh, the results of the audit carried out by ICAO and the corrective actions taken if requested by another State.

(6) The Chairman should include in each of its bilateral agreements on air transport a clause related to aviation security, taking into account the model clause developed by ICAO.

(7) The Chairman should make available to other Contracting States on request a written version of the appropriate parts of its national civil aviation security programme.

282. Organization.- (1) National organization and appropriate authority.- (a) The Chairman shall establish and implement a written national civil aviation security programme to safeguard civil aviation operations against acts of unlawful interference, through regulations, practices and procedures which take into account the safety, regularity and efficiency of flights.

(b) The Chairman shall be responsible for the development, implementation and maintenance of the national civil aviation security programme.

(c) The Chairman shall keep under constant review the level of threat to civil aviation within the territory of Bangladesh, and establish and implement policies and procedures to adjust relevant elements of national civil aviation security programme accordingly, based upon a security risk assessment carried out by the relevant national authorities.

(d) The Chairman shall define and allocate tasks and coordinate activities between the departments, agencies and other organizations of the Government, airport and aircraft operators and other entities concerned with or responsible for the implementation of various aspects of the national civil aviation security programme.

(e) The Chairman shall, on the direction of the Government, establish a national aviation security committee to be called the Civil Aviation Security Committee for the purpose of coordinating security activities between the departments, agencies and other organizations of the Government, airport and aircraft operators and other entities concerned with or responsible for the implementation of various aspects of the national civil aviation security programme.

(f) The Chairman shall ensure the development and implementation of a national training programme for personnel of all entities involved with or responsible for the implementation of various aspects of the national civil aviation security programme.

This training programme shall be designed to ensure the effectiveness of the national civil aviation security programme.

(g) The trainers and the training programmes should meet standards as defined by the Chairman

(h) The Chairman shall arrange for the supporting resources and facilities required by the aviation security services to be available at each airport serving civil aviation.

(i) The Chairman shall make available to the airport and aircraft operators operating in the territory of Bangladesh and other entities concerned, a written version of the appropriate parts of its national civil aviation security programme and/or relevant information or guidelines enabling them to meet the requirements of the national civil aviation security programme.

(2) Airport Operations.- (a) The Chairman shall require each airport serving civil aviation to establish, implement and maintain a written airport security programme appropriate to meet the requirements of the national civil aviation security programme.

(b) The Chairman shall ensure that an authority at each airport serving civil aviation is responsible for coordinating the implementation of security controls.

(c) The Chairman shall ensure that an airport security committee at each airport serving civil aviation is established to assist the authority mentioned under sub-rule 2(b) of this rule in its role of coordinating the implementation of security controls and procedures as specified in the airport security programme.

(d) The Chairman shall ensure that airport design requirements, including architectural and infrastructure related requirements necessary for the implementation of the security measures in the national civil aviation security programme, are integrated into the design and construction of new facilities and alterations to existing facilities at airports.

(3) Aircraft Operations.- (a) The Chairman shall ensure that commercial air transport operators providing service from Bangladesh have established, implemented and maintained a written operator security programme that meets the requirements of the national civil aviation security programme of Bangladesh and shall be acceptable to or approved by the Chairman.

(b) The Chairman should ensure that each entity conducting general aviation operations, including corporate aviation operations, using aircraft with a maximum take-off mass greater than 5 700 kg, has established, implemented and maintained a written operator security programme that meets the requirements of the national civil aviation security programme of Bangladesh.

(c) The Chairman should ensure that each entity conducting aerial work operations

has established, implemented and maintained a written operator security programme that meets the requirements of the national civil aviation security programme of Bangladesh. The programme shall contain operations features specific to the type of operations conducted.

(d) The Chairman should take into account the ICAO model as a basis for operators' or entities' security programmes under sub-rule 3(a), (b) and (c) of this rule.

(e) The Chairman should require operators providing service from Bangladesh and participating in code-sharing or other collaborative arrangements with other operators to notify the appropriate authority of the nature of these arrangements, including the identity of the other operators.

