

imprisonment or banishment for a term not less than three years but not exceeding seven years.

(c) In imposing a sentence of imprisonment under sub-sections (a) and (b) of this Section, the court shall have the discretion to order a specified period of the term of imprisonment to be served with hard labour.

Application of the Law

7. This Act shall apply retrospectively to previous acts of terrorism on which the courts have not yet passed judgement as well as to future acts of terrorism.

XXVIII. MAURITIUS⁶⁸

1. CIVIL AVIATION (HIJACKING AND OTHER OFFENCES) ACT 1985 ACT 33 OF 1985 — 26 APRIL 1985

To give effect to the Hague Convention, the Montreal Convention and the Tokyo Convention

1. Short title

This Act may be cited as the Civil Aviation (Hijacking and other Offences) Act 1985.

2. Interpretation

In this Act—

“aerodrome” has the same meaning as in the Civil Aviation Act;

“aircraft” shall not include a police, military or customs aircraft;

“airport” means an aerodrome, any passenger and freight terminal and other facilities serving international and domestic civil aviation;

“Minister” means the Prime Minister;

“serious injury” has the same meaning as in the Civil Aviation Regulations 1986;

⁶⁸ Transmitted to the Secretariat by that Government on 4 August 1997. The following pieces of legislation have also been provided to the Secretariat and are available for consultation from the Codification Division, Office of Legal Affairs: The Explosives Act, RL 2/687; 12 December 1959 and The Firearms (Amendment) Act 1996.

“the Hague Convention” means the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16 December 1970;

“the Montreal Convention” means the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971;

“the Tokyo Convention” means the Convention on Offences and certain other Acts committed on Board Aircraft, done at Tokyo on 14 September 1963.

3. *Application of conventions*

The Hague Convention, the Montreal Convention and the Tokyo Convention shall have the force of law in Mauritius.

4. *Hijacking*

(1) Any person who unlawfully, by force or threat or by any other form of intimidation and while on board an aircraft —

- (a) seizes or exercises control of the aircraft;
- (b) attempts to seize or exercise control of the aircraft;
- (c) is an accomplice of any person who performs any act specified in paragraph (a) or (b),

shall commit the offence of hijacking and shall, on conviction, be liable to imprisonment for life.

(2) For the purposes of this section the period during which an aircraft is in flight shall be deemed to include any period from the moment when the external doors are closed following embarkation until the moment when any such door is opened for disembarkation, and, in the case of a forced landing, any period until the competent authorities take over the responsibility for the aircraft and for persons and property on board.

(3) This section shall apply in the circumstances provided in section 5.

5. *Violence against passengers or crew*

(1) Subject to subsections (2) and (3), any person who does outside Mauritius any act on board an aircraft in flight, which if done in Mauritius, would constitute any of the offences specified in the First Schedule shall commit that offence and shall, on conviction, be liable to the penalty provided for that offence.

(2) No prosecution shall ensue under this section where the act complained of is done in a country under the laws of which the act is authorised.

(3) Without prejudice to subsection (2), this section shall apply where the offence is committed on board an aircraft which —

(a) is in the service of Mauritius; or

(b) lands in Mauritius with the offender still on board.

(4) For the purposes of this section an aircraft shall be deemed to be in flight during the period specified in section 4 (2).

(5) For the purposes of this section and section 4, an aircraft shall be deemed to be in the service of Mauritius where it is so operated by any company or body specified in the Second Schedule.

6. Endangering the safety of aircraft

(1) Any person who, in Mauritius, including its territorial waters —

(a) makes use of violence against any person or object on board an aircraft in flight which is likely to imperil the safety of the aircraft;

(b) destroys an aircraft in service;

(c) damages an aircraft in service in such a way or to such an extent as to render flight impossible or unsafe;

(d) in any manner and by any means places or causes to be placed on board an aircraft in service a substance likely to destroy the aircraft or so to damage it as to imperil the safety of the aircraft in flight;

(e) destroys, damages or interferes with the operation of any air navigation facilities in such a way or to such an extent as to be likely to imperil the safety of an aircraft in flight;

(f) knowingly communicates any false information which imperils the safety of an aircraft,

shall commit an offence.

(2) Any person who attempts to do or is an accomplice of any person who does or attempts to do any of the acts specified in subsection (1) shall commit an offence.

(3) Any person who commits an offence under this section shall, on conviction, be liable to imprisonment for life.

(4) For the purposes of this section, an aircraft shall be deemed to be —

(a) in service from the beginning of its preflight preparation for a specific flight by crew or ground personnel, while it is in flight and for twenty-four hours after any landing;

(b) in flight during the period specified in section 4 (2).

6A. Endangering the safety of airport and airport facilities

(1) Any person who, at an airport, unlawfully and by means of any device, substance or weapon —

(a) makes use of violence against any person which causes or is likely to cause serious injury or death to that person;

(b) performs any act which causes or is likely to cause serious damage to the environment;

(c) destroys or seriously damages any aircraft not in service located thereon;

(d) disrupts the services of an airport,

shall, where any of the acts specified in subsection (1) (a) to (d) endangers or is likely to endanger safety at that airport, commit an offence;

(2) Any person who attempts to do or is an accomplice of any person who does any of the acts specified in subsection (1) shall commit an offence.

(3) Any person who commits an offence under this section shall, on conviction, be liable to imprisonment for life.

[Added 32/94]

7. Prosecutions

A prosecution under this Act shall —

(a) not be commenced without the express consent of the Director of Public Prosecutions;

(b) be instituted before a Judge without a jury or the Intermediate Court as the Director of Public Prosecutions may decide.

