

(4) This section does not limit any other considerations that the Minister of Justice or a court may take into account when considering whether or not to order the surrender of a person.

*16. Certification of country as party to Rome Convention or Rome Protocol*

A certificate given by the Minister of Foreign Affairs and Trade for the purposes of section 14 that any country is a party to the Rome Convention or the Rome Protocol (as the case may be) is, in the absence of evidence to the contrary, sufficient proof of that fact.

## MISCELLANEOUS PROVISIONS

*17. Attorney-General's consent required for prosecutions*

(1) No proceedings for the trial and punishment of a person charged with a crime against section 4 or section 5 can be instituted in any court except with the consent of the Attorney-General.

(2) However, a person charged with a crime against section 4 or section 5 may be arrested or a warrant for that person's arrest may be issued and executed, and that person may be remanded in custody or on bail, even though the Attorney-General's consent under subsection (1) has not been obtained.

*18. Certification of ships in military service*

A certificate given by the Minister of Foreign Affairs and Trade for the purposes of this Act that any ship is or is not a warship or a ship owned or operated by a country being used as a naval auxiliary is, in the absence of evidence to the contrary, sufficient proof of that fact.

*19. Immigration Act 1987 not limited*

This Act does not limit or affect the Immigration Act 1987.

## XXXI. PANAMA<sup>76</sup>

### 1. PENAL CODE

*Article 312.* Anyone who recruits persons, acquires weapons or carries out other hostile acts not approved by the Government, within the territory of the Republic

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<sup>76</sup> Transmitted to the Secretariat by that Government on 10 June 1996.

or outside it against another State, exposing Panama to the danger of war or a breakdown in its international relations, shall be sentenced to imprisonment for three to six years.

*Article 313.* Anyone who impedes or disrupts the implementation of the conventions and treaties concluded and ratified by the Republic in such a way as to compromise the responsibilities of Panama shall be sentenced to imprisonment for one to three years.

## **XXXII. PHILIPPINES<sup>77</sup>**

### **1. AN ACT PROHIBITING CERTAIN ACTS INIMICAL TO CIVIL AVIATION AND FOR OTHER PURPOSES**

*Section 1.* It shall be unlawful for any person to compel a change in course or destination of an aircraft of Philippine registry, or to seize or usurp the control thereof, while it is in flight. An aircraft is in flight from the moment all its external doors are closed following embarkation until any of such doors is opened for disembarkation.

It shall likewise be unlawful for any person to compel an aircraft of foreign registry to land in Philippine territory or to seize or usurp the control thereof while it is within the said territory.

*Section 2.* Any person violating any provision of the foregoing section shall be punished by an imprisonment of not less than twelve years but not more than twenty years, or by a fine of not less than twenty thousand pesos but not more than forty thousand pesos.

The penalty of imprisonment of fifteen years to death, or a fine of not less than twenty-five thousand pesos but not more than fifty thousand pesos shall be imposed upon any person committing such violation under any of the following circumstances:

1. Whenever he has fired upon the pilot, member of the crew or passenger of the aircraft;
2. Whenever he has exploded or attempted to explode any bomb or explosive to destroy the aircraft; or
3. Whenever the crime is accompanied by murder, homicide, serious physical injuries or rape.

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<sup>77</sup> Transmitted to the Secretariat by that Government on 7 July 1997.