(f) A Bangladesh operator shall establish and maintain for crew members and appropriate employees a security training programme approved by the Chairman and shall adopt a security programme and apply it in proportion to the threat to civil aircraft operation and its facilities as known to the appropriate authorities, and shall ensure that the programme is compatible with the national civil aviation security programme.

(g) The Chairman shall require the operators of aircraft registered in Bangladesh to conform to the civil aviation security requirements of those State into which they operate.

(h) An operator shall ensure that there is on board a checklist of the procedures to be followed in searching for a bomb incase of suspected sabotage.

(4) Quality control.- (a) The Chairman shall ensure that the persons implementing security controls are subject to background checks and selection procedures.

(b) The Chairman shall ensure that the persons implementing security controls possess all competencies required to perform their duties and are appropriately trained according to the requirements of the national civil aviation security programme and that appropriate records are maintained up to date. Relevant standards of performance shall be established and initial and periodic assessments shall be introduced to maintain those standards.

(c) The Chairman shall ensure that the persons carrying out screening operations are certified according to the requirements of the national civil aviation security programme to ensure that performance standards are consistently and reliably achieved.

(d) The Chairman shall develop, implement and maintain a national civil aviation security quality control programme to determine compliance with and validate the effectiveness of its national civil aviation security programme.

(e) The Chairman shall ensure that the implementation of security measures is

regularly subjected to verification of compliance with the national civil aviation security programme. The priorities and frequency of monitoring shall be determined on the basis of risk assessment carried out by the relevant national authorities.

(f) The Chairman shall arrange for security audits, tests, surveys and inspections to be conducted on a regular basis, to verify compliance with the national civil aviation security programme and to provide for the rapid and effective rectification of any deficiencies.

(g) The Chairman shall ensure that the management, setting of priorities and organization of the national civil aviation security quality control programme shall be undertaken independently from the entities and persons responsible for the implementation of the measures taken under the national civil aviation security programme. The Chairman shall also:

(i) ensure that the personnel carrying out security audits, tests, surveys and inspections are trained to appropriate standards for these tasks in accordance with the national civil aviation security programme;

(ii) ensure that the personnel carrying out security audits, tests, surveys and inspections are afforded the necessary authority to obtain information to carry out these tasks and to enforce corrective actions;

(iii) supplement the national civil aviation security quality control programme by establishing a confidential reporting system for analysing security information provided by sources such as passengers, crew and ground personnel; and

(iv) establish a process to record and analyse the results of the national civil aviation security quality control programme, to contribute to the effective development and implementation of the national civil aviation security programme, including identifying the causes and patterns of non-compliance and verifying that corrective actions have been implemented and sustained.

(h) When concerned with an act of unlawful interference the Chairman shall require to re-evaluate security controls and procedures and in a timely fashion take action necessary to remedy weaknesses so as to prevent recurrence.

283. Preventive security measures.- (1) **General.-** The Chairman shall establish measures to prevent weapons, explosives or any other dangerous devices, articles or substances, which may be used to commit an act of unlawful interference, the carriage or bearing of which is not authorized, from being introduced, by any means whatsoever, on board an aircraft engaged in civil aviation.

(2) **Measures relating to access control.-** (a) The Chairman shall ensure that the access

to airside areas at airports serving civil aviation is controlled in order to prevent unauthorized entry.

(b) The Chairman shall ensure that security restricted areas are established at each airport serving civil aviation based upon a security risk assessment carried out by the relevant national authorities.

(c) The Chairman shall ensure that identification systems are established in respect of persons and vehicles in order to prevent unauthorized access to airside areas and security restricted areas. Identity shall be verified at designated checkpoints before access is allowed to airside areas and security restricted areas.

(d) The Chairman shall ensure that background checks are conducted on persons other than passengers granted unescorted access to security restricted areas of the airport prior to granting access to security restricted areas.

(e) The Chairman shall ensure that the movement of persons and vehicles to and from the aircraft is supervised in security restricted areas in order to prevent unauthorized access to aircraft.

