

On the basis of article 12.1 of the *Criminal Code*, citizens of Azerbaijan and permanent residents of Azerbaijan who are stateless and who commit crimes beyond the borders of Azerbaijan are subject to criminal liability under the Criminal Code of Azerbaijan, if such acts are considered a crime in Azerbaijan and in the State in whose territory the act was committed, and if such persons have not been tried in the foreign State.

Article 12.3 of the *Criminal Code* states that foreign nationals and stateless persons who commit such crimes as terrorism, the hijacking of aircraft, the seizure of hostages, the illegal diversion of narcotic drugs and psychotropic substances, the production or sale of counterfeit money or securities, attacks against persons or organizations enjoying international protection, and other crimes the liability for which flows from the international agreements concluded by Azerbaijan, are subject to criminal liability and punishment in accordance with the Criminal Code of Azerbaijan, without regard to the place where the crimes were committed.

As is seen from the foregoing, the criminal legislation in force in the Republic provides the necessary legal basis for the trial and sentencing of criminals for actions involving the financing of terrorism. Moreover, these provisions also exclude the possibility of the granting of asylum to such persons or the use of the territory of Azerbaijan for the commission of terrorist acts.

X. BAHAMAS²⁸

1. SUPPRESSION OF THE TAKING OF HOSTAGES ACT

Arrangement of sections

SECTION.

1. Short title.
2. Interpretation.
3. Crime of hostage-taking.
4. Crime of hostage-taking within the Extradition Act and the Fugitive Offenders Act.
5. Crime of hostage-taking deemed to be included in extradition treaties.
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7. Restrictions on surrender of offenders.
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²⁸ Transmitted to the Secretariat by that Government on 10 June 2002 and 4 April 2003. Information was also provided in respect of: the Penal Code; the Airports (Security Measures) Protected Persons Act; the Explosive Substances (Illegal use and possession) Act; the Explosives Act; the Firearms Act; and the Proceeds of Crime Act.

10. Proceedings for an offence under this Act not otherwise affected.
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CHAPTER 80.

SUPPRESSION OF THE TAKING OF HOSTAGES.

An Act to give effect to the Convention Against the Taking of Hostages adopted by the United Nations in 1979 and for matters incidental to the implementation of that convention by the BAHAMAS.

[1st November, 1985]

1. This Act may be cited as the Suppression of the Taking of Hostages Act.
2. (1) In this Act

“The 1979 Convention” means the Convention Against the Taking of Hostages adopted by the United Nations in 1979 and to which The Bahamas is a party;

“Convention country” means a country for the time being that is a party to the 1979 Convention.

(2) Any reference in this Act to
 - (a) the Extradition Act is a reference to either of the Extradition Acts 1870 and 1873 of the Parliament of the United Kingdom as extended to The Bahamas or both such Acts, as the case may require.
 - (b) the Fugitive Offenders Act is a reference to the Fugitive Offenders Act 1967 of the Parliament of the United Kingdom as extended to The Bahamas.
3. (1) Subject to subsection (2) a person commits the offence of hostage-taking who, whether in or outside The Bahamas, unlawfully seizes or detains any person (in this section referred to as the hostage) without his consent, or with his consent obtained by fraud or duress, with intent to compel the government of any country or any international intergovernmental organisation or any other person to do or abstain from doing any act as a condition, whether express or implied, for the release of the hostage.

- (2) No person shall be convicted of the offence of hostage-taking if
 - (a) the act of hostage-taking takes place in The Bahamas; and
 - (b) the alleged offender is in The Bahamas; and
 - (c) the alleged offender and the hostage are citizens of The Bahamas.
- (3) A person who commits the offence of hostage-taking is liable on conviction on indictment to imprisonment for fifteen years.

4. There shall be deemed to be included in the list of extradition crimes in Schedule I to the Extradition Act and among the description of offences set out in Schedule I to the Fugitive Offenders Act, 1967, the offence of hostage-taking as constituted by this Act.

