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COMMITTEE OF EXPERTS ON TERRORISM
(CODEXTER)

**SCOPE OF UNITED NATIONS CONVENTIONS
RELATED TO THE FIGHT AGAINST TERRORISM**

Secretariat memorandum
prepared by the
Directorate General of Legal Affairs

Convention	Scope of application	Exceptions and limitations to the scope of application
<p>Convention on Offences and Certain Other Acts Committed on Board Aircraft. Signed at Tokyo on 14 September 1963</p>	<p>Article 1</p> <p>1. This Convention shall apply in respect of :</p> <p>a) Offences against penal law;</p> <p>b) Acts which, whether or not they are offences, may or do jeopardize the safety of the aircraft or of persons or property therein or which jeopardize good order and discipline on board.</p> <p>2. Except as provided in Chapter III (<i>Powers of the aircraft commander</i>), this Convention shall apply in respect of offences committed or acts done by a person on board any aircraft registered in a Contracting State, while that aircraft is in flight or on the surface of the high seas or of any other area outside the territory of any State.</p>	<p>Article 1</p> <p>4. This Convention shall not apply to aircraft used in military, customs or police services.</p>
<p>Convention for the Suppression of Unlawful Seizure of Aircraft. (Signed at The Hague on 16 December 1970)</p>	<p>Article 1</p> <p>Any person who on board an aircraft in flight :</p> <p>a) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes, or exercises control of, that aircraft, or attempts to perform any such act, or</p> <p>b) is an accomplice of a person who performs or attempts to perform any such act</p> <p>commits an offence (hereinafter referred to as “the offence”).</p>	<p>Article 3</p> <p>2. This Convention shall not apply to aircraft used in military, customs or police services.</p> <p>3. This Convention shall apply only if the place of take-off or the place of actual landing of the aircraft on board which the offence is committed is situated outside the territory of the State of registration of that aircraft; it shall be immaterial whether the aircraft is engaged in an international or domestic flight.</p> <p>4. In the cases mentioned in Article 5 (<i>The Contracting States which establish joint air transport operating organizations or international operating agencies, which operate aircraft which are subject to joint or international registration shall [...] designate for each aircraft the State among them which shall exercise the jurisdiction and have the attributes of the State of registration for the purpose of this Convention [...]</i>), this</p>

		<p>Convention shall not apply if the place of take-off and the place of actual landing of the aircraft on board which the offence is committed are situated within the territory of the same State where that State is one of those referred to in that Article</p> <p>5. Notwithstanding paragraphs 3 and 4 of this Article, Articles 6, 7, 8 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 registration of that aircraft.</p>
<p>Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. (Signed at Montreal on 23 September 1971)</p>	<p>Article 1</p> <p>1. Any person commits an offence if he unlawfully and intentionally:</p> <p>a) Performs an act of violence against a person on board an aircraft in flight if that act is likely to endanger the safety of that aircraft; or</p> <p>b) Destroys an aircraft in service or causes damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight; or</p> <p>c) Places or causes to be placed on aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to it which renders it incapable of flight, or to cause damage to it which is likely to endanger its safety in flight; or</p> <p>d) Destroys or damages air navigation facilities or interferes with their operation, if any such act is likely to endanger the safety of aircraft in flight; or</p> <p>e) Communicates information which he knows to be false, thereby endangering the safety of an aircraft in flight.</p> <p>2. Any person also commits an offence if he:</p> <p>a) Attempts to commit any of the offences mentioned in paragraph 1 of this article; or</p> <p>b) Is an accomplice of a person who commits or attempts to commit any such offence.</p>	<p>Article 4</p> <p>1. This Convention shall not apply to aircraft used in military, customs or police services.</p> <p>2. In the cases contemplated in subparagraphs a), b), c) and e) of paragraph 1 of Article 1, this Convention shall apply, irrespective of whether the aircraft is engaged in an international or domestic flight, only if :</p> <p>a) The place of take-off or landing, actual or indented, of the aircraft is situated outside the territory of the State of registration of that aircraft ; or</p> <p>b) The offence is committed in the territory of a State other than the State of registration of the aircraft.</p> <p>3. Notwithstanding paragraph 2 of this Article, in the cases contemplated in subparagraphs a), b), c) and e) of paragraph 1 of Article 1, this</p>

