

Ε.Ε. Παρ. Ι(ΙΙΙ)  
Αρ. 4248, 26.7.2018

Ν. 11(ΙΙΙ)/2018

**Ο περί του Συμπληρωματικού Πρωτοκόλλου της Σύμβασης περί Καταστολής Παράνομων Καταλήψεων Αεροσκαφών (Κυρωτικός) Νόμος του 2018 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.**

Αριθμός 11(ΙΙΙ) του 2018

Ο ΠΕΡΙ ΤΟΥ ΣΥΜΠΛΗΡΩΜΑΤΙΚΟΥ ΠΡΩΤΟΚΟΛΛΟΥ ΤΗΣ ΣΥΜΒΑΣΗΣ ΠΕΡΙ ΚΑΤΑΣΤΟΛΗΣ ΠΑΡΑΝΟΜΩΝ ΚΑΤΑΛΗΨΕΩΝ ΑΕΡΟΣΚΑΦΩΝ (ΚΥΡΩΤΙΚΟΣ) ΝΟΜΟΣ ΤΟΥ 2018

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

Συνοπτικός  
τίτλος.

**1.** Ο παρών Νόμος θα αναφέρεται ως ο περί του Συμπληρωματικού Πρωτοκόλλου της Σύμβασης περί Καταστολής Παράνομων Καταλήψεων Αεροσκαφών (Κυρωτικός) Νόμος του 2018.

Ερμηνεία.

**2.** Στον παρόντα Νόμο, εκτός εάν από το κείμενο προκύπτει διαφορετική ερμηνεία -

«Συμπληρωματικό Πρωτόκολλο» σημαίνει το Συμπληρωματικό Πρωτόκολλο της Σύμβασης περί Καταστολής Παράνομων Καταλήψεων Αεροσκαφών, το οποίο ανοίχθηκε για υπογραφή στο Πεκίνο στις 10 Σεπτεμβρίου 2010.

30 του 1972.

«Σύμβαση» σημαίνει τη Σύμβαση περί Καταστολής Παράνομων Καταλήψεων Αεροσκαφών που υπογράφηκε στη Χάγη στις 6 Δεκεμβρίου του 1970 και κυρώθηκε από την Κυπριακή Δημοκρατία με τον περί της Συμβάσεως περί Καταστολής Παράνομων Καταλήψεων Αεροσκαφών (Κυρωτικό) Νόμο του 1972.

Κύρωση του  
Συμπληρωματικού  
Πρωτοκόλλου.  
Πίνακας,  
Μέρος Ι,  
Μέρος ΙΙ.

**3.** Με τον παρόντα Νόμο κυρώνεται το Συμπληρωματικό Πρωτόκολλο της Σύμβασης, το κείμενο του οποίου στο αγγλικό πρωτότυπο, εκτίθεται στο Μέρος Ι του Πίνακα και σε ελληνική μετάφραση στο Μέρος ΙΙ αυτού:

Νοείται ότι σε περίπτωση αντίφασης του κειμένου του Μέρους Ι του Πίνακα και του κειμένου του Μέρους ΙΙ αυτού, υπερισχύει το κείμενο που εκτίθεται στο Μέρος Ι αυτού.

## ΜΕΡΟΣ Ι

## PROTOCOL

SUPPLEMENTARY TO THE CONVENTION FOR THE  
SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT

THE STATES PARTIES TO THIS PROTOCOL,

DEEPLY CONCERNED about the worldwide escalation of unlawful acts against civil aviation;

RECOGNIZING that new types of threats against civil aviation require new concerted efforts and policies of cooperation on the part of States; and

BELIEVING that in order to better address these threats, it is necessary to adopt provisions supplementary to those of the *Convention for the Suppression of Unlawful Seizure of Aircraft* signed at The Hague on 16 December 1970, to suppress unlawful acts of seizure or exercise of control of aircraft and to improve its effectiveness;

HAVE AGREED AS FOLLOWS:

## Article I

This Protocol supplements the *Convention for the Suppression of Unlawful Seizure of Aircraft*, signed at The Hague on 16 December 1970 (hereinafter referred to as "the Convention").

## Article II

Article 1 of the Convention shall be replaced by the following:

## "Article 1

1. Any person commits an offence if that person unlawfully and intentionally seizes or exercises control of an aircraft in service by force or threat thereof, or by coercion, or by any other form of intimidation, or by any technological means.

