

CONVENTION

for the Suppression of Unlawful Seizure of Aircraft

Signed at The Hague on 16 December 1970

CONVENTION

pour la répression de la capture illicite d'aéronefs

Signée à La Haye le 16 décembre 1970

К О Н В Е Н Ц И Я

О БОРЬБЕ С НЕЗАКОННЫМ ЗАХВАТОМ ВОЗДУШНЫХ СУДОВ

Подписана в Гааге 16 декабря 1970 года

CONVENIO

para la represión del apoderamiento ilícito de aeronaves

Firmado en La Haya el 16 de diciembre de 1970



1970

INTERNATIONAL CIVIL AVIATION ORGANIZATION
ORGANISATION DE L'AVIATION CIVILE INTERNATIONALE
МЕЖДУНАРОДНАЯ ОРГАНИЗАЦИЯ ГРАЖДАНСКОЙ АВИАЦИИ
ORGANIZACION DE AVIACION CIVIL INTERNACIONAL

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CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT

PREAMBLE

THE STATES PARTIES TO THIS CONVENTION

CONSIDERING that unlawful acts of seizure or exercise of control of aircraft in flight jeopardize the safety of persons and property, seriously affect the operation of air services, and undermine the confidence of the peoples of the world in the safety of civil aviation;

CONSIDERING that the occurrence of such acts is a matter of grave concern;

CONSIDERING that, for the purpose of deterring such acts, there is an urgent need to provide appropriate measures for punishment of offenders;

HAVE AGREED AS FOLLOWS:

Article 1

Any person who on board an aircraft in flight:

(a) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes, or exercises control of, that aircraft, or attempts to perform any such act, or

(b) is an accomplice of a person who performs or attempts to perform any such act

commits an offence (hereinafter referred to as "the offence").

Article 2

Each Contracting State undertakes to make the offence punishable by severe penalties.

Article 3

1. For the purposes of this Convention, an aircraft is considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing, the flight shall be deemed

to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board.

2. This Convention shall not apply to aircraft used in military, customs or police services.

3. This Convention shall apply only if the place of take-off or the place of actual landing of the aircraft on board which the offence is committed is situated outside the territory of the State of registration of that aircraft; it shall be immaterial whether the aircraft is engaged in an international or domestic flight.

4. In the cases mentioned in Article 5, this Convention shall not apply if the place of take-off and the place of actual landing of the aircraft on board which the offence is committed are situated within the territory of the same State where that State is one of those referred to in that Article.

5. Notwithstanding paragraphs 3 and 4 of this Article, Articles 6, 7, 8 and 10 shall apply whatever the place of take-off or the place of actual landing of the aircraft, if the offender or the alleged offender is found in the territory of a State other than the State of registration of that aircraft.

Article 4

1. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction over the offence and any other act of violence against passengers or crew committed by the alleged offender in connection with the offence, in the following cases:

(a) when the offence is committed on board an aircraft registered in that State;

(b) when the aircraft on board which the offence is committed lands in its territory with the alleged offender still on board;

(c) when the offence is committed on board an aircraft leased without crew to a lessee who has his principal place of business or, if the lessee has no such place of business, his permanent residence, in that State.

2. Each Contracting State shall likewise take such measures as may be necessary to establish its jurisdiction over the offence in the case where the alleged offender is present in its territory and it does not extradite him pursuant to Article 8 to any of the States mentioned in paragraph 1 of this Article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

Article 5

The Contracting States which establish joint air transport operating organizations or international operating agencies, which operate aircraft which are subject to joint or international registration shall, by appropriate means, designate for each aircraft the State among them which shall exercise the jurisdiction and have the attributes of the State of registration for the purpose of this Convention and shall give notice thereof to the International Civil Aviation Organization which shall communicate the notice to all States Parties to this Convention.

Article 6

1. Upon being satisfied that the circumstances so warrant, any Contracting State in the territory of which the offender or the alleged offender is present, shall take him into custody or take other measures to ensure his presence. The custody and other measures shall be as provided in the law of that State but may only be continued for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary enquiry into the facts.

3. Any person in custody pursuant to paragraph 1 of this Article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national.

4. When a State, pursuant to this Article, has taken a person into custody, it shall

immediately notify the State of registration of the aircraft, the State mentioned in Article 4, paragraph 1(c), the State of nationality of the detained person and, if it considers it advisable, any other interested States of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary enquiry contemplated in paragraph 2 of this Article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 7

The Contracting State in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution.

Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State.

Article 8

1. The offence shall be deemed to be included as an extraditable offence in any extradition treaty existing between Contracting States. Contracting States undertake to include the offence as an extraditable offence in every extradition treaty to be concluded between them.

2. If a Contracting State which makes extradition conditional on the existence of a treaty receives a request for extradition from another Contracting State with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offence. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. Contracting States which do not make extradition conditional on the existence of a treaty shall recognize the offence as an extraditable offence between themselves subject to the conditions provided by the law of the requested State.

4. The offence shall be treated, for the purpose of extradition between Contracting States, as if it had been committed not only in the place in which it occurred but also in the territories of the States required to

establish their jurisdiction in accordance with Article 4, paragraph 1.