		<p>Convention shall also apply if the offender or the alleged offender is found in the territory of a State other than the State of registration of the aircraft.</p> <ol style="list-style-type: none">4. With respect to the States mentioned in Article 9 (<i>see Article 5 of the Convention for the Suppression of Unlawful Seizure of Aircraft</i>) and in the cases mentioned in subparagraphs a), b), c) and e) of paragraph 1 of Article 1, this Convention shall not apply if the places referred to in subparagraph a) of paragraph 2 of this Article are situated within the territory of the same State where that State is one of those referred to in Article 9, unless the offence is committed or the offender or alleged offender is found in the territory of a State other than that State.5. In the cases contemplated in subparagraph d) of paragraph 1 of Article 1, this Convention shall apply only if the air navigation facilities are used in international air navigation.6. The provisions of paragraphs 2, 3, 4 and 5 of this Article shall also apply in the cases contemplated in paragraph 2 of Article 1.
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<p>Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention of 23 September 1971 (signed at Montreal on 24 February 1988)</p>	<p>Article II</p> <p>1. In Article 1 of the Convention, the following shall be added as new paragraph 1 <i>bis</i>: « 1 <i>bis</i>. Any person commits an offence if he unlawfully and intentionally, using any device, substance or weapon :</p> <ul style="list-style-type: none"> a) performs an act of violence against a person at an airport serving international civil aviation which causes or is likely to cause serious injury or death; or b) destroys or seriously damages the facilities of an airport serving international civil aviation or aircraft not in service located thereon or disrupts the services of the airport,, if such an act endangers or is likely to endanger safety at that airport.” <p>2. In paragraph 2(a) of Article 1 of the Convention, the following words shall be inserted after the words “paragraph 1”: « or paragraph 1 <i>bis</i> »</p>	
<p>Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (Adopted by the General Assembly of the United Nations on 14 December 1973)</p>	<p>Article 2.</p> <p>1. The intentional commission of :</p> <ul style="list-style-type: none"> 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 ; <p>shall be made by each State Party a crime under its internal law.</p>	
<p>International Convention against the Taking of Hostages. Adopted by the General Assembly of the United Nations on 17 December 1979</p>	<p>Article 1</p> <p>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 organization, a natural or juridical person, or a group of persons, to do or abstain from doing any act 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.</p> <p>2. Any person who :</p> <ul style="list-style-type: none"> 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; <p>likewise commits an offence for the purposes of this Convention.</p>	<p>Article 13</p> <p>This Convention shall not apply where the offence is committed within a single State, the hostage and the alleged offender are nationals of that State and the alleged offender is found in the territory of that State.</p>

<p>Convention on the Physical Protection of Nuclear Material. (Adopted at Vienna on 26 October 1979)</p>	<p>Article 2</p> <p>1 This Convention shall apply to nuclear material used for peaceful purposes while in international nuclear transport</p> <p>2 With the exceptions of articles 3 and 4 and paragraph 3 of article 5 (<i>concerning exclusively international transport-related issues</i>), this Convention shall also apply to nuclear material used for peaceful purposes while in domestic use, storage and transport</p> <p>Article 7</p> <p>1 The intentional commission of :</p> <p>a) An act without lawful authority which constitutes the receipt, possession, use, transfer, alternation, disposal or dispersal of nuclear material and which causes or is likely to cause death or serious injury to any person