(f) The Chairman shall ensure that, at a minimum, a proportion of persons other than passengers being granted access to security restricted areas, together with items carried, are screened. The proportion shall be determined in accordance with risk assessment carried out by the relevant national authorities.

(g) The Chairman should ensure that identity documents issued to aircraft crew members provide a harmonized and reliable international basis for recognition and validation of documentation to permit authorized access to airside and security restricted areas.

(h) The Chairman should ensure that checks specified in sub-rule 2(d) of this rule be reapplied on a regular basis to all persons granted unescorted access to security restricted areas.

(3) Measures relating to aircraft.- (a) The Chairman shall ensure that aircraft security checks of originating aircraft engaged in commercial air transport movements are performed or an aircraft security search is carried out. The determination of whether it is an aircraft security check or a search that is appropriate shall be based upon a security risk assessment carried out by the relevant national authorities.

(b) The Chairman shall ensure that measures are taken to ensure that passengers of commercial flights disembarking from the aircraft at any time do not leave items on board the aircraft.

(c) Commercial air transport operators shall take measures as appropriate to ensure that during flight unauthorized persons are prevented from entering the flight crew

compartment.

(d) The Chairman shall ensure that an aircraft subject to sub-rule 3(a) of this rule is protected from unauthorized interference from the time the aircraft search or check has commenced until the aircraft departs.

(e) The Chairman should ensure that security controls are established to prevent acts of unlawful interference with aircraft when they are not in security restricted areas.

(4) Measures relating to passengers and their cabin baggage.- (a) The Chairman shall establish measures to ensure that originating passengers of commercial air transport operations and their cabin baggage are screened prior to boarding an aircraft departing from a security restricted area.

(b) The Chairman shall ensure that transfer passengers of commercial air transport operations and their cabin baggage are screened prior to boarding an aircraft, unless it has established a validation process and continuously implements procedures, in collaboration with the other Contracting State where appropriate, to ensure that such passengers and their cabin baggage have been screened to an appropriate level at the point of origin and subsequently protected from unauthorized interference from the point of screening at the originating airport to the departing aircraft at the transfer airport.

(c) The Chairman shall ensure that passengers and their cabin baggage which have been screened are protected from unauthorized interference from the point of screening until they board their aircraft. If mixing or contact does take place, the passengers concerned and their cabin baggage shall be re-screened before boarding an aircraft.

(d) The Chairman shall establish at an airport measures for transit operations to protect transit passengers' cabin baggage from unauthorized interference and protect the integrity of the security of the airport of transit.

(5) Measures relating to hold baggage.- (a) The Chairman shall establish measures to ensure that originating hold baggage is screened prior to being loaded onto an aircraft engaged in commercial air transport operations departing from a security restricted area.

(b) The Chairman shall ensure that all hold baggage to be carried on a commercial aircraft is protected from unauthorized interference from the point it is screened or accepted into the care of the carrier, whichever is earlier, until departure of the aircraft on which it is to be carried. If the integrity of hold baggage is jeopardized, the hold baggage shall be re-screened before being placed on board an aircraft.

(c) The Chairman shall ensure that commercial air transport operators do not transport the baggage of passengers who are not on board the aircraft unless that baggage is identified as unaccompanied and subjected to additional screening.

(d) The Chairman shall ensure that transfer hold baggage is screened prior to being loaded onto an aircraft engaged in commercial air transport operations, unless it has established a validation process and continuously implements procedures, in collaboration with the other Contracting State where appropriate, to ensure that such hold baggage has been screened at the point of origin and subsequently protected from unauthorized interference from the originating airport to the departing aircraft at the transfer airport.

(e) The Chairman shall ensure that commercial air transport operators transport only items of hold baggage which have been individually identified as accompanied or unaccompanied, screened to the appropriate standard and accepted for carriage on that flight by the air carrier. All such baggage should be recorded as meeting these criteria and authorized for carriage on that flight.

(f) The Chairman should establish procedures to deal with unidentified baggage in accordance with a security risk assessment carried out by the relevant national authorities.

