

No. 13067

**UNITED STATES OF AMERICA
and
CUBA**

Exchange of notes constituting an agreement relating to hijacking of aircraft and vessels and other offenses (with memorandum of understanding). Washington and Havana, 15 February 1973

Authentic texts: English and Spanish.

Registered by the United States of America on 12 February 1974.

**ÉTATS-UNIS D'AMÉRIQUE
et
CUBA**

Échange de notes constituant un accord relatif aux détournements d'aéronefs et de navires et à d'autres infractions (avec mémorandum d'accord). Washington et La Havane, 15 février 1973

Textes authentiques : anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 12 février 1974.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND
CUBA RELATING TO HIJACKING OF AIRCRAFT AND
VESSELS AND OTHER OFFENSES

I

The Secretary of State to the Czechoslovak Chargé d'Affaires ad interim

DEPARTMENT OF STATE
WASHINGTON

February 15, 1973

Sir:

I refer to the Memorandum of Understanding on the hijacking of aircraft and vessels and other offenses which has resulted from conversations which have taken place between the Embassy of Switzerland, representative of the interests of the United States of America in Cuba, and representatives of the Government of the Republic of Cuba, the text of which is as follows:

MEMORANDUM OF UNDERSTANDING ON HIJACKING OF AIRCRAFT AND
VESSELS AND OTHER OFFENSES

The Government of the United States of America and the Government of the Republic of Cuba, on the bases of equality and strict reciprocity, agree:

First. 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; like-wise, 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.

In the event that the offenses referred to above are not punishable under the laws existing

¹Came into force on 15 February 1973, the date of the exchange of the said notes between the Department of State of the United States of America and the Czechoslovak Embassy in Washington (representing Cuban interests) and between the Cuban Ministry of Foreign Affairs and the Swiss Embassy in Havana (representing United States interests), in accordance with the provisions of the said notes.

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.

Second. 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 or 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 such acts or other similar unlawful acts in the territory of the other party.

Third. 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.

Fourth. The party in whose territory the perpetrators of the acts described in article *first* arrive may take into consideration any extenuating or mitigating circumstances 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.

Final provisions. This Agreement may be amended or expanded by decision of the parties.

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

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.

This Agreement shall enter into force on the date agreed by the parties.

DONE in English and Spanish texts which are equally authentic.

In compliance with the express instructions of my Government, I wish to convey its acceptance of the Memorandum of Understanding transcribed above, as well as its agreement that the simultaneous exchange of notes taking place in Washington between the Department of State and the Embassy of the Czechoslovak Socialist Republic, representative of the interests of the Republic of Cuba in the United States of America, and in Havana between the Embassy of Switzerland, representative of the interests of the United States of America in Cuba, and the Ministry of Foreign Relations, shall constitute the agreement on the hijacking of aircraft and vessels and other offenses between the Government of the United States of America and the Government of the Republic of Cuba, which shall take effect on the date of this note.

Accept, Sir, the renewed assurances of my high consideration.

WILLIAM P. ROGERS

The Honorable Jaroslav Zantovsky
Charge d'Affaires ad interim
of the Czechoslovak Socialist Republic

II

The Czechoslovak Chargé d'Affaires ad interim to the Secretary of State

EMBASSY OF THE CZECHOSLOVAK SOCIALIST REPUBLIC

WASHINGTON D.C.

February 15, 1973

Excellency:

Acting in a capacity of representative of the interests of the Republic of Cuba in the United States of America, I have the honour of acknowledging the receipt of your today's note, which literally transcribed reads as follows:

[See note I]

I have the honour to communicate to Your Excellency the acceptance of the Government of the Republic of Cuba of the Memorandum of Understanding embodied in said note, and its approval that the exchange of notes which is taking place simultaneously in Washington between the Embassy of the Czechoslovak Socialist Republic, as representative of the interests of the Republic of Cuba in the United States of America, and the Department of State, and in Havana between the Ministry of Foreign Relations and the Embassy of Switzerland, as representative of the interests of the United States of America in Cuba, does constitute the Agreement on the hijacking of aircraft and vessels and other offenses by and between the Government of the Republic of Cuba and the Government of the United States of America, to become effective as of the date hereof.

I take this opportunity to Your Excellency the assurance of my highest and most distinguished consideration.

JAROSLAV ZANTOVSKY

His Excellency William P. Rogers
The Secretary of State
Washington, D.C.

III

[SPANISH TEXT — TEXTE ESPAGNOL]

EL MINISTRO DE RELACIONES EXTERIORES DE LA REPÚBLICA DE CUBA

LA HABANA

15 de febrero de 1973

Señor Embajador:

Tengo el honor de referirme al Memorándum de Acuerdo sobre el Secuestro de Naves Aéreas y Marítimas y otros Delitos que ha resultado de las conversaciones efectuadas entre representantes del Gobierno de la República de Cuba y la Embajada de Suiza, representante de los intereses de los Estados Unidos de América en Cuba y cuyo texto es del tenor siguiente:

Disposiciones finales. Este Acuerdo puede ser modificado o ampliado por voluntad de las partes.

Este Acuerdo tendrá una vigencia de cinco años y podrá ser prorrogado por igual término por voluntad expresa de las partes.

En cualquier momento de su período de vigencia y mediante denuncia escrita formulada con seis meses de anticipación, una de las partes podrá comunicar a la otra su decisión de dar por terminado el Acuerdo.

