

United States and Cuba Reach Agreement on Hijacking

Following is the text of a note signed by Secretary Rogers on February 15 addressed to Jaroslav Zantovsky, Chargé d'Affaires ad interim of the Czechoslovak Socialist Republic, which represents Cuban interests in the United States.

Press release 35 dated February 15

FEBRUARY 15, 1973.

SIR: I refer to the Memorandum of Understanding on the hijacking of aircraft and vessels and other offenses which has resulted from conversations which have taken place between the Embassy of Switzerland, representative of the interests of the United States of America in Cuba, and representatives of the Government of the Republic of Cuba, the text of which is as follows:

MEMORANDUM OF UNDERSTANDING ON HIJACKING OF AIRCRAFT AND VESSELS AND OTHER OFFENSES

The Government of the United States of America and the Government of the Republic of Cuba, on the bases of equality and strict reciprocity, agree:

FIRST: 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

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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 in question, with their 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.

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.

SECOND: 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 or 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 such acts or other similar unlawful acts in the territory of the other party.

THIRD: 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.

FOURTH: The party in whose territory the perpetrators of the acts described in Article FIRST 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.

FINAL PROVISIONS:

This Agreement may be amended or expanded by decision of the parties.

This Agreement shall be in force for five years and may be renewed for an equal term by express decision of the parties.

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.

This Agreement shall enter into force on the date agreed by the parties.

Done in English and Spanish texts which are equally authentic.

In compliance with the express instructions of my Government, I wish to convey its acceptance of the Memorandum of Understanding transcribed above, as well as its agreement that the simultaneous exchange of notes taking place in Washington between the Department of State and the Embassy of the Czechoslovak Socialist Republic, representative of the interests of the Republic of Cuba in the United States of America, and in Havana between the Embassy of Switzerland, representative of the interests

of the United States of America in Cuba, and the Ministry of Foreign Relations, shall constitute the agreement on the hijacking of aircraft and vessels and other offenses between the Government of the United States of America and the Government of the Republic of Cuba, which shall take effect on the date of this note.

Accept, Sir, the renewed assurances of my high consideration.

WILLIAM P. ROGERS.

The Honorable
JAROSLAV ZANTOVSKY,
Charge d'Affaires ad interim of the Czechoslovak Socialist Republic.

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Correction

The editor of the BULLETIN wishes to call attention to the following error which appears in the article entitled "United States and Cuba Reach Agreement on Hijacking" in the March 5 issue:

p. 261, col. 1: Line 16 should read "craft or vessel itself with all goods carried".

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