

No. 19947

**CUBA
and
CANADA**

Agreement on hijacking of aircraft and vessels and other offenses. Signed at Ottawa on 15 February 1973

Exchange of notes constituting an agreement extending the above-mentioned Agreement. Havana, 3 October 1979

Authentic texts: Spanish, English and French.

Registered by the International Civil Aviation Organization on 19 June 1981.

**CUBA
et
CANADA**

Accord relatif aux détournements d'avions, de vaisseaux et à d'autres infractions. Signé à Ottawa le 15 février 1973

Échange de notes constituant un accord prorogeant l'Accord susmentionné. La Havane, 3 octobre 1979

Textes authentiques : espagnol, anglais et français.

Enregistré par l'Organisation de l'aviation civile internationale le 19 juin 1981.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF CUBA AND THE GOVERNMENT OF CANADA ON HIJACKING OF AIRCRAFT AND VESSELS AND OTHER OFFENSES

The Government of the Republic of Cuba and the Government of Canada, on the basis of sovereign equality, friendly relations and reciprocal cooperation, agree:

Article 1. 1. Any person who hereafter seizes, removes, appropriates or diverts from its normal route or activities an aircraft or vessel registered under the laws of one of the parties and brings it to the territory of the other party shall be considered to have committed an offense and therefore shall either be returned to the party of registry of the aircraft or vessel to be tried by the courts of that party in conformity with its laws or be brought before the courts of the party whose territory he reached for trial in conformity with its laws for the offense punishable by the most severe penalty according to the circumstances and the seriousness of the acts to which this Article refers. In addition, the party whose territory is reached by the aircraft or vessel shall take all necessary steps to facilitate without delay the continuation of the journey of the passengers and crew innocent of the hijacking of the aircraft or vessel in question, with their belongings, as well as the journey of the aircraft or vessel itself with all goods carried with it, including any funds obtained by extortion or other illegal means, or the return of the foregoing to the territory of the first party; likewise, it shall take all steps to protect the physical integrity of the aircraft or vessel, and all goods carried with it, including any funds obtained by extortion or other illegal means, and the physical integrity of the passengers and crew innocent of the hijacking, and their belongings, while they are in its territory as a consequence of or in connection with the acts to which this Article refers.

2. In the event that the offenses referred to above are not punishable under the laws existing in the country to which the persons committing them arrived, the party in question shall be obligated, except in the case of minor offenses, to return the persons who have committed such acts, in accordance with the applicable legal procedures, to the territory of the other party to be tried by its courts in conformity with its laws.

Article 2. Each party shall try with a view to severe punishment in accordance with its laws any person who, within its territory, hereafter conspires to promote, or promotes, or prepares, or directs, or forms part of an expedition which from its territory or any other place carries out acts of violence or depredation against aircraft or vessels of any kind or registration coming from or going to the territory of the other party.

Article 3. Each party shall apply strictly its own laws to any national of the other party who, coming from the territory of the other party, enters its territory, violating its laws as well as national and international requirements pertaining to immigration, health, customs and the like.

Article 4. The party in whose territory the perpetrators of the acts described in Article 1 arrive may take into consideration any extenuating or mitigating circum-

¹ Came into force on 15 February 1973 by signature, in accordance with article 5 (4).

stances in those cases in which the persons responsible for the acts were being sought for strictly political reasons and were in real and imminent danger of death without a viable alternative for leaving the country, provided there was no financial extortion or physical injury to the members of the crew, passengers or other persons in connection with the hijacking.

Article 5. 1. This Agreement may be amended or expanded by decision of the parties.

2. This Agreement shall be in force for five years and may be renewed for an equal term by express decision of the parties.

3. Either party may inform the other of its decision to terminate this Agreement at any time while it is in force by written denunciation submitted six months in advance.