Este Acuerdo entrará en vigor en la fecha que convengan las partes.

DADO en dos textos igualmente válidos, en idiomas español e inglés.

Cumplo expresas instrucciones de mi Gobierno de comunicar su aceptación al Memorandum de Acuerdo antes transcrito, así como su conformidad con que el intercambio de Notas que se efectúa simultáneamente en La Habana entre el Ministerio de Relaciones Exteriores y la Embajada de Suiza, representante de los intereses de los Estados Unidos de América en Cuba, y en Washington entre la Embajada de la República Socialista de Checoslovaquia, representante de los intereses de la República de Cuba en los Estados Unidos de América, y el Departamento de Estado, constituye el Acuerdo sobre el Secuestro de Naves Aéreas y Marítimas y otros Delitos entre el Gobierno de la República de Cuba y el Gobierno de los Estados Unidos de América, el cual entrará en vigor a partir de la fecha de la presente Nota.

Aprovecho la oportunidad para reiterar a usted, Señor Embajador, el testimonio de mi más alta y distinguida consideración.

RAÚL ROA

Al Excelentísimo Señor Silvio Masnata
Embajador Extraordinario y Plenipotenciario de Suiza
Representante de los Intereses de los Estados Unidos de América
La Habana

[TRANSLATION¹ — TRADUCTION²]

The Cuban Minister of Foreign Affairs to the Swiss Ambassador

THE MINISTER OF FOREIGN AFFAIRS OF THE REPUBLIC OF CUBA

HABANA

February 15, 1973

Mr. Ambassador:

I have the honor to refer to the Memorandum of Understanding on the hijacking of aircraft and vessels and other offenses which has resulted from conversations held between representatives of the Government of the Republic of

¹ Translation supplied by the Government of the United States of America.

² Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.

Cuba and the Embassy of Switzerland, representative of the interests of the United States of America in Cuba, the text of which is as follows:

[*See note I*]

In compliance with express instructions of my Government, I hereby convey its acceptance of the Memorandum of Understanding transcribed above, and its agreement that the simultaneous exchange of notes taking place at Habana between the Ministry of Foreign Affairs and the Embassy of Switzerland, representative of the interests of the United States of America in Cuba, and at Washington between the Embassy of the Czechoslovak Socialist Republic, representative of the interests of the Republic of Cuba in the United States of America, and the Department of State, shall constitute the Agreement on the hijacking of aircraft and vessels and other offenses between the Government of the Republic of Cuba and the Government of the United States of America, which shall take effect on the date of this note.

Accept, Mr. Ambassador, the assurance of my highest and most distinguished consideration.

RAÚL ROA

His Excellency Silvio Masnata
Ambassador Extraordinary and Plenipotentiary of Switzerland
Representative of the Interests of the United States of America
Habana

[SPANISH TEXT — TEXTE ESPAGNOL]

IV

AMBASSADE DE SUISSE À CUBA

Excelencia:

En mi calidad de representante de los intereses de los Estados Unidos de América en Cuba tengo el honor de acusar recibo a su Nota de hoy, que literalmente transcrita expresa:

[*See note III — Voir note III*]

Tengo el honor de comunicar a Vuestra Excelencia la aceptación, por parte del Gobierno de los Estados Unidos de América, del Memorándum de Acuerdo contenido en dicha Nota, así como su conformidad con que el intercambio de Notas, que se efectúa simultáneamente en La Habana entre la Embajada de Suiza, representante de los intereses de los Estados Unidos de América, y el Ministerio de Relaciones Exteriores y, en Washington, entre el Departamento de Estado y la Embajada de la República Socialista de Checoslovaquia, representante de los intereses de la República de Cuba, constituye el Acuerdo sobre el Secuestro de Naves Aéreas y Marítimas y otros Delitos entre el Gobierno de los Estados Unidos de América y el Gobierno de la República de Cuba, el cual entrará en vigor a partir de la fecha de la presente Nota.

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

La Habana, 15 febrero de 1973.

S. MASNATA

Al Excelentísimo Señor Raúl Roa García
Ministro de Relaciones Exteriores
La Habana

[TRANSLATION¹ — TRADUCTION²]

The Swiss Ambassador to the Cuban Minister of Foreign Affairs

EMBASSY OF SWITZERLAND IN CUBA

Excellency:

As representative of the interests of the United States of America in Cuba, I have the honor to acknowledge receipt of your note dated today, the text of which reads as follows:

[See note III]

I have the honor to convey to Your Excellency the acceptance by the Government of the United States of America of the Memorandum of Understanding contained in the aforesaid note, and its agreement that the simultaneous exchange of notes taking place in Habana between the Embassy of Switzerland, representative of the interests of the United States of America, and the Ministry of Foreign Affairs, and in Washington between the Department of State and the Embassy of the Czechoslovak Socialist Republic, representative of the interests of the Republic of Cuba, shall constitute the Agreement on the hijacking of aircraft and vessels and other offenses between the Government of the United States of America and the Government of the Republic of Cuba, which shall take effect on the date of this note.

Accept, Excellency, the assurance of my highest and most distinguished consideration.

Habana, February 15, 1973.

S. MASNATA

His Excellency Raúl Roa García
Minister of Foreign Affairs
Habana

¹ Translation supplied by the Government of the United States of America.

² Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.