2. Any person also commits an offence if that person:

(a) makes a threat to commit the offence set forth in paragraph 1 of this Article;  
or

(b) unlawfully and intentionally causes any person to receive such a threat,

under circumstances which indicate that the threat is credible.

3. Any person also commits an offence if that person:

- (a) attempts to commit the offence set forth in paragraph 1 of this Article; or
- (b) organizes or directs others to commit an offence set forth in paragraph 1, 2 or 3 (a) of this Article; or
- (c) participates as an accomplice in an offence set forth in paragraph 1, 2 or 3 (a) of this Article; or
- (d) unlawfully and intentionally assists another person to evade investigation, prosecution or punishment, knowing that the person has committed an act that constitutes an offence set forth in paragraph 1, 2, 3 (a), 3 (b) or 3 (c) of this Article, or that the person is wanted for criminal prosecution by law enforcement authorities for such an offence or has been sentenced for such an offence.

4. Each State Party shall also establish as offences, when committed intentionally, whether or not any of the offences set forth in paragraph 1 or 2 of this Article is actually committed or attempted, either or both of the following:

- (a) agreeing with one or more other persons to commit an offence set forth in paragraph 1 or 2 of this Article and, where required by national law, involving an act undertaken by one of the participants in furtherance of the agreement; or
- (b) contributing in any other way to the commission of one or more offences set forth in paragraph 1 or 2 of this Article by a group of persons acting with a common purpose, and such contribution shall either:
  - (i) be made with the aim of furthering the general criminal activity or purpose of the group, where such activity or purpose involves the commission of an offence set forth in paragraph 1 or 2 of this Article; or
  - (ii) be made in the knowledge of the intention of the group to commit an offence set forth in paragraph 1 or 2 of this Article."

### Article III

Article 2 of the Convention shall be replaced by the following:

#### "Article 2

Each State Party undertakes to make the offences set forth in Article 1 punishable by severe penalties."

## Article IV

The following shall be added as Article 2 *bis* of the Convention:

"Article 2 *bis*

1. Each State Party, in accordance with its national legal principles, may take the necessary measures to enable a legal entity located in its territory or organized under its laws to be held liable when a person responsible for management or control of that legal entity has, in that capacity, committed an offence set forth in Article 1. Such liability may be criminal, civil or administrative.
2. Such liability is incurred without prejudice to the criminal liability of individuals having committed the offences.
3. If a State Party takes the necessary measures to make a legal entity liable in accordance with paragraph 1 of this Article, it shall endeavour to ensure that the applicable criminal, civil or administrative sanctions are effective, proportionate and dissuasive. Such sanctions may include monetary sanctions."

## Article V

1. Article 3, paragraph 1, of the Convention shall be replaced by the following:

## "Article 3

1. For the purposes of this Convention, an aircraft is considered to be in service from the beginning of the pre-flight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after any landing. In the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board."
2. In Article 3, paragraph 3, of the Convention, "registration" shall be replaced by "registry".
3. In Article 3, paragraph 4, of the Convention, "mentioned" shall be replaced by "set forth".
4. Article 3, paragraph 5, of the Convention shall be replaced by the following:
 

"5. Notwithstanding paragraphs 3 and 4 of this Article, Articles 6, 7, 7 *bis*, 8, 8 *bis*, 8 *ter* and 10 shall apply whatever the place of take-off or the place of actual landing of the aircraft, if the offender or the alleged offender is found in the territory of a State other than the State of registry of that aircraft."

## Article VI

The following shall be added as Article 3 *bis* of the Convention:

"Article 3 *bis*

1. Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes and principles of the Charter of the United Nations, the Convention on International Civil Aviation and international humanitarian law.
2. The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law are not governed by this Convention, and the activities undertaken by military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention.
3. The provisions of paragraph 2 of this Article shall not be interpreted as condoning or making lawful otherwise unlawful acts, or precluding prosecution under other laws."

## Article VII

Article 4 of the Convention shall be replaced by the following:

## "Article 4

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in Article 1 and any other act of violence against passengers or crew committed by the alleged offender in connection with the offences, in the following cases:
  - (a) when the offence is committed in the territory of that State;
  - (b) when the offence is committed against or on board an aircraft registered in that State;
  - (c) when the aircraft on board which the offence is committed lands in its territory with the alleged offender still on board;
  - (d) when the offence is committed against or on board an aircraft leased without crew to a lessee whose principal place of business or, if the lessee has no such place of business, whose permanent residence is in that State;
  - (e) when the offence is committed by a national of that State.