



ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟΝ

ΤΗΣ ΕΠΙΣΗΜΟΥ ΕΦΗΜΕΡΙΔΟΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ
ὕπ' Ἀρ. 1237 τῆς 21ης ΝΟΕΜΒΡΙΟΥ 1975

ΝΟΜΟΘΕΣΙΑ

Ὁ περί τῆς Συμβάσεως διὰ τὴν Πρόληψιν καὶ τὸν Κολασμὸν Ἐγκλημάτων κατὰ Διεθνῶς Προστατευομένων Προσώπων (Κυρωτικὸς) Νόμος τοῦ 1975 ἐκδίδεται διὰ δημοσιεύσεως εἰς τὴν ἐπίσημον ἐφημερίδα τῆς Κυπριακῆς Δημοκρατίας συμφώνως τῷ Ἀρθρῷ 52 τοῦ Συντάγματος.

Ἀριθμὸς 63 τοῦ 1975

ΝΟΜΟΣ ΚΥΡΩΝ ΤΗΝ ΣΥΜΒΑΣΙΝ ΔΙΑ ΤΗΝ ΠΡΟΛΗΨΙΝ ΚΑΙ ΤΟΝ ΚΟΛΑΣΜΟΝ ΕΠΚΛΗΜΑΤΩΝ ΚΑΤΑ ΔΙΕΘΝΩΣ ΠΡΟΣΤΑΤΕΥΟΜΕΝΩΝ ΠΡΟΣΩΠΩΝ

Ἡ Βουλὴ τῶν Ἀντιπροσώπων ψηφίζει ὡς ἀκολούθως :

1. Ὁ παρὼν Νόμος θὰ ἀναφέρηται ὡς ὁ περί τῆς Συμβάσεως διὰ τὴν Πρόληψιν καὶ τὸν Κολασμὸν Ἐγκλημάτων κατὰ Διεθνῶς Προστατευομένων Προσώπων (Κυρωτικὸς) Νόμος τοῦ 1975. Συνοπτικὸς
τίτλος.

2. Ἐν τῷ παρόντι Νόμῳ, ἐκτὸς ἐὰν ἐκ τοῦ κειμένου προκύπτῃ διάφορος ἔννοια— Ἑρμηνεία.

«διεθνῶς προστατευόμενον πρόσωπον» κέκτηται τὴν ἔννοιαν ἣτις ἀποδίδεται εἰς τὸν ὄρον διὰ τοῦ ἀρθροῦ 1 τῆς Συμβάσεως.

«Σύμβασις» σημαίνει τὴν Σύμβασιν διὰ τὴν πρόληψιν καὶ τὸν κολασμὸν Ἐγκλημάτων κατὰ Διεθνῶς Προστατευομένων Προσώπων, περιλαμβανομένων καὶ τῶν Διπλωματικῶν Ἀντιπροσώπων, τῆς ὁποίας τὸ κείμενον ἐν τῷ ἀγγλικῷ πρωτοτύπῳ ἐκτίθεται εἰς τὸ Πρῶτον Μέρος τοῦ Πίνακος καὶ ἐν μεταφράσει εἰς τὴν ἑλληνικὴν εἰς τὸ Δεύτερον Μέρος τοῦ Πίνακος :

Πίναξ
Μέρος I.
Μέρος II.

Νοεῖται ὅτι ἐν περιπτώσει ἀντιθέσεως μεταξὺ τῶν δύο κειμένων ὑπερισχύει τὸ εἰς τὸ Πρῶτον Μέρος τοῦ Πίνακος ἐκτιθέμενον κείμενον.

Έφαρμογή
του Ποινικού
Κώδικος.
Κεφ. 154
3 τοῦ 1962
43 τοῦ 1963
41 τοῦ 1964
69 τοῦ 1964
70 τοῦ 1965
5 τοῦ 1967
58 τοῦ 1967
44 τοῦ 1972
92 τοῦ 1972
29 τοῦ 1973
59 τοῦ 1974
3 τοῦ 1975.

3. Ἀνεξαρτήτως τῶν διατάξεων τοῦ ἀρθροῦ 5 τοῦ Ποινικοῦ Κώδικος καὶ τηρουμένων τῶν προνοιῶν τῆς Συμβάσεως, ὁ Ποινικὸς Κώδιξ καὶ οἰοσδήποτε ἄλλος Νόμος συνιστῶν ἀδίκημα ἐφαρμόζονται ἐπὶ πάντων τῶν ἀδικημάτων ἅτινα διεπράχθησαν κατὰ διεθνῶς προστατευόμενων προσώπων.

Ποινά.

