

No. 22990

**MEXICO
and
CUBA**

Agreement concerning the unlawful seizure of aircraft and vessels and other offences. Signed at Havana on 7 June 1973

Exchange of notes constituting an agreement extending the above-mentioned Agreement. Havana, 13 and 16 July 1979

Authentic texts: Spanish.

Registered by Mexico on 25 June 1984.

**MEXIQUE
et
CUBA**

Accord relatif à la capture illicite d'aéronefs et de navires et à d'autres infractions. Signé à La Havane le 7 juin 1973

Échange de notes constituant un accord prorogeant l'Accord susmentionné. La Havane, 13 et 16 juillet 1979

Textes authentiques : espagnol.

Enregistrés par le Mexique le 25 juin 1984.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE UNITED MEXICAN STATES AND
THE REPUBLIC OF CUBA CONCERNING THE UNLAWFUL
SEIZURE OF AIRCRAFT AND VESSELS AND OTHER OFFENCES

The Government of the United Mexican States and the Government of the Republic of Cuba, seeking to deter and punish acts of unlawful seizure of aircraft and vessels and other offences on the basis of co-operation, equality and strict reciprocity, have agreed as follows:

Article I. When one or more persons unlawfully seize or exercise control of an aircraft or vessel registered under the laws of one of the Contracting Parties and reach the territory of the other Contracting Party, on board the said aircraft or vessel, the latter Party shall take into custody the alleged offenders.

The provisions of this Agreement shall also apply to aircraft and vessels registered under the laws of a third State when the unlawful seizure takes place within the jurisdiction of one of the Contracting Parties.

Article II. The person or persons taken into custody by one of the Contracting Parties pursuant to the preceding article shall be either returned to the other Contracting Party to be tried in its courts under its laws or brought before the courts of the Party which took them into custody to be tried under its laws for all such offences as were committed, according to the circumstances and gravity of the case.

Article III. The Contracting Party whose territory the aircraft or vessel reached shall take all necessary steps to facilitate without delay the continuation of the journey or the return to the place of origin of the aircraft or vessel concerned, of the innocent passengers and crew, with their belongings, and of all articles and goods obtained by extortion or other unlawful means. It shall also make appropriate arrangements to protect the property and physical integrity of the aircraft or vessel and the innocent passengers and crew while they are in its territory as a result of or in connection with the acts referred to in article I.

Article IV. The Contracting Party, which in accordance with article 2 is required to return or to try before its courts and punish the alleged offenders for the acts specified in article 1, may decline to do so when in its judgement the individuals concerned were in real and imminent danger of death or imprisonment for purely political reasons and had no other means of reaching safety.

Article V. Each Party shall try, with a view to severe punishment under its laws, any person who within its territory henceforth conspires to promote, or promotes, or prepares, or directs or forms part of an expedition which from its territory or from any other place commits 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.

¹ Came into force provisionally on 7 June 1973 by signature, and definitively on 7 August 1974, the date on which the Parties notified each other by an exchange of notes of the completion of the required constitutional procedures, in accordance with article IX.

Article VI. 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 and national or international requirements pertaining to immigration, health, customs and the like.

Article VII. This Agreement shall remain in force for five years and may be renewed for a further term of five years at the express desire of the Contracting Parties.

Article VIII. This Agreement may be denounced by either Contracting Party at any time by a written notice to the other Party which shall take effect six months from the date of receipt.

Article IX. This Agreement shall be subject to ratification in accordance with the legal procedures of each Contracting Party and shall enter into force when the two Parties notify each other through an exchange of notes that the requirements have been met. However, in so far as their legislation will permit, both Parties undertake to apply the provisions of this Agreement from the date of its signature.

DONE in duplicate at Havana on 7 June 1973.

For the Government
of the United Mexican States:
[VÍCTOR ALFONSO MALDONADO]

For the Government
of the Republic of Cuba:
[RAÚL ROA GARCÍA]

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED MEXICAN STATES AND THE REPUBLIC OF CUBA EXTENDING THE AGREEMENT OF 7 JUNE 1973 CONCERNING THE UNLAWFUL SEIZURE OF AIRCRAFT AND VESSELS AND OTHER OFFENCES²

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD¹ ENTRE LES ÉTATS-UNIS DU MEXIQUE ET LA RÉPUBLIQUE DE CUBA PROROGÉANT L'ACCORD DU 7 JUIN 1973 RELATIF À LA CAPTURE ILLICITE D'AÉRONEFS ET DE NAVIRES ET À D'AUTRES INFRACTIONS²

I

[SPANISH TEXT — TEXTE ESPAGNOL]

La Habana, 13 de julio de 1979

Señor Ministro:

Tengo a honra referirme al Convenio sobre el apoderamiento ilícito de naves aéreas y marítimas y otros delitos, firmado en la ciudad de La Habana, Cuba, el 7 de julio de 1973*, mismo que entró en vigor el 7 de agosto de 1974 al celebrarse el Canje de Notas previsto en su artículo noveno.

Por instrucciones de mi Gobierno y de acuerdo con lo dispuesto en el artículo séptimo del Convenio, tengo el honor de proponer a Vuestra Excelencia que el mismo sea prorrogado por un período de 5 años más, contados a partir del día 7 de agosto de 1979.

Si la anterior propuesta es aceptable para el Gobierno de la República de Cuba, propongo que esta Nota y la de Respuesta de Vuestra Excelencia, constituyan un acuerdo por medio del cual se prorroga el Convenio entre los Estados Unidos Mexicanos y la República de Cuba sobre el apoderamiento ilícito de naves aéreas y marítimas y otros delitos.

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

[Signed — Signé]

ERNESTO MADERO
Embajador de México

A Su Excelencia Isidoro Malmierca
Ministro de Relaciones Exteriores

¹ Came into force on 16 July 1979 by the exchange of the said notes.

