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No. 19

FOR IMMEDIATE RELEASE
FEBRUARY 15, 1973.

SIGNING OF CANADA-CUBA HIJACKING AGREEMENT

DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

The Secretary of State for External Affairs, the Hon. Mitchell Sharp, announced today that Canada and Cuba had signed an agreement this morning providing for the prosecution or return of hijackers of both aircraft and vessels. Mr. Sharp signed for Canada and Dr. Rene Anillo, First Vice Minister of Foreign Affairs, signed for the Government of the Republic of Cuba.

The agreement was negotiated last week in Havana. Dr. Anillo had come to-day to Ottawa as the head of the Cuban delegation for the purpose of concluding the agreement.

The agreement, a copy of which is attached, will come into force on signature.

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

The Government of Canada and the Government of the Republic of Cuba, 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 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.

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.

DONE in two copies at Ottawa this 15th day of
February 1973 in English, French and Spanish each language
version being equally authentic.

FAIT en deux exemplaires à Ottawa ce 15^{ième} jour
de février 1973 en langues anglaise, française et espagnol
chaque version faisant également foi.

HECHO en doble ejemplar en Ottawa, 15 de Febrerc
1973 en textos igualmente validos en inglés, francés e
español.

For the Government of Canada
Pour le Gouvernement du Canada
Por la Republica de Cuba

Por la Republica de Cuba
For the Government of Canada
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