4. This Agreement shall enter into force on the date of signature.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF CUBA AND THE GOVERNMENT OF CANADA EXTENDING THE AGREEMENT ON HIJACKING OF AIRCRAFT AND VESSELS AND OTHER OFFENSES²

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD¹ ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE DE CUBA ET LE GOUVERNEMENT DU CANADA PROROGÉANT L'ACCORD RELATIF AUX DÉTOURNEMENTS D'AVIONS, DE VAISSEAUX ET À D'AUTRES INFRACTIONS²

I

Havana, October 3, 1979

La Havane, le 3 octobre 1979

Sir,

I have the honour to refer to discussions which have taken place recently between representatives of our two Governments concerning the Agreement between the Government of Canada and the Government of the Republic of Cuba on Hijacking of Aircraft and Vessels and other Offences signed at Ottawa on February 15, 1973² and which expired on February 14, 1978.

In light of these discussions, the Government of Canada now proposes the renewal of the Agreement referred to above for a term of five years commencing on February 15, 1978.

If the foregoing is acceptable to the Government of the Republic of Cuba, I have the honour to propose that this Note, which is authentic in English and French, and your reply to that effect shall constitute an Agreement between our two Governments to renew the Agreement on Hijacking of Aircraft and Vessels and other Offences for a term of five years, with effect from February 15, 1978. It is further proposed that the pres-

Monsieur le Ministre,

J'ai l'honneur de me reporter aux discussions qui ont eu lieu récemment entre des représentants de nos deux gouvernements sur l'Accord entre le Gouvernement du Canada et le Gouvernement de la République de Cuba relatif aux détournements d'avions, de vaisseaux et à d'autres infractions, qui a été signé à Ottawa le 15 février 1973² et qui a expiré le 14 février 1978.

A la lumière de ces discussions, le Gouvernement du Canada propose maintenant de reconduire l'Accord susmentionné pour cinq années avec effet au 15 février 1978.

Si ce qui précède agréé au Gouvernement de la République de Cuba, j'ai l'honneur de proposer que la présente note, dont les versions française et anglaise font également foi, et votre réponse à cet effet constituent entre nos deux gouvernements un accord reconduisant l'Accord relatif aux détournements d'avions, de vaisseaux et à d'autres infractions, pour cinq années avec effet au 15 février 1978. Je propose également

¹ Came into force on 3 October 1979 by the exchange of the said notes, with retroactive effect from 15 February 1978, in accordance with the provisions of the said notes.

² See p. 112 of this volume.

¹ Entré en vigueur le 3 octobre 1979 par l'échange des dites notes, avec effet rétroactif au 15 février 1978, conformément aux dispositions des dites notes.

² Voir p. 114 du présent volume.

ent Agreement shall enter into force on the date of your reply.

Accept, Sir, the assurances of my highest consideration.

Ambassador of Canada¹

H.E. Dr. René Anillo Capote
Minister of Foreign Affairs, a.i.
Havana

que le présent Accord entre en vigueur à la date de votre réponse.

Acceptez, Monsieur le Ministre, l'assurance de ma très haute considération.

L'Ambassadeur du Canada¹

S. E. D^r René Anillo Capote
Ministre des Affaires étrangères a.i.
La Havane

II

[SPANISH TEXT — TEXTE ESPAGNOL]

Ciudad de La Habana, 3 de Octubre de 1979

Señor Embajador:

Tengo el honor de acusar recibo a la amable Nota de fecha 3 de octubre de 1979 que Vuestra Excelencia se ha dignado dirigirme y cuyo texto, que paso a transcribir a continuación, es del tenor siguiente:

“Tengo el honor de hacer referencia a las conversaciones que han tenido lugar recientemente entre representantes de nuestros respectivos Gobiernos con relación al Acuerdo suscrito entre el Gobierno del Canadá y el Gobierno de la República de Cuba sobre el Secuestro de Naves Aéreas y Marítimas y Otros Delitos firmado en Ottawa el 15 de febrero de 1973 y que expirará el 14 de febrero de 1978.

“A la luz de estas conversaciones, el Gobierno del Canadá está proponiendo la renovación del referido Acuerdo por cinco años a partir del 15 de febrero de 1978.

