

No. 19949

**CUBA
and
COLOMBIA**

**Agreement relating to hijacking of aircraft and vessels and
other offences. Signed at Bogotá on 22 July 1974**

Authentic text: Spanish.

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

**CUBA
et
COLOMBIE**

**Accord relatif aux détournements d'avions et de navires
et à d'autres infractions. Signé à Bogotá le 22 juillet 1974**

Texte authentique : espagnol.

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

[TRANSLATION — TRADUCTION]

AGREEMENT¹ RELATING TO HIJACKING OF AIRCRAFT AND VESSELS AND OTHER OFFENCES

The Government of the Republic of Cuba and the Government of the Republic of Colombia, desiring to prevent and punish the illegal seizure of aircraft and vessels and other offences which endanger the security and normal operation of air and sea traffic and on the basis of equality and strict reciprocity, agree as follows:

Article 1. This Agreement shall henceforth apply to cases of seizure, removal or appropriation of an aircraft or vessel registered in one of the Parties, and to cases of diversion of such aircraft or vessel from its normal route or activities, when in any of the aforementioned cases the aircraft or vessel arrives in the territory of the other Party.

Article 2. Both Parties declare that the acts referred to in article 1 shall be considered offences and they agree as follows:

- (a) The authorities of the Party in whose territory the perpetrator of such acts arrives shall take him into custody or take the measures deemed essential to ensure his presence. The custody or other measures shall be continued for as long as is necessary to allow the perpetrator of the acts in question to be returned to the other Party or the appropriate criminal proceedings to be instituted.
- (b) The Party whose territory is reached by the aircraft or vessel involved shall take all necessary steps to facilitate without delay the continuation of the journey of the innocent passengers and crew, with their belongings, as well as the journey of the aircraft or vessel itself with all its equipment and accessories and any funds obtained by extortion or other illegal means, or the return of the aircraft or vessel, persons and objects in question to the territory of the other Party. It shall also protect aircraft or vessels with all goods carried with them, the funds referred to above and the physical integrity of the passengers and crew, while they are in its territory.

Article 3. In the event that the acts referred to in article 1 are not punishable under the legal system of the country in which the person committing them arrives, the Government of that country shall return him, in accordance with the applicable legal procedures, to the territory of the other Party to be tried according to the laws of the country to which he is delivered.

Article 4. This Agreement shall also apply to any person who, within the territory of one of the Parties, conspires to promote or promotes, prepares, directs, or forms part of an expedition which, from that territory or any other place, carries out any acts of violence or depredation against aircraft or vessels of any kind or registration coming from, going to or located in the territory of the other Party. When a Party takes into custody the person who has committed one of the said acts in its territory,

¹ Came into force on 30 May 1978, the date of the exchange of notes by which the Parties notified each other that it had been ratified in conformity with their constitutional procedures, in accordance with article 9.

it shall immediately refer the case to its competent authorities for the purpose of the appropriate proceedings.

Article 5. Each Party shall apply its own laws strictly to any national of the other Party who, coming from the territory of the latter, enters its territory, violating its laws as well as national and international requirements pertaining to immigration, health, customs and the like.

Article 6. The Party which, under this Agreement, is obliged to return or prosecute the perpetrator of the acts described in article 1 may take into consideration strictly political motives and the circumstances in which the acts were committed, in order to refrain from returning or prosecuting him, provided that there was no financial extortion or physical injury to the members of the crew, passengers or other persons.

Article 7. The Parties shall not be obliged to extradite their own nationals.

Article 8. This Agreement shall remain in force for five years and may be renewed for an equal term by mutual agreement.

Article 9. 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 be subject to ratification in accordance with the constitutional provisions of the Parties and shall enter into force on the day of the exchange of notes by which the Parties shall notify each other of the said ratification.

DONE at Bogotá on 22 July 1974, in duplicate, both copies being equally authentic and valid.

For the Government
of the Republic of Cuba:

CARLOS AMAT FORÉS
Ambassador and Director of Regional
Policy of the Ministry of Foreign
Affairs of Cuba

For the Government
of the Republic of Colombia:

ALFREDO VÁZQUEZ CARRIZOSA
Minister for Foreign Affairs
of Colombia