

CUBA
and
VENEZUELA

Agreement on hijacking of aircraft and vessels and other offences. Signed at Havana on 6 July 1973

Exchange of notes constituting an agreement extending the above-mentioned Agreement. Caracas, 19 June 1979

Authentic text: Spanish.

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

CUBA
et
VENEZUELA

Accord relatif aux détournements d'avions et de navires et à d'autres infractions. Signé à La Havane le 6 juillet 1973

Échange de notes constituant un accord prorogeant l'Accord susmentionné. Caracas, 19 juin 1979

Texte authentique : espagnol.

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

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON HIJACKING OF AIRCRAFT AND VESSELS AND OTHER OFFENCES

The Government of the Republic of Cuba and the Government of the Republic of Venezuela, prompted by the desire 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 co-operation, equality and reciprocity, agree as follows:

Article 1. This Agreement shall 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 19 June 1974, 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 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 Havana on 6 July 1973, in duplicate, both copies being equally authentic and valid.

For the Government
of the Republic of Cuba:

RAÚL ROA GARCÍA
Minister for Foreign Affairs

For the Government
of the Republic of Venezuela:

Dr. MARCIAL PÉREZ CHIRIBOGA
Ambassador

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF CUBA AND THE GOVERNMENT OF THE REPUBLIC OF VENEZUELA ON HIJACKING OF AIRCRAFT AND VESSELS AND OTHER OFFENCES OF 6 JULY 1973²

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD¹ ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE DE CUBA ET LE GOUVERNEMENT DE LA RÉPUBLIQUE DU VENEZUELA RELATIF AUX DÉTOURNEMENTS D'AVIONS ET DE NAVIRES ET À D'AUTRES INFRACTIONS DU 6 JUILLET 1973²

I

[SPANISH TEXT — TEXTE ESPAGNOL]

Caracas, 19 de Junio de 1979

Excelencia:

Tengo a honra dirigirme a Vuestra Excelencia en relación con el Convenio entre la República de Venezuela y la República de Cuba sobre Secuestro de Naves Aéreas y Marítimas y Otros Delitos, firmado el 6 de Julio de 1973 y ratificado el 19 de Junio de 1974.

Estimo que el Instrumento de referencia ha cumplido con el propósito de los Gobiernos de ambos países de evitar el apoderamiento ilícito de naves y otros delitos que ponen en peligro la seguridad y normalidad de la navegación aérea y marítima.

En vista de que el Artículo 8º del Convenio establece que permanecerá en vigor durante cinco años, pero que podrá ser prorrogado por igual término, de mutuo acuerdo, me permito proponer que la presente nota y la respuesta de Vuestra Excelencia constituye el Instrumento de prórroga del Convenio por cinco años más, a partir de la presente fecha.

Válgame de la oportunidad para renovar a Vuestra Excelencia las seguridades de mi más alta consideración.

[*Signed — Signé*]

RAFAEL LEÓN MORALES
Encargado del Ministerio de Relaciones Exteriores

Al Excelentísimo Señor Norberto Hernández Curbelo
Embajador Extraordinario y Plenipotenciario
de la República de Cuba

Presente

¹ Came into force on 19 June 1979 by the exchange of the said notes.

² See p. 124 of this volume.

¹ Entré en vigueur le 19 juin 1979 par l'échange desdites notes.

² Voir p. 126 du présent volume.

[TRANSLATION]

[TRADUCTION]

No. PE/T-3993

Nº PE/T-3993

Caracas, 19 June 1979

Caracas, le 19 juin 1979

Sir,

I have the honour to refer to the Agreement between the Republic of Venezuela and the Republic of Cuba on hijacking of aircraft and vessels and other offences, which was signed on 6 July 1973 and ratified on 19 June 1974.¹

I believe that the instrument in question has fulfilled the objective of the Governments of the two countries, namely that of preventing the illegal seizure of aircraft and vessels and other offences which endanger the security and normal operation of air and sea traffic.

Since article 8 of the Agreement states that it shall remain in force for five years, but that it may be renewed for an equal term by mutual agreement, I have the honour to propose that this note and your reply shall constitute the instrument of renewal for a further term of five years, commencing today.

Accept, Sir, etc.

[Signed]

RAFAEL LEÓN MORALES
Acting Minister for Foreign Affairs

H.E. Mr. Norberto Hernández Curbelo
Ambassador Extraordinary and Plenipotentiary of the Republic of Cuba
Caracas

Monsieur l'Ambassadeur,

J'ai l'honneur de me référer à l'Accord entre la République du Venezuela et la République de Cuba relatif aux détournements d'avions et de navires et à d'autres infractions, signé le 6 juillet 1973 et ratifié le 19 juin 1974¹.

Je considère que l'instrument susmentionné répond à l'objectif que s'étaient fixé les gouvernements des deux pays, consistant à prévenir l'appropriation illicite d'avions et de navires ainsi que toute autre infraction mettant en danger la sécurité et le déroulement normal de la navigation aérienne et maritime.