(6) Measures relating to cargo, mail and other goods.- (a) The Chairman shall ensure that security controls are applied to cargo and mail, prior to their being loaded onto an aircraft engaged in passenger commercial air transport operations.

(b) The Chairman shall ensure that cargo and mail to be carried on a passenger commercial aircraft are protected from unauthorized interference from the point security controls are applied until departure of the aircraft.

(c) The Chairman shall establish a process for approval of regulated agents, if such agents are involved in implementing security controls.

(d) The Chairman shall ensure that operators do not accept cargo or mail for carriage on an aircraft engaged in passenger commercial air transport operations unless the application of security controls is confirmed and accounted for by a regulated agent, or such consignments are subjected to appropriate security controls.

(e) The Chairman shall ensure that catering, stores and supplies intended for carriage on passenger commercial flights are subjected to appropriate security controls and thereafter protected until loaded onto the aircraft.

(f) The Chairman should ensure that security controls to be applied to cargo and mail for transportation on all-cargo aircraft are determined on the basis of a security risk assessment carried out by the relevant national authorities.

(7) Measures relating to special categories of passengers.- (a) The Chairman shall develop requirements for air carriers for the carriage of potentially disruptive passengers who are obliged to travel because they have been the subject of judicial or administrative

proceedings.

(b) The Chairman shall ensure that operators providing service from Bangladesh include in their security programmes, measures and procedures to ensure safety on board their aircraft when passengers are to be carried who are obliged to travel because they have been the subject of judicial or administrative proceedings.

(c) The Chairman shall ensure that the aircraft operator and the pilot-in-command are informed when passengers are obliged to travel because they have been the subject of judicial or administrative proceedings, in order that appropriate security controls can be applied.

(d) The Chairman shall ensure that the carriage of weapons on board aircraft, by law enforcement officers and other authorized persons, acting in the performance of their duties, requires special authorization in accordance with the laws of the States involved.

(e) The Chairman shall consider requests by any other State to allow the travel of armed personnel, including in-flight security officers, on board aircraft of operators of the requesting State. Only after agreement by all States involved shall such travel be allowed.

(f) The Chairman shall ensure that the carriage of weapons in other cases is allowed only when an authorized and duly qualified person has determined that they are not loaded, if applicable, and then only if stowed in a place inaccessible to any person during flight time.

(g) The Chairman, if decided by Bangladesh Operator to deploy in-flight security officers, shall ensure that they are government personnel who are specially selected and trained, taking into account the safety and security aspects on board an aircraft and deployed according to the threat assessment of the competent authority. The deployment of such officers shall be coordinated with concerned States and kept strictly confidential.

(h) The Chairman shall ensure that the pilot-in-command is notified as to the number of armed persons and their seat location.

284. Deleted.

285. Unlawful interference.- (1) Prevention.- (a) The Chairman shall establish measures, when reliable information exists that an aircraft may be subjected to an act of unlawful interference, to safeguard the aircraft if it is still on the ground and to provide as much prior notification as possible of the arrival of such aircraft to relevant airport authorities and air traffic services of the States concerned if the aircraft has already departed.

(b) The Chairman shall ensure, when reliable information exists that an aircraft may be subjected to an act of unlawful interference, that the aircraft is searched for concealed weapons, explosives or other dangerous devices, articles or substances. Prior notification of the search shall be provided to the operator concerned.

(c) The Chairman shall ensure that arrangements are made to investigate, render safe and/or dispose of, if necessary, suspected dangerous devices or other potential hazards at airports.

(d) The Chairman shall ensure that contingency plans are developed and resources made available to safeguard civil aviation against acts of unlawful interference. The contingency plans shall be tested on a regular basis.

(e) The Chairman shall ensure that authorized and suitably trained personnel are readily available for deployment at airports serving civil aviation to assist in dealing with suspected, or actual, cases of unlawful interference with civil aviation.

(f) Whenever an aircraft is being subjected to unlawful interference, the pilot-in-command shall endeavor to notify the appropriate ATS unit about the fact, any significant circumstances associated therewith and any deviation from the current flight plan necessitated by the circumstances, in order to enable the appropriate ATS unit to give priority to the aircraft and to minimize conflict with other aircraft.