4. Ἄνευ ἐπιρροασμοῦ τῶν διατάξεων τοῦ Ποινικοῦ Κώδικος καὶ τηρουμένων τῶν προνοιῶν τῆς Συμβάσεως πᾶς—

- (α) ὅστις παρανόμως ἐπιτίθεται κατὰ διεθνῶς προστατευόμενου προσώπου κατὰ παράβασιν τοῦ ἀρθροῦ 242 τοῦ Ποινικοῦ Κώδικος εἶναι ἔνοχος πλημμελήματος καὶ ὑπόκειται εἰς φυλάκισιν δύο ἐτῶν
- (β) ὅστις διαπράττει ἐπιθέσιν προκαλοῦσαν πραγματικὴν σωματικὴν θλάβην εἰς διεθνῶς προστατευόμενον πρόσωπον κατὰ παράβασιν τοῦ ἀρθροῦ 243 τοῦ Ποινικοῦ Κώδικος εἶναι ἔνοχος κακουργήματος καὶ ὑπόκειται εἰς φυλάκισιν πέντε ἐτῶν
- (γ) ὅστις ἀρπάζει ἐκ τῆς Δημοκρατίας ἢ ἀπὸ νόμιμον κηδεμονίαν διεθνῶς προστατευόμενον πρόσωπον κατὰ παράβασιν τοῦ ἀρθροῦ 248 τοῦ Ποινικοῦ Κώδικος εἶναι ἔνοχος κακουργήματος καὶ ὑπόκειται εἰς φυλάκισιν δέκα ἐτῶν
- (δ) ὅστις ἀρπάζει ἢ ἀπάγει διεθνῶς προστατευόμενον πρόσωπον ἐπὶ τῷ τέλει τοῦτο νὰ φονευθῇ ἐκ προμελέτης ἢ νὰ τύχη τοιαύτης μεταχειρίσεως ὥστε νὰ τεθῇ εἰς κίνδυνον νὰ φονευθῇ ἐκ προμελέτης κατὰ παράβασιν τοῦ ἀρθροῦ 249 τοῦ Ποινικοῦ Κώδικος εἶναι ἔνοχος κακουργήματος καὶ ὑπόκειται εἰς τὴν ποινὴν τῆς φυλακίσεως διὰ βίου
- (ε) ὅστις ἀρπάζει ἢ ἀπάγει διεθνῶς προστατευόμενον πρόσωπον ἐπὶ σκοπῶ νὰ προκαλέσῃ τὸν κρύφιον καὶ ἀδικὸν περιορισμὸν τούτου κατὰ παράβασιν τοῦ ἀρθροῦ 250 τοῦ Ποινικοῦ Κώδικος εἶναι ἔνοχος κακουργήματος καὶ ὑπόκειται εἰς φυλάκισιν δέκα ἐτῶν
- (στ) ὅστις ἐσκεμμένως καὶ παρανόμως καταστρέφει ἢ προξενεῖ ζημίαν εἰς περιουσίαν κατὰ παράβασιν τῆς παραγράφου (1) τοῦ ἀρθροῦ 324 τοῦ Ποινικοῦ Κώδικος εἶναι ἔνοχος κακουργήματος καὶ ὑπόκειται εἰς φυλάκισιν δέκα ἐτῶν ἐάν ἡ περιουσία εἶναι τὰ ὑπηρεσιακὰ ὑποστατικά, ἢ ἰδιωτικὸς τόπος διαμονῆς ἢ μεταφορικὸν μέσον διεθνῶς προστατευόμενου προσώπου.

Κύρωσις
Συμβάσεως.

5. Ἡ Σύμβασις εἰς ἣν ἡ προσχώρησις τῆς Κύπρου ἐνεκρίθη διὰ τῆς ὑπ' ἀρ. 14.042 καὶ ἡμερομηνίαν 5 Ἰουνίου, 1975, Ἀποφάσεως τοῦ Ὑπουργικοῦ Συμβουλίου, διὰ τοῦ παρόντος Νόμου κυροῦται.

M E P O Σ I

3166 (XXVIII). CONVENTION ON THE PREVENTION AND PUNISHMENT OF CRIMES AGAINST INTERNATIONALLY PROTECTED PERSONS, INCLUDING DIPLOMATIC AGENTS

Date : 14 December, 1973 Meeting : 2202

Adopted by consensus Report : A/9407

The General Assembly,

Considering that the codification and progressive development of international law contributes to the implementation of the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations,

Recalling that in response to the request made in General Assembly resolution 2780 (XXVI) of 3 December, 1971, the International Law Commission, at its twenty-fourth session, studied the question of the protection and inviolability of diplomatic agents and other persons entitled to special protection under international law and prepared draft articles on the prevention and punishment of crimes against such persons,

Having considered the draft articles and also the comments and observations thereon submitted by States and by specialized agencies and intergovernmental organizations in response to the invitation made in General Assembly resolution 2926 (XXVII) of 28 November 1972,

Convinced of the importance of securing international agreement on appropriate and effective measures for the prevention and punishment of crimes against diplomatic agents and other internationally protected persons in view of the serious threat to the maintenance and promotion of friendly relations and co-operation among States created by the commission of such crimes,

Having elaborated for that purpose the provisions contained in the Convention annexed hereto,

1. Adopts the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, annexed to the present resolution ;

2. Re-emphasizes the great importance of the rules of international law concerning the inviolability of and special protection to be afforded to internationally protected persons and the obligations of States in relation thereto ;

3. Considers that the annexed Convention will enable States to carry out their obligations more effectively ;

4. Recognizes also that the provisions of the annexed Convention could not in any way prejudice the exercise of the legitimate right to self-determination and independence in accordance with the purposes and principles of the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations by peoples struggling against colonialism, alien domination, foreign occupation, racial discrimination and apartheid ;

5. Invites States to become parties to the annexed Convention ;

6. Decides that the present resolution, whose provisions are related to the annexed Convention, shall always be published together with it.