Article 9

1. When any of the acts mentioned in Article 1(a) has occurred or is about to occur, Contracting States shall take all appropriate measures to restore control of the aircraft to its lawful commander or to preserve his control of the aircraft.

2. In the cases contemplated by the preceding paragraph, any Contracting State in which the aircraft or its passengers or crew are present shall facilitate the continuation of the journey of the passengers and crew as soon as practicable, and shall without delay return the aircraft and its cargo to the persons lawfully entitled to possession.

Article 10

1. Contracting States shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offence and other acts mentioned in Article 4. The law of the State requested shall apply in all cases.

2. The provisions of paragraph 1 of this Article shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

Article 11

Each Contracting State shall in accordance with its national law report to the Council of the International Civil Aviation Organization as promptly as possible any relevant information in its possession concerning:

- (a) the circumstances of the offence;
- (b) the action taken pursuant to Article 9;
- (c) the measures taken in relation to the offender or the alleged offender, and, in particular, the results of any extradition proceedings or other legal proceedings.

Article 12

1. Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the request of one of them,

be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by the preceding paragraph. The other Contracting States shall not be bound by the preceding paragraph with respect to any Contracting State having made such a reservation.

3. Any Contracting State having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the Depositary Governments.

Article 13

1. This Convention shall be open for signature at The Hague on 16 December 1970, by States participating in the International Conference on Air Law held at The Hague from 1 to 16 December 1970 (hereinafter referred to as The Hague Conference). After 31 December 1970, the Convention shall be open to all States for signature in Moscow, London and Washington. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Convention shall be subject to ratification by the signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, which are hereby designated the Depositary Governments.

3. This Convention shall enter into force thirty days following the date of the deposit of instruments of ratification by ten States signatory to this Convention which participated in The Hague Conference.

4. For other States, this Convention shall enter into force on the date of entry into force of this Convention in accordance with paragraph 3 of this Article, or thirty days following the date of deposit of their instruments of ratification or accession, whichever is later.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of entry into force of this Convention, and other notices.

6. As soon as this Convention comes into force, it shall be registered by the Depos-

tary Governments pursuant to Article 102 of the Charter of the United Nations and pursuant to Article 83 of the Convention on International Civil Aviation (Chicago, 1944).

Article 14

1. Any Contracting State may denounce

this Convention by written notification to the Depositary Governments.

2. Denunciation shall take effect six months following the date on which notification is received by the Depositary Governments.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorised thereto by their Governments, have signed this Convention.

DONE at The Hague, this sixteenth day of December, one thousand nine hundred and seventy, in three originals, each being drawn up in four authentic texts in the English, French, Russian and Spanish languages.

Reservations for the Convention for the Suppression of Unlawful Seizure of Aircraft (UNTS No. 12325)

Algeria

Reservation contained in the instrument of accession deposited on 6 October 1995

The People's Democratic Republic of Algeria does not consider itself bound by the provisions of articles 24.1, 12.1 and 14.1 respectively of the Tokyo, The Hague and Montreal Conventions, which provide for the mandatory referral of any dispute to the International Court of Justice. The People's Democratic Republic of Algeria states that in each case the prior consent of all the parties concerned shall be required in order to refer a dispute to the International Court of Justice.

Articles concerned: 12

Bahrain

Reservation contained in the instrument of accession deposited on 20 February 1984

Bahrain does not consider itself bound by Article 12(1) of the Convention.

Articles concerned: 12

Brazil

Reservation contained in the instrument of ratification deposited on 14 January 1972

Under the provisions of article 12, paragraph 2, of the aforementioned Convention, Brazil does not consider itself bound by paragraph 1 of the same article.

Articles concerned: 12

Belarus

Reservation contained in the instrument of ratification deposited on 30 December 1971

The Byelorussian Soviet Socialist Republic does not consider itself bound by the provisions of Article 12, paragraph 2, which states that disputes concerning the interpretation or application of the Convention shall be submitted to arbitration or to the International Court at the request of one of the parties to the dispute.

Articles concerned: 12

Chile

Reservation contained in the instrument of ratification deposited on 2 February 1972

The Government of Chile declares that it does not consider itself bound by paragraph 1 of Article 12, envisaging that disputes concerning the interpretation or application of the Convention shall be submitted to arbitration or to the International Court of Justice at the request of one of the parties to the dispute.

Articles concerned: 12

China

Reservation contained in the instrument of accession deposited on 10 September 1980

Reservation made with respect to paragraph 1 of Article 12 of the Convention.

Articles concerned: 12

Cuba

Reservation contained in the instrument of accession deposited on 27 November 2001

Reservation made with respect to paragraph 1 of Article 12 of the Convention.

Articles concerned: 12

Ecuador

Reservation contained in the instrument of ratification deposited on 14 June 1971

Reservation made with respect to paragraph 1 of Article 12 of the Convention.

Articles concerned: 12

Egypt

Reservation contained in the instrument of ratification deposited on 28 February 1975

Reservation made with respect to paragraph 1 of Article 12 of the Convention.