(g) The pilot-in-command may, when s/he has reasonable ground to believe that a person has committed, or is about to commit, on board the aircraft, an offence or act which may jeopardize the safety of the aircraft or of person or property therein or jeopardize good order and discipline on board, impose restraint which are necessary-

(i) to protect the safety of the aircraft, or of persons or property therein; or

(ii) to maintain good order and discipline on board; or

(iii) to enable him to deliver such person to the competent authority or to disembark him.

(h) The pilot-in-command may require or authorise the assistance of other crew members and may request (or authorise, but not require), the assistance of passengers to restrain any person whom he is entitled to restrain; and any crew member or passenger may also take reasonable preventive measures without such requirement or authorisation when he has reasonable grounds, to believe that such action is immediately necessary to protect the safety of the aircraft or of persons or property therein.

(i) An aircraft known or believed to be in a state of emergency, including being subjected to unlawful interference shall be given priority over other aircraft.

(j) The Pilot-in-command of an aircraft registered in Bangladesh and equipped with a flight crew compartment door separate from the passenger compartment and engaged in carriage of passengers, shall ensure that the door is capable of being locked from within the flight crew compartment only and remains locked during the flight.

(2) **Response.-** (a) The Chairman shall take appropriate measures for the safety of passengers and crew of an aircraft, which is subjected to an act of unlawful interference, while on the ground, until their journey can be continued.

(b) When an aircraft is the subject of an act of unlawful interference, the Chairman, if responsible for providing air traffic services for that aircraft, shall collect all pertinent information on the flight of that aircraft and transmit that information to all other States responsible for the air traffic services units concerned, including those at the airport of known or presumed destination, so that timely and appropriate safeguarding action may be taken en route and at the aircraft's known, likely or possible destination.

(c) The Chairman shall provide assistance to an aircraft subjected to an act of unlawful seizure, including the provision of navigation aids, air traffic services and permission to land as may be necessitated by the circumstances.

(d) The Chairman shall take measures, as s/he may find practicable, to ensure that an aircraft subjected to an act of unlawful seizure which has landed in Bangladesh is detained on the ground unless its departure is necessitated by the overriding duty to protect human life. Recognizing the grave hazard attending further flight, the Chairman shall also consult, wherever practicable, the State of the Operator of the aircraft, and the States of assumed or stated destination before allowing such flight.

(e) The Chairman should ensure that information received as a consequence of action taken in accordance with sub-rule 2(b) of this rule is distributed locally to the air traffic services units concerned, the appropriate airport administrations, the operator and others concerned as soon as practicable.

(f) The Chairman should cooperate with other States for the purpose of providing a joint response in connection with an act of unlawful interference. When taking measures to free passengers and crew members of an aircraft subjected to an act of unlawful interference, the Chairman should use, as necessary, the experience and capability of the State of the Operator, the State of manufacture and the State of Registry of that aircraft.

286. Notification.- (1) When an aircraft subjected to an act of unlawful interference has landed Bangladesh, the Chairman shall notify by the most expeditious means the State of Registry of the aircraft and the State of the Operator of the landing and shall similarly transmit by the most expeditious means all other relevant information to:

(a) the two above-mentioned States;

- (b) each State whose citizens suffered fatalities or injuries;
- (c) each State whose citizens were detained as hostages;
- (d) each State whose citizens are known to be on board the aircraft; and
- (e) the International Civil Aviation Organization.

(2) The Chairman should notify ICAO where the information has been shared as per sub-rule (5) of rule-281.

287. Exchange of information and reporting.- (1) In the case of unlawful interference within Bangladesh, the Chairman shall provide the International Civil Aviation Organization with all pertinent information concerning the security aspects of the act of unlawful interference as soon as practicable after the act is resolved.

(2) The Chairman should exchange information with other Contracting States as considered appropriate on the management of response to an act of unlawful interference, at the same time supplying such information to ICAO.

(3) When actions taken under sub-rule 4(h) of rule 282, the Chairman shall share these actions with ICAO.