“Si lo anteriormente expuesto resulta aceptable a la República de Cuba, tengo el honor de proponer que la presente Nota, cuya versión original fue redactada en inglés y en francés, y la respuesta suya a ese efecto constituirán un Acuerdo entre nuestros dos Gobiernos para renovar el Acuerdo sobre el Secuestro de Naves Aéreas y Marítimas y otros Delitos por cinco años para que surta efecto a partir del 15 de febrero de 1978. Se propone, además, que el presente Acuerdo entre en vigor en la fecha misma de su respuesta.

“Ruégole acepte, Señor Ministro, las seguridades de mi más alta consideración”.

Me es grato significar a Vuestra Excelencia que mi Gobierno está conforme con el contenido de la Nota antes transcripta, quedando acordado, de conformidad con lo expresado en la misma y en el acápite 2) del Artículo V del Acuerdo, que la referida Nota y esta respuesta constituyen el Acuerdo de ambas Partes Contratantes para renovar a partir del día 15 de febrero de 1978 y por un término igual de cinco años el Acuerdo entre el Gobierno de la República de Cuba y el Gobierno del Canadá sobre

¹ Signature affixed by Gary Richard Harman.

¹ Signature apposée par Gary Richard Harman.

el desvío de aviones y embarcaciones y otros delitos, suscrito en Ottawa, el día 15 de febrero de 1973, y que el presente Acuerdo entre en vigor en el día de hoy, 3 de octubre de 1979.

Aprovecho la oportunidad para reiterar a Vuestra Excelencia el testimonio de mi más alta consideración.

RENÉ ANILLO CAPÓTE
Ministro de Relaciones Exteriores a.i.

Al Excmo. Sr. Gary Richard Harman
Embajador Extraordinario y Plenipotenciario
Embajada del Canadá
Ciudad de La Habana

[TRANSLATION]

Havana, 3 October 1979

Sir,

I have the honour to acknowledge receipt of your note dated 3 October 1979, the text of which is as follows:

[*See note I*]

I am pleased to inform you that the content of the above note is acceptable to my Government, which agrees, in accordance with the terms of the note and article 5 (2) of the Agreement, that your note and this reply shall constitute the agreement of the two Contracting Parties to renew for an equal term of five years as from 15 February 1978 the Agreement between the Government of the Republic of Cuba and the Government of Canada on Hijacking of Aircraft and Vessels and other Offences, signed in Ottawa on 15 February 1973, and that this Agreement shall enter into force today, 3 October 1979.

[TRADUCTION]

La Havane, le 3 octobre 1979

Monsieur l'Ambassadeur,

J'ai l'honneur d'accuser réception de votre aimable note du 3 octobre 1979, dont le texte est reproduit ci-après :

[*Voir note I*]

J'ai le plaisir de vous faire savoir que les propositions contenues dans la note ci-dessus rencontrent l'agrément de mon gouvernement, lequel accepte, conformément aux dispositions qu'elle contient et au paragraphe 2 de l'article 5 de l'Accord, que la note en question et la réponse à ladite note constituent entre les deux Parties contractantes un accord reconduisant, à compter du 15 février 1978 et pour une durée égale de cinq ans, l'Accord entre le Gouvernement de la République de Cuba et le Gouvernement canadien relatif aux détournements d'avions, de vaisseaux et à d'autres infractions, signé à Ottawa le 15 février 1973, et que cet accord prenne effet ce jour, 3 octobre 1979.

Accept, Sir, etc.

RENÉ ANILLO CAPOTE
Acting Minister for Foreign Affairs

Mr. Gary Richard Harman
Ambassador Extraordinary and Pleni-
potentiary
Canadian Embassy
Havana

Je saisis cette occasion, etc.

RENÉ ANILLO CAPOTE
Ministre des relations extérieures
par intérim

S. E. Monsieur Gary Richard Harman
Ambassadeur extraordinaire et pléni-
potentiaire
Ambassade du Canada
La Havane