Vu que l'article 8 dispose que l'Accord demeurera en vigueur pendant cinq ans et qu'il pourra être prorogé d'une durée égale, par accord mutuel, je propose que la présente note et votre réponse constituent l'instrument de prorogation de l'Accord pour une durée supplémentaire de cinq ans, à compter de ce jour.

Je saisiss cette occasion, etc.

[Signé]

RAFAEL LEÓN MORALES
Ministre des relations extérieures
par intérim

S. E. M. Norberto Hernández Curbelo
Ambassadeur extraordinaire et plénipotentiaire de la République de Cuba
Caracas

¹ See p. 124 of this volume.

¹ Voir p. 126 de ce volume.

II

[SPANISH TEXT — TEXTE ESPAGNOL]

EMBAJADA DE CUBA
CARACAS

MXV-

Caracas, 19 de Junio de 1979

Señor Ministro:

Tengo el honor de dirigirme a Vuestra Excelencia, cumpliendo instrucciones del Gobierno Revolucionario, en relación con el Convenio entre la República de Cuba y la República de Venezuela sobre Secuestro de Naves Aéreas y Marítimas y Otros Delitos, firmado el 6 de julio de 1973 y ratificado el 19 de junio de 1974.

El Gobierno Cubano considera que el Instrumento de referencia ha cumplido el propósito de los Gobiernos de ambos países de evitar el apoderamiento ilícito de naves y otros delitos que ponen en peligro la seguridad y normalidad de la navegación aérea y marítima y que ha contribuido al desarrollo de positivas relaciones de amistad y colaboración entre nuestros pueblos y gobiernos.

Como Vuestra Excelencia señala en la Nota que con fecha de hoy ha tenido a bien dirigirme, y tomando en consideración lo expresado en el Artículo 8º del Convenio, me complazco en aceptar la Nota de Vuestra Excelencia para que junto a la presente constituyan el Instrumento de prórroga del Convenio por cinco años más, a partir de la presente fecha.

Me es grato aprovechar esta oportunidad para reiterar a Vuestra Excelencia el testimonio de mi más alta y distinguida consideración.

NORBERTO HERNÁNDEZ CURBELO

Al Excelentísimo Señor José Alberto Zambrano Velasco
Ministro de Relaciones Exteriores
de la República de Venezuela

[TRANSLATION]

EMBASSY OF CUBA
CARACAS

[TRADUCTION]

AMBASSADE DE CUBA
CARACAS

MXV-

MXV-

Caracas, 19 June 1979

Caracas, le 19 juin 1979

Sir,

On instructions from the Revolutionary Government I have the honour to refer to the Agreement between the Republic of Cuba and the Republic of Venezuela on hijacking of aircraft and vessels and other offences, which was

Monsieur le Ministre,

J'ai l'honneur, d'ordre du Gouvernement révolutionnaire, de me référer à l'Accord entre la République de Cuba et la République du Venezuela, relatif aux détournements d'avions et de navires et à d'autres infractions, signé

signed on 6 July 1973 and ratified on 19 June 1974.¹

The Cuban Government considers that the instrument in question has fulfilled the objectives of the Government of the two countries, namely that of preventing the illegal seizure of aircraft and vessels and other offences which endanger the security and normal operation of air and sea traffic, and has contributed to the development of positive relations of friendships and collaboration between our peoples and governments.

As you mention in your note to me of today's date and taking into consideration article 8 of the Agreement, I am pleased to accept your note as constituting, together with this note, the instrument of renewal of the Agreement for a further term of five years, commencing today.

Accept, Sir, etc.

NORBERTO HERNÁNDEZ CURBELO

H.E. Mr. José Alberto Zambrano Velasco
Minister for Foreign Affairs
of the Republic of Venezuela

le 6 juillet 1973 et ratifié le 19 juin 1974¹.

Le Gouvernement cubain estime que l'instrument susmentionné répond à l'objectif que s'étaient fixé les gouvernements des deux pays, consistant à prévenir l'appropriation illicite d'avions et de navires et d'autres infractions mettant en danger la sécurité et le déroulement normal de la navigation aérienne et maritime, et qu'il a contribué à renforcer les relations positives d'amitié et de collaboration entre nos deux peuples et gouvernements.

Comme vous le signalez dans la note datée de ce jour que vous m'avez adressée, et compte tenu des dispositions de l'article 8 de l'Accord, j'ai le plaisir d'accepter votre note qui, avec la présente, constituera l'instrument de prorogation de l'Accord pour une période supplémentaire de cinq ans, à compter de ce jour.

Je saisirai cette occasion, etc.

NORBERTO HERNÁNDEZ CURBELO

S. E. M. José Alberto Zambrano Velasco
Ministre des relations extérieures
de la République du Venezuela

¹ See p. 124 of this volume.

¹ Voir p. 126 de ce volume.