5. (1) For the purposes of the Extradition Act the offences of hostage-taking, including attempting to commit that offence, aiding, abetting, inciting, counselling or attempting to procure any person to commit such offence when it is not in fact committed and being an accessory after the fact to that offence shall, if not already described in the treaty, be deemed to be an offence described in any extradition treaty concluded before the commencement of this Act and for the time being in force between The Bahamas and any foreign country that is a party to the 1979 Convention.

(2) Where no such arrangement as is mentioned in section 2 of the Extradition Act has been made with a state which is a party to the 1979 Convention, an Order applying that Act to that state may be made by the Minister responsible for Foreign Affairs with like effect and subject to like terms and conditions as if authorised by the said section 2 and, for the purposes of any such Order, the 1979 Convention shall be treated as an arrangement such as mentioned in that section;

Provided that where the Extradition Act applies by virtue of an Order under this subsection, no such application shall relate to any extradition crimes within the meaning of the Extradition Act except an offence mentioned in subsection (1).

(3) Notwithstanding subsection (1) or (2), no person shall be liable to be surrendered under the Extradition Act in respect of an act or omission that amounts to a crime to which either of those subsections applies if that act or omission occurred before the date on which the offence was deemed by subsection (1) to be an offence described in the relevant extradition treaty or before the date of the relevant Order made under subsection (2), as the case may be.

(4) For the purposes of this section the expression “foreign country” includes any territory for whose international relations the government of a foreign country is responsible and to which the extradition treaty and the 1979 Convention extends.

6. (1) Where the surrender of a person is sought under either the Extradition Act or the Fugitive Offenders Act in respect of any act or omission that amounts to any offence mentioned in section 5 and for which the person whose surrender is sought could be tried and punished in the country seeking surrender, being a country that is a party to the 1979 Convention, that act or omission shall be deemed to have been committed within the jurisdiction of that country notwithstanding that it was committed outside the territory of that country.

(2) Without prejudice to subsection (1), where any act or omission to which that subsection applies occurred in The Bahamas, the Extradition Act and the relevant extradition treaty, or the Fugitive Offenders Act, as the case may be, shall apply with any necessary modifications as if the act or omission had occurred outside The Bahamas.

(3) In this section, the term “country” means any territory for whose international relations the government of a country is responsible and to which the extradition treaty (if any) and the 1979 Convention extends.

7. (1) Notwithstanding sections 4 to 6, or the Extradition Act or the Fugitive Offenders Act, a person whose surrender is sought in respect of any act or omission that amounts to an offence mentioned in section 5 shall not be surrendered from The Bahamas to another country if it appears to the aforesaid Minister or to the court before which that person is brought or to any court or judge on an application for a writ of habeas corpus, that

(a) the surrender of the offender, although purporting to have been sought in respect of such a crime, was sought for the purpose of prosecuting or punishing him on account of his race, ethnic origin, religion, nationality, or political opinions; or

(b) if the offender is surrendered

(i) he may be prejudiced at his trial, or punished, detained, or restricted in his personal liberty, by reason of his race, ethnic origin, religion, nationality or political opinions; or

(ii) his position may be prejudiced because communication with him by the appropriate authorities of the country that is entitled in international law to exercise rights of protection in respect of the accused person cannot be effected.

(2) Notwithstanding section 4 to 6 or the Extradition Act or the Fugitive Offenders Act, no person shall be surrendered from The Bahamas to another country in respect of any act or omission that amounts to an offence mentioned in section 5 if proceedings have been brought in The Bahamas against that person in respect of the act or omission.

(3) Notwithstanding sections 4 to 6 or the Extradition Act or the Fugitive Offenders Act, but subject to subsection (4), no court in The Bahamas shall order the surrender, or the committal for the purposes of surrender of a person to another country in respect of any act or omission that amounts to an offence mentioned in section 5 if the Attorney-General certifies that the case is being or is about to be considered to determine whether or not proceedings should be brought in The Bahamas against that person in respect of the act or omission.