² See p. 234 of this volume.

* Should read "7 June 1973".

¹ Entré en vigueur le 16 juillet 1979 par l'échange desdites notes.

² Voir p. 236 du présent volume.

* Devrait se lire «7 juin 1973».

[TRANSLATION]

Havana, 13 July 1979

Sir,

I have the honour to refer to the Agreement concerning the unlawful seizure of aircraft and vessels and other offences signed at Havana, Cuba, on 7 June 1973,¹ which entered into force on 7 August 1974 upon the exchange of notes called for in article 9 thereof.

On instructions from my Government and in accordance with the provisions of article VII of the Agreement, I have the honour to propose the renewal of the Agreement for a further term of five years, beginning on 7 August 1979.

If the above proposal is acceptable to the Government of the Republic of Cuba, I propose that this note and your reply should constitute an agreement to renew the Agreement between the United Mexican States and the Republic of Cuba concerning the unlawful seizure of aircraft and vessels and other offences.

I take this opportunity, etc.

[Signed]

ERNESTO MADERO
Ambassador of Mexico

His Excellency
Mr. Isidoro Malmierca
Minister for Foreign Affairs

[TRADUCTION]

La Havane, le 13 juillet 1979

Monsieur le Ministre,

J'ai l'honneur de me référer à l'Accord relatif à la capture illicite d'aéronefs et de navires et à d'autres infractions, signé à La Havane (Cuba), le 7 juin 1973¹, qui est entré en vigueur le 7 août 1974 à l'issue de l'échange de notes visé dans son article 9.

Sur instruction de mon Gouvernement et conformément aux dispositions de l'article VII de l'Accord, j'ai l'honneur de proposer à Votre Excellence que ledit Accord soit prorogé pour une période de cinq années supplémentaires, à compter du 7 août 1979.

Si la proposition ci-dessus rencontre l'agrément du Gouvernement de la République de Cuba, je propose que la présente note et la réponse de Votre Excellence constituent un Accord par lequel est prorogé l'Accord entre les États-Unis du Mexique et la République de Cuba relatif à la capture illicite d'aéronefs et de navires et à d'autres infractions.

Je saisis cette occasion, etc.

L'Ambassadeur du Mexique,

[Signé]

ERNESTO MADERO

Son Excellence
Monsieur Isidoro Malmierca
Ministre des relations extérieures

¹ See p. 234 of this volume.

¹ Voir p. 236 du présent volume.

II

[SPANISH TEXT — TEXTE ESPAGNOL]

REPÚBLICA DE CUBA
MINISTERIO DE RELACIONES EXTERIORES

Ciudad de La Habana, 16 de julio de 1979

Señor Embajador:

Tengo el honor de acusar recibo a la atenta Nota de fecha 13 de julio de 1979 que Vuestra Excelencia me dirige y cuyo texto es el que paso a transcribir:

[See note I — Voir note I]

Me es grato significar a Vuestra Excelencia que mi Gobierno está conforme con el contenido de la Nota antes transcrita, quedando acordado, de acuerdo con lo expresado en la misma y en el Artículo VII del Convenio, que la referida Nota y esta respuesta constituyen el acuerdo de ambas Partes contratantes para prorrogar por igual término el Convenio entre la República de Cuba y los Estados Unidos Mexicanos sobre el apoderamiento ilícito de naves aéreas y marítimas y otros delitos, de 7 de julio de 1973*.

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

[Signed — Signé]¹

Al Excelentísimo Señor Ernesto Madero Vázquez
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos Mexicanos
Ciudad de La Habana

[TRANSLATION]

REPUBLIC OF CUBA
MINISTRY OF FOREIGN AFFAIRS

Havana, 16 July 1979

Sir,

I have the honour to acknowledge receipt of your note dated 13 July 1979, the text of which reads as follows:

[See note I]

I am pleased to inform you that my Government finds the contents of the

[TRADUCTION]

RÉPUBLIQUE DE CUBA
MINISTÈRE DES RELATIONS EXTÉRIEURES

La Havane, le 16 juillet 1979

Monsieur l'Ambassadeur,

J'ai l'honneur d'accuser réception de la note ci-après en date du 13 juillet 1979 que Votre Excellence m'a adressée et dont le texte se lit comme suit :

[Voir note I]

Je suis très heureux d'informer Votre Excellence que mon Gouvernement

* Should read "7 June 1973".

¹ Signed by Isidoro Malmierca.

* Devrait se lire «7 juin 1973».

¹ Signé par Isidoro Malmierca.

above note acceptable and agrees that that note, in accordance with the statements made therein and in article VII of the Agreement, and this reply shall constitute an agreement between the two Contracting Parties to renew for a further term the Agreement of 7 June 1973 between the Republic of Cuba and the United Mexican States concerning the unlawful seizure of aircraft and vessels and other offences.

I take this opportunity, etc.

[ISIDORO MALMIERCA]

His Excellency
Mr. Ernesto Madero Vázquez
Ambassador Extraordinary and Plenipotentiary of the United Mexican States
Havana

souscrit au contenu de la note ci-dessus et que, conformément à ce qui y est indiqué et à l'article VII de l'Accord, ladite note et la présente réponse constituent un Accord des deux Parties contractantes en vue de proroger d'une durée équivalente l'Accord entre la République de Cuba et les Etats-Unis du Mexique relatif à la capture illicite d'aéronefs et de navires et autres infractions, en date du 7 juin 1973.

Je saisis cette occasion, etc.

[ISIDORO MALMIERCA]

Son Excellence
Monsieur Ernesto Madero Vázquez
Ambassadeur extraordinaire et plénipotentiaire des États-Unis du Mexique
La Havane