ANNEX

CONVENTION ON THE PREVENTION AND PUNISHMENT OF CRIMES AGAINST INTERNATIONALLY PROTECTED PERSONS, INCLUDING DIPLOMATIC AGENTS

The States Parties to this Convention,

Having in mind the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and the promotion of friendly relations and co-operation among States,

Considering that crimes against diplomatic agents and other internationally protected persons jeopardizing the safety of these persons create a serious threat to the maintenance of normal international relations which are necessary for co-operation among States,

Believing that the commission of such crimes is a matter of grave concern to the international community,

Convinced that there is an urgent need to adopt appropriate and effective measures for the prevention and punishment of such crimes,

Have agreed as follows :

Article 1

For the purposes of this Convention :

1. "internationally protected person" means :

(a) a Head of State, including any member of a collegial body performing the functions of a Head of State under the constitution of the State concerned, a Head of Government or a Minister for Foreign Affairs, whenever any such person is in a foreign State, as well as members of his family who accompany him ;

(b) any representative or official of a State or any official or other agent of an international organization of an intergovernmental character who, at the time when and in the place where a crime against him, his official premises, his private accommodation or his means of transport is committed, is entitled pursuant to international law to special protection from any attack on his person, freedom or dignity, as well as members of his family forming part of his household ;

2. "alleged offender" means a person as to whom there is sufficient evidence to determine *prima facie* that he has committed or participated in one or more of the crimes set forth in article 2.

Article 2

1. The intentional commission of :

(a) a murder, kidnapping or other attack upon the person or liberty of an internationally protected person ;

(b) a violent attack upon the official premises, the private accommodation or the means of transport of an internationally protected person likely to endanger his person or liberty ;

(c) a threat to commit any such attack ;

(d) an attempt to commit any such attack ; and

(e) an act constituting participation as an accomplice in any such attack shall be made by each State Party a crime under its internal law.

2. Each State Party shall make these crimes punishable by appropriate penalties which take into account their grave nature.

3. Paragraphs 1 and 2 of this article in no way derogate from the obligations of States Parties under international law to take all appropriate measures to prevent other attacks on the person, freedom or dignity of an internationally protected person.

Article 3

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set forth in article 2 in the following cases :

(a) when the crime is committed in the territory of that State or on board a ship or aircraft registered in that State ;

(b) when the alleged offender is a national of that State ;

(c) when the crime is committed against an internationally protected person as defined in article 1 who enjoys his status as such by virtue of functions which he exercises on behalf of that State.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over these crimes in cases where the alleged offender is present in its territory and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph 1 of this article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 4

States Parties shall co-operate in the prevention of the crimes set forth in article 2, particularly by :

(a) taking all practicable measures to prevent preparations in their respective territories for the commission of those crimes within or outside their territories ;

(b) exchanging information and co-ordinating the taking of administrative and other measures as appropriate to prevent the commission of those crimes.

Article 5

1. The State Party in which any of the crimes set forth in article 2 has been committed shall, if it has reason to believe that an alleged offender has fled from its territory, communicate to all other States concerned, directly or through the Secretary-General of the United Nations, all the pertinent facts regarding the crime committed and all available information regarding the identity of the alleged offender.

2. Whenever any of the crimes set forth in article 2 has been committed against an internationally protected person, any State Party which has information concerning the victim and the circumstances of the crime shall endeavour to transmit it, under the conditions provided for in its internal law, fully and promptly to the State Party on whose behalf he was exercising his functions.

Article 6

1. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take the appropriate measures under its internal law so as to ensure his presence for the purpose of prosecution or extradition. Such measures shall be notified without delay directly or through the Secretary-General of the United Nations to :

(a) the State where the crime was committed ;

(b) the State or States of which the alleged offender is a national or, if he is a stateless person, in whose territory he permanently resides ;

(c) the State or States of which the internationally protected person concerned is a national or on whose behalf he was exercising his functions ;

(d) all other States concerned ; and

(e) the international organization of which the internationally protected person concerned is an official or an agent.

2. Any person regarding whom the measures referred to in paragraph 1 of this article are being taken shall be entitled :

(a) to communicate without delay with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to protect his rights or, if he is a stateless person, which he requests and which is willing to protect his rights ; and

(b) to be visited by a representative of that State.

Article 7

The State Party in whose territory the alleged offender is present shall, if it does not extradite him, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State.