(4) If, in any case to which subsection (3) applies, it is subsequently determined that proceedings should not be brought in The Bahamas against the person in respect of the act or omission, the Attorney-General shall advise the court accordingly, and the court shall proceed with the matter as if the Attorney-General's certificate had never been given.

8. (1) Subject to subsection (2), no proceedings for the trial and punishment of any person charged with an offence mentioned in section 5 shall be instituted in any court except with the consent of the Attorney-General.

(2) A person charged with an offence referred to in subsection (1) may be arrested, or a warrant for his arrest may be issued and executed, and he may be remanded in custody or on bail, notwithstanding the consent of the Attorney-General to the institution of a prosecution for the offence has not been obtained, but no further proceedings shall be taken until that consent has been obtained.

9. For any purpose in connection with this Act, a certificate given by the Minister responsible for Foreign Affairs certifying

(a) that any country is or is not, or was or was not at any material time, a party to the 1979 Convention; or

(b) that the government of any country is or is not, or was or was not at any material time, responsible for the international relations of any territory shall be sufficient evidence of that fact.

10. Nothing in any other law which relates to the jurisdiction of a court of The Bahamas in respect of any offence committed on board any ship or aircraft

beyond The Bahamas or which requires the consent of the Attorney-General to proceedings in certain cases for such an offence shall apply with respect to any proceedings brought under this Act in respect of an offence mentioned in section 5.

11. (1) This section applies to any offence mentioned in section 5(1) of which a person is accused or has been convicted outside The Bahamas.
 - (2) For the purposes mentioned in subsection (3), no offence to which this section applies shall be regarded as an offence of a political character and no proceedings in respect of such an offence shall be regarded as a criminal matter of a political character or as a criminal proceedings of a political character.
 - (3) Those purposes are
 - (a) the purposes of the Extradition Act in relation to any requisition for the surrender of a fugitive criminal made on behalf of a Convention country after the coming into operation of this Act;
 - (b) the purposes of the Fugitive Offenders Act in relation to any request for the return of a person under that Act made on behalf of a Convention country after the coming into operation of this Act; and
 - (c) the purposes of the taking of evidence pursuant to the Extradition Act in relation to any criminal proceedings instituted in a Convention country after the coming into operation of this Act.
12. (1) Save as specifically provided for by the other sections of this Act, nothing in this Act shall derogate from the provisions of any other law.
 - (2) Notwithstanding anything to the contrary, this Act shall be construed and have effect subject to Article 12 of the 1979 Convention as set out in the Schedule.

SCHEDULE

Article 12

In so far as the Geneva Conventions of 1949 for the protection of war victims or the protocols Additional to those Conventions are applicable to a particular act of hostage-taking, and in so far as States Parties to this Convention are bound under those Conventions to prosecute or hand over the hostage-taker, the present Convention shall not apply to an act of hostage-taking committed in the course of armed conflicts as defined in the Geneva Conventions of 1949 and the Protocols thereto, including armed conflicts mentioned in Article 1, paragraph 4, of protocol Additional I of 1977, in which peoples are fighting against colonial

domination and alien occupation and against racist regimes in the exercise of their right of self-determination, 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.

2. PROTECTION OF AVIATION ACT

CHAPTER 260.

PROTECTION OF AVIATION (TOKYO, HAGUE AND MONTREAL CONVENTIONS)

An Act to give effect to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation and to consolidate the law relating to matters affecting the security of civil aviation.

[31st December 1984]

[Commencement 4th January, 1985.]

PART I

Preliminary

1. This Act may be cited as the Protection of Aviation (Tokyo, Hague and Montreal Conventions) Act.

2. (1) In this Act

“Immigration Officer” has the meaning assigned to it in section 2(1) of the Immigration Act.

“service aircraft” means any aircraft which is used in the military, customs or police service of any country.

(2) Any reference in this Act to the Extradition Act shall be construed as a reference to the Extradition Act, 1870 of the Parliament of the United Kingdom in its application as part of the law of The Bahamas.