Articles concerned: 12

Germany

Reservation contained in the instrument of ratification deposited on 11 October 1974

The Convention having been ratified in accordance with the domestic legislation of the German Democratic Republic, I hereby declare on behalf of the German Democratic Republic that the Convention will be executed and observed, subject to the reservation that article 12, paragraph 1, of the Convention shall not be binding on the German Democratic Republic.

Articles concerned: 12

Guatemala

Reservation contained in the instrument of ratification deposited on 16 May 1979

Reservation made with respect to paragraph 1 of Article 12 of the Convention.

Articles concerned: 12

India

Reservation contained in the instrument of ratification deposited on 12 November 1982

Reservation made with respect to paragraph 1 of Article 12 of the Convention.

Articles concerned: 12

Indonesia

Reservation contained in the instrument of ratification deposited on 27 August 1976

Reservation made with respect to paragraph 1 of Article 12 of the Convention.

Articles concerned: 12

Malawi

Reservation contained in the instrument of accession deposited on 21 December 1972

Reservation made with respect to paragraph 1 of Article 12 of the Convention.

Articles concerned: 12

Morocco

Reservation contained in the instrument of accession deposited on 24 October 1975

In case of a dispute, all recourse must be made to the International Court of Justice on the basis of the unanimous consent of the parties concerned.

Articles concerned: 12

Mongolia

Reservation contained in the instrument of ratification deposited on 8 October 1971

The Mongolian People's Republic does not consider itself bound by the provisions article 12, paragraph 1, of the Convention for the Suppression of Unlawful Seizure of Aircraft, which states that disputes concerning the interpretation and application of the Convention shall be submitted to arbitration or to the International Court at the request of one of the parties to the dispute.

Articles concerned: 12

Mozambique

Reservation contained in the instrument of accession deposited on 16 January 2003

Reservation made with respect to paragraph 1 of Article 12 of the Convention.

Articles concerned: 12

Oman

Reservation contained in the instrument of accession deposited on 2 February 1977

The Government of the Sultanate of Oman does not consider itself bound by Article 12, paragraph 1 of the Convention.

Articles concerned: 12

Papua New Guinea

Reservation contained in the instrument of succession deposited on 4 December 1975

In succeeding to this Convention, Papua New Guinea hereby exercises its right under Article 12 (2) of the Convention to declare it does not consider itself bound by Article 12 (1).

Articles concerned: 12

Peru

Reservation contained in the instrument of accession deposited on 28 April 1978

Reservation made with respect to paragraph 1 of Article 12 of the Convention.

Articles concerned: 12

Qatar**Reservation contained in the instrument of accession deposited on 26 August 1981**

Reservation made with respect to paragraph 1 of Article 12 of the Convention.

Articles concerned: 12

Romania**Reservation contained in the instrument of ratification deposited on 10 July 1972**

The Socialist Republic of Romania, in accordance with paragraph 2 of Article 12 of the Convention, declares that it does not consider itself bound by the provisions of paragraph 1 of that Article of the Convention for the Suppression of Unlawful Seizure of Aircraft. The position of the Socialist Republic of Romania is that the disputes concerning the interpretation or application of the Convention shall be submitted to the International Court of Justice only with the consent of all the parties to the dispute, for each separate case.

Articles concerned: 12

Russian Federation**Reservation contained in the instrument of ratification deposited on 24 September 1971**

The Government of the Union of Soviet Socialist Republics does not consider itself bound by the provisions of paragraph 1 of Article 12, envisaging that disputes about the interpretation or application of the Convention shall be submitted to arbitration or to the International Court at the request of one of the parties to the dispute.

Articles concerned: 12

Saudi Arabia**Reservation contained in the instrument of accession deposited on 14 June 1974**

Reservation made with respect to paragraph 1 of Article 12 of the Convention.

Articles concerned: 12

South Africa**Reservation contained in the instrument of ratification deposited on 30 May 1972**

Subject to a reservation in respect of article 12 paragraph 1 of the Convention, as provided for in paragraph 2 of the said article.

Articles concerned: 12

Syrian Arab Republic

Reservation contained in the instrument of accession deposited on 10 July 1980

Reservation made with respect to paragraph 1 of Article 12 of the Convention.

Articles concerned: 12

Tunisia

Reservation contained in the instrument of accession deposited on 16 November 1981

[...] concerning the second sentence of paragraph 1 of article 12 of the Hague Convention: the dispute may be submitted to the International Court of Justice with the agreement of all parties to the dispute.

Articles concerned: 12

Ukraine

Reservation contained in the instrument of ratification deposited on 21 February 1972

The Government of the Ukrainian Soviet Socialist Republic does not consider itself bound by the provisions of article 12, paragraph 1, which states that disputes concerning the interpretation or application of the Convention shall be submitted to arbitration or to the International Court at the request of one of the parties to the dispute.

Articles concerned: 12

Viet Nam

Reservation contained in the instrument of accession deposited on 17 September 1979

Reservation made with respect to paragraph 1 of Article 12 of the Convention.