or substantial damage to property ;</p> <p>b) A theft or robbery of nuclear material ;</p> <p>c) An embezzlement or fraudulent obtaining of nuclear material ;</p> <p>d) An act constituting a demand for nuclear material by threat or use of force or by any other form of intimidation ;</p> <p>e) A threat:</p> <p>i. To use nuclear material to cause death or serious injury to any person or substantial property damage, or</p> <p>ii. To commit an offence described in sub-paragraph b) in order to compel a natural or legal person, international organization or State to do or to refrain from doing any act ;</p> <p>f) An attempt to commit any offence described in paragraphs a), b) or c) ;</p> <p>and</p> <p>g) An act which constitutes participation in any offence described in paragraphs a) to f)</p> <p>shall be made a punishable offence by each State Party under its national law.</p>	
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<p style="text-align: center;">Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Done at Rome on 10 March 1988)</p>	<p>Article 3</p> <ol style="list-style-type: none"> 1. Any person commits an offence if that person unlawfully and intentionally: <ol style="list-style-type: none"> a) Seizes or exercises control over a ship by force or threat thereof or any other form of intimidation; or b) Performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship ; or c) Destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship ; or d) Places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship; or e) Destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if any such act is likely to endanger the safe navigation of a ship ; or f) Communicates information which he knows to be false, thereby endangering the safe navigation of a ship ; or g) Injures or kills any person, in connection with the commission or the attempted commission of any of the offences set forth in subparagraphs a) to f) 2. Any person also commits an offence if that person : <ol style="list-style-type: none"> a) Attempts to commit any of the offences set forth in paragraph 1 ; or b) Abets the commission of any of the offences set forth in paragraph 1 perpetrated by any person or is otherwise an accomplice of a person who commits such an offence ; or c) Threatens, with or without a condition, as is provided for under national law, aimed at compelling a physical or juridical person to do or refrain from doing any act, to commit any of the offences set forth in paragraph 1, subparagraphs b), c) and e), if that threat is likely to endanger the safe navigation of the ship in question. 	<p>Article 2</p> <ol style="list-style-type: none"> 1. This Convention does not apply to : <ol style="list-style-type: none"> a) A warship, or b) A ship owned or operated by a State when being used as a naval auxiliary or for customs or police purposes; or c) A ship which has been withdrawn from navigation or laid up.
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<p style="text-align: center;">Protocol to the Convention of 10 March 1988 for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. (Done at Rome on 10 March 1988)</p>	<p>Article 2</p> <p>1. Any person commits an offence if that person unlawfully and intentionally :</p> <ul style="list-style-type: none"> a) Seizes or exercises control over a fixed platform by force or threat thereof or any other form of intimidation ;or b) Performs an act of violence against a person on board a fixed platform if that act is likely to endanger its safety ; or c) Destroys a fixed platform or causes damage to it which is likely to endanger its safety ;or d) Places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance which is likely to destroy that fixed platform or likely to endanger its safety ; or e) Injures or kills any person in connection with the commission or the attempted commission of any of the offences set forth in subparagraphs a) to d). <p>2. Any person also commits an offence if that person :</p> <ul style="list-style-type: none"> a) Attempts to commit any of the offences set forth in paragraph 1 ;or b) Abets the commission of any such offences perpetrated by any person or is otherwise an accomplice of a person who commits such an offence; or c) Threatens, with or without a condition, as is provided for under national law, aimed at compelling a physical or juridical person to do or refrain from doing any act, to commit any of the offences set forth in paragraph 1, subparagraphs b) and c) , if that threat is likely to endanger the safety of the fixed platform. 	
