

Ο περί της Διεθνούς Σύμβασης κατά της Σύλληψης Ομήρων (Κυρωτικός) Νόμος του 1990 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 244 του 1990

**ΝΟΜΟΣ ΠΟΥ ΚΥΡΩΝΕΙ ΤΗ ΔΙΕΘΝΗ ΣΥΜΒΑΣΗ  
ΚΑΤΑ ΤΗΣ ΣΥΛΛΗΨΗΣ ΟΜΗΡΩΝ**

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Διεθνούς Σύμβασης κατά της Σύλληψης Ομήρων (Κυρωτικός) Νόμος του 1990. Ευνοητικός τίτλος.

2. Στον παρόντα Νόμο:

Ερμηνεία.

«Σύμβαση» σημαίνει τη Διεθνή Σύμβαση κατά της Σύλληψης Ομήρων, η οποία ανοίχθηκε για υπογραφή στις 18 Δεκεμβρίου 1979, και της οποίας το κείμενο του αγγλικού πρωτότυπου εκτίθεται στο Μέρος Ι του Πίνακα και σε ελληνική μετάφραση στο Μέρος ΙΙ του Πίνακα:

Πίνακας  
Μέρος Ι  
Μέρος ΙΙ.

Νοείται ότι σε περίπτωση αντίφασης μεταξύ των δύο αυτών κειμένων θα υπερισχύει το αγγλικό κείμενο.

3.—(1) Κάθε πρόσωπο, ανεξάρτητα από την ιθαγένειά του το οποίο είτε στη Δημοκρατία είτε οπουδήποτε αλλού διαπράττει το αναφερόμενο στο άρθρο 1 της σύμβασης αδίκημα της ομηροληψίας, είναι ένοχο αδικήματος και υπόκειται σε φυλάκιση διά βίου.

Ποινικό  
αδίκημα.

(2) Ποινική δίωξη για αδίκημά δυνάμει του παρόντος Νόμου ασκείται μόνο από ή με τη συγκατάθεση του Γενικού Εισαγγελέα της Δημοκρατίας.

(3) Το αδίκημα της ομηροληψίας λογίζεται ότι περιλαμβάνεται στο παράρτημα των περί Εκδόσεως Φυγοδίκων Νόμων του 1970 και 1990

97 του 1970  
97 του 1990.

(4) Το Υπουργικό Συμβούλιο μπορεί με διάταγμά του να ορίσει ότι το αδίκημα της ομηροληψίας θα περιλαμβάνεται σε σύμβαση έκδοσης φυγοδίκων που έχει συναφθεί με ξένο κράτος.

4. Με τον παρόντα Νόμο κυρώνεται η Σύμβαση, στην οποία η προσχώρηση της Κυπριακής Δημοκρατίας αποφασίστηκε με την υπ' αρ. 27.790 και ημερομηνία 6 Νοεμβρίου 1986 Απόφαση του Υπουργικού Συμβουλίου.

Κύρωση της  
Σύμβασης.

ΜΕΡΟΣ Ι  
INTERNATIONAL CONVENTION AGAINST THE  
TAKING OF HOSTAGES

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 security and the promotion of friendly relations and co-operation among States,

Recognising in particular that everyone has the right to life, liberty and security of person, as set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,

Reaffirming the principle of equal rights and self-determination of peoples as enshrined in 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, as well as in other relevant resolutions of the General Assembly,

Considering that the taking of hostages is an offence of grave concern to the international community and that, in accordance with the provisions of this Convention, any person committing an act of hostage taking shall either be prosecuted or extradited,

Being convinced that it is urgently necessary to develop international co-operation between States in devising and adopting effective measures for the prevention, prosecution and punishment of all acts of taking of hostages as manifestations of international terrorism,

Have agreed as follows:

Article 1

1. Any person who seizes or detains and threatens to kill, to injure or to continue to detain another person (hereinafter referred to as the "hostage") in order to compel a third party, namely, a State, an international intergovernmental organisation, a natural or juridical person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage commits the offence of taking of hostages ("hostage-taking") within the meaning of this Convention.

2. Any person who:
- (a) attempts to commit an act of hostage-taking, or
  - (b) participates as an accomplice of anyone who commits or attempts to commit an act of hostage-taking
- likewise commits an offence for the purposes of this Convention.

#### Article 2

Each State Party shall make the offences set forth in article 1 punishable by appropriate penalties which take into account the grave nature of those offences.

#### Article 3

1. The State Party in the territory of which the hostage is held by the offender shall take all measures it considers appropriate to ease the situation of the hostage, in particular, to secure his release and, after his release, to facilitate, when relevant, his departure.

2. If any object which the offender has obtained as a result of the taking of hostages comes into the custody of a State Party, that State Party shall return it as soon as possible to the hostage or the third party referred to in article 1, as the case may be, or to the appropriate authorities thereof.

#### Article 4

States Parties shall co-operate in the prevention of the offences set forth in article 1, particularly by:

- (a) taking all practicable measures to prevent preparations in their respective territories for the commission of those offences within or outside their territories, including measures to prohibit in their territories illegal activities of persons, groups and organisations that encourage, instigate, organise or engage in the perpetration of acts of taking of hostages;
- (b) exchanging information and co-ordinating the taking of administrative and other measures as appropriate to prevent the commission of those offences.

Article 5

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over any of the offences set forth in article 1 which are committed:

- (a) in its territory or on board a ship or aircraft registered in that State;
- (b) by any of its nationals or, if that State considers it appropriate, by those stateless persons who have their habitual residence in its territory;
- (c) in order to compel that State to do or abstain from doing any act; or
- (d) with respect to a hostage who is a national of that State, if that State considers it appropriate.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 1 in cases where the alleged offender is present in its territory and it does not extradite him 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 6

1. Upon being satisfied that the circumstances so warrant, any State Party in the territory of which the alleged offender is present shall, in accordance with its laws, take him into custody or take other measures to ensure his presence for such time as is necessary to enable any criminal or extradition proceedings to be instituted. That State Party shall immediately make a preliminary inquiry into the facts.

2. The custody or other measures referred to in paragraph 1 of this article shall be notified without delay directly or through the Secretary-General of the United Nations to:

- (a) the State where the offence was committed;
- (b) the State against which compulsion has been directed or attempted;

- (c) the State of which the natural or juridical person against whom compulsion has been directed or attempted is a national;
  - (d) the State of which the hostage is a national or in the territory of which he has his habitual residence;
  - (e) the State of which the alleged offender is a national or, if he is a stateless person, in the territory of which he has his habitual residence;
  - (f) the international intergovernmental organisation against which compulsion has been directed or attempted;
  - (g) all other States concerned.
3. 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 establish such communication or, if he is a stateless person, the State in the territory of which he has his habitual residence;
  - (b) to be visited by a representative of that State.
4. The rights referred to in paragraph 3 of this article shall be exercised in conformity with the laws and regulations of the State in the territory of which the alleged offender is present subject to the proviso, however, that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 of this article are intended.
5. The provisions of paragraphs 3 and 4 of this article shall be without prejudice to the right of any State Party having a claim to jurisdiction in accordance with paragraph 1(b) of article 5 to invite the International Committee of the Red Cross to communicate with and visit the alleged offender.
6. The State which makes the preliminary inquiry contemplated in paragraph 1 of this article shall promptly report its findings to the States or organisation referred to in paragraph 2 of this article and indicate whether it intends to exercise jurisdiction.