8. *Amendment*

The Minister may by regulations amend this Act for the purposes of the Conventions specified in section 3.

9. *Repeal*

The following enactments are repealed —

The Tokyo Convention Act.
The Montreal Convention (Protection of Aircraft) Act.
The Hague Convention (Hijacking) Act.

FIRST SCHEDULE
(section 5 (1))

Under the Criminal Code

Assault

Larceny

Manslaughter

Murder

Unlawful detention

Wounds and blows

Under the Firearms Act

Possession of firearm with intent to endanger life

[Amended 32/94]

SECOND SCHEDULE
(section 5 (5))

Air Mauritius Ltd

2. CRIMINAL CODE (SUPPLEMENTARY) ACT

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58. *Interpretation of "explosive"*

In sections 58 to 65 —

"explosive" means —

(a) gunpowder, nitroglycerine, dynamite, guncotton, blasting powders, fulminate of mercury or of other metals, coloured fires and every other substance, whether similar to those abovementioned or not, used or

manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect;

(b) includes fog-signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions and every adaptation or preparation of an explosive as defined in paragraph (a);

“explosive substance” includes any explosive, any materials for making any explosive, any apparatus machine, implement, or materials used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive and any part of any such apparatus, machine, or implement.

59. Causing explosion likely to endanger life

Any person who causes by any explosive substance an explosion of a nature likely to endanger life, or to cause serious injury to property shall, whether any injury to person or property has actually been caused or not, commit an offence and shall, on conviction, be liable to penal servitude.

60. Acting with intent to endanger life

Any person who unlawfully and maliciously —

(a) does any act with intent to cause by an explosive substance an explosion of a nature likely to endanger life, or to cause serious injury to property; or

(b) makes or has in his possession or under his control any explosive substance with intent by means of it to endanger life, or cause serious injury to property, or to enable any other person by means of it to endanger life or cause serious injury to property,

shall, whether an explosion takes place or not and whether any injury to person or property has actually been caused or not, commit an offence and shall, on conviction, be liable to penal servitude, and the explosive substance shall be forfeited.

61. Making or possessing explosive substance

Any person who makes or knowingly has in his possession or under his control an explosive substance under such circumstances as to give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful object, shall, unless he can show that he made it or had it in his possession or under his control for a lawful object, commit an offence, and shall, on conviction, be liable to penal servitude and the explosive substance shall be forfeited.

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65. Placing or throwing explosive with intent

Any person who places or throws in, into, upon, under, against or near any dwelling-house or any ship, boat, store-house, timber-yard, tent, shed or other building or any bridge or dyke, an explosive substance with intent to damage or destroy any such dwelling-house or other place aforesaid or any engine, machinery, working tools, fixtures, goods, chattels or animals shall, whether or not an explosion takes place and whether or not any damage is caused, commit an offence and shall, on conviction, be liable to penal servitude.

66. Penalty for killing of person by explosive

In all the cases specified in sections 63 to 65, where the explosion has caused the death of any person, whether or not that person was in the place damaged or attempted to be damaged, the punishment shall be penal servitude for life.
[Amended 31/95]

67. Leave of Director of Public Prosecutions

No prosecution shall be entered under sections 59 to 66, except by direction of the Director of Public Prosecutions.

68. Application of Explosives Act

Sections 21 A and 21 B of the Explosives Act shall apply as if an offence or forfeiture under sections 59 to 65 of this Act was an offence or forfeiture under the Explosives Act.

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102. Bomb hoaxes

(1) Any person who —

- (a) places any article or explosive in any place whatsoever;
- (b) dispatches any article or explosive by post or otherwise

with the intention of inducing in some other person a belief that a bomb is likely to explode shall commit an offence.

(2) Any person who communicates any information which he knows or believes to be false to another person with the intention of inducing in him or any other person a false belief that a bomb or other explosive is lying in certain premises and liable to explode shall commit an offence.

(3) Any person who commits an offence under this section shall be liable, on conviction, to imprisonment for a term not exceeding 5 years and to a fine not exceeding 10000 rupees.

(4) For the purposes of this section "explosive" has the same meaning as in section 58.

[Added 16/93]

102A. Power of entry, search and seizure

(1) Where a police officer not below the rank of Assistant Superintendent reasonably suspects that a bomb or other explosive liable to explode is lying on certain premises, he may, without a warrant enter and search the premises after informing the occupier of the imminent danger.

(2) In the course of a search under subsection (1) the police officer may seize any relevant article or explosive and take steps to defuse it, or dispose of it, as the case may be.

(3) Where a search has been effected under subsection (1), the police officer shall forthwith submit a report to the Magistrate of the district and to the Commissioner of Police.

[Added 16/93]

XXIX. MEXICO⁶⁹

1. FEDERAL PENAL CODE

Chapter VI: Terrorism

Article 139

Any person who uses explosives, toxic substances or firearms or who resorts to arson, flooding or any other violent means to perpetrate against persons, things or public services, acts that provoke alarm, fear or terror in the general public or in a group or sector thereof in order to disturb the public peace, try to undermine the authority of the State or put pressure on the authorities to take a particular decision shall be subject to a penalty of 2 to 40 years' imprisonment and a fine of up to 50,000 pesos, without prejudice to the penalties applicable for the resulting offences.

Any person who, having knowledge of a terrorist's activities and identity, fails to inform the authorities thereof shall be subject to a penalty of one to nine years' imprisonment and a fine of up to 10,000 pesos.

⁶⁹ Transmitted to the Secretariat by that Government on 25 February 1998 and 15 June 2001.