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<p style="text-align: center;">International Convention for the Suppression of Terrorist Bombings (Adopted by the General Assembly of the United Nations on 15 December 1997)</p>	<p>Article 2</p> <ol style="list-style-type: none"> 1. Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally delivers, places, discharges or detonates an explosive or other lethal device in, into or against a place of public use, a State or government facility, a public transportation system or an infrastructure facility : <ol style="list-style-type: none"> a) With the intent to cause death or serious bodily injury; or b) With the intent to cause extensive destruction of such a place, facility or system, where such destruction results in or is likely to result in major economic loss. 2. Any person also commits an offence if that person attempts to commit an offence as set forth in paragraph 1. 3. Any person also commits an offence if that person : <ol style="list-style-type: none"> a) Participates as an accomplice in an offence as set forth in paragraph 1 or 2; b) Organizes or directs others to commit an offence as set forth in paragraph 1 or 2 ; c) In any other way contributes to the commission of one or more offences as set forth in paragraph 1 or 2 by a group of persons acting with a common purpose; such contribution shall be international and either be made with the aim of furthering the general criminal activity or purpose of the group or be made in the knowledge of the intention of the group to commit the offence or offences concerned. <p>Article 5</p> <p>Each State Party shall adopt measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention, in particular where they are intended or calculated to provoke a state of terror in the general public or in a group of persons or particular persons, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature.</p>	<p>Article 3</p> <p>This Convention shall not apply where the offence is committed within a single State, the alleged offender and the victims are nationals of that State, the alleged offender is found in the territory of that State and no other State has a basis under Article 6, paragraph 1, or Article 6, paragraph 2, of this Convention to exercise jurisdiction, except that the provisions of Articles 10 to 15 (<i>concerning extradition, mutual assistance, treatment, collaboration in the prevention of offences</i>) shall, as appropriate, apply in those cases.</p> <p>Article 18</p> <p>Nothing in this Convention entitles a State Party to undertake in the territory of another State Party the exercise of jurisdiction and performance of functions which are exclusively reserved for the authorities of that other State Party by its domestic law.</p> <p>Article 19</p> <ol style="list-style-type: none"> 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 and international humanitarian law. 2 The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian 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,
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<p style="text-align: center;">International Convention for the Suppression of the Financing of Terrorism. (Adopted by the General Assembly of the United Nations on 9 December 1999)</p>	<p>Article 2</p> <ol style="list-style-type: none"> 1. Any person commits an offence within the meaning of this Convention if that person by any means, directly or indirectly, unlawfully and willfully, provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out: <ol style="list-style-type: none"> a) An act which constitutes an offence within the scope of and as defined in one of the treaties listed in the annex; or ; b) Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act. 3. For an act to constitute an offence set forth in paragraph 1, it shall not be necessary that the funds were actually used to carry out an offence referred to in paragraph 1, subparagraphs (a) or (b). 4. Any person also commits an offence if that person attempts to commit an offence as set forth in paragraph 1 of this Article. 5. Any person also commits an offence if that person : <ol style="list-style-type: none"> a) Participates as an accomplice in an offence as set forth in paragraph 1 or 4 of this Article ; b) Organizes or directs others to commit an offence as set forth in paragraph 1 or 4 of this Article ; c) Contributes to the commission of one or more offences as set forth in paragraphs 1 or 4 of this Article by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either : <ol style="list-style-type: none"> i. Be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of an offence as set forth in paragraph 1 of this Article ; or ii. Be made in the knowledge of the intention of the group to commit an offence as set forth in paragraph 1 of this Article. <p>Article 6</p> <p>Each State Party shall adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.</p>	<p>Article 3</p> <p>The Convention shall not apply where the offence is committed within a single State, the alleged offender is a national of that State and no other State has a basis under Article 7, paragraph 1, or Article 7, paragraph 2, to exercise jurisdiction except that the provisions of Articles 12 to 18 (<i>concerning extradition, impossibility of considering these offences as fiscal or political offences, mutual assistance, treatment, collaboration in the prevention of offences</i>) shall, as appropriate, apply in those cases.</p> <p>Article 21</p> <p>Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes of the Charter of the United Nations, international humanitarian law and other relevant conventions.</p> <p>Article 22</p> <p>Nothing in this Convention entitles a State Party to undertake in the territory of another State Party the exercise of jurisdiction or performance of functions which are exclusively reserved for the authorities of that other State Party by its domestic law.</p>
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