(3) Any reference to “military service” includes a reference to naval or air force service.

PART II

Provisions giving effect to the Tokyo Convention

3. (1) In this Part

“aircraft” means any aircraft, whether or not a Bahamian-controlled aircraft, but with the exception

(a) of any service aircraft:

Provided that the Minister may, by order, direct that any of the provisions of this Part shall apply, with or without modification, to any service aircraft, other than an aircraft which is used in military service;

(b) of any aircraft (other than service aircraft) to the exclusive use of which the Government is entitled;

“Bahamian-controlled aircraft” means an aircraft

(a) which is for the time being registered in The Bahamas; or

(b) which is not for the time being registered in any country but in the case of which either the operator of the aircraft or each person entitled as owner to any legal or beneficial interest in it

(i) is a person qualified to be the owner of a legal or beneficial interest in an aircraft registered in The Bahamas; and

(ii) resides or has his principal place of business in The Bahamas; or

(c) which, being registered in some other country is demised or hired out to a person who, or to persons each of whom, satisfies the requirements set out in paragraph (b) (i) and (ii):

“commander”, in relation to an aircraft, means the member of the crew designated as the commander of that aircraft by the operator thereof, or failing such a person the person who is for the time being lawfully the pilot in command of the aircraft;

“Convention country” means a country in which the Convention is for the time being in force, and a certificate of the Minister charged with responsibility for Foreign Affairs that any country specified in the certificate is a Convention country for the purposes of this Act shall be

conclusive evidence that the country in question is for the time being a Convention country;

“operator”, in relation to an aircraft at any time, means the person who at the time has lawfully the management of that aircraft;

“pilot in command”, in relation to an aircraft, means the person who for the time being is lawfully in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

“the Convention” means the Convention on Offences and certain other Acts committed on board Aircraft signed at Tokyo on 14th September 1963.

(2) For the purposes of this Part, the period during which an aircraft is in flight shall be deemed to include

(a) any period from the moment when the power is applied for the purpose of the aircraft taking off on a flight until the moment when the landing run (if any) at the termination of that flight ends; and

(b) for the purposes of section 6

(i) any further period from the moment when all external doors, if any, of the aircraft are closed following embarkation for a flight until the moment when any such door is opened for disembarkation after that flight; and

(ii) if the aircraft makes a forced landing, any period thereafter until the time when the competent authorities of the country in which the landing takes place take over the responsibility for the aircraft and for the persons and property on board (being, if the forced landing takes place in The Bahamas, the time when a peace officer acting in the execution of his functions, arrives at the place of landing), and any reference in this Part to an aircraft in flight includes a reference to an aircraft during any period when it is on the surface of the sea or land but not within the territorial limits of any country.

(3) In this Part, any reference to a country or the territorial limits thereof includes a reference to the territorial waters, if any, of that country.

4. (1) Any act taking place on board a Bahamian-controlled aircraft while in flight elsewhere than in or over The Bahamas and which, if taking place in The Bahamas, would constitute an offence under the law in force in The Bahamas shall constitute that offence:

Provided that this subsection shall not apply to any act which is, by or under that law, expressly or impliedly authorised when taking place outside The Bahamas.

(2) No proceedings for any offence under the law in force in The Bahamas committed on board an aircraft while in flight elsewhere than in or over The Bahamas (other than an offence against the Civil Aviation Act, or any orders or regulations made thereunder or as mentioned in section 20 thereof) shall be instituted except by or with the consent of the Attorney-General.

5. For the purpose of conferring jurisdiction, any offence under the law in force in The Bahamas, being an offence committed on board an aircraft in flight, shall be deemed to have been committed in any place in The Bahamas where the offender may for the time being be.

6. (1) The provisions of subsections (2) to (5) shall have effect for the purposes of any proceedings before any court in The Bahamas.

(2) If the commander of an aircraft in flight, wherever that aircraft may be, has reasonable grounds to believe in respect of any person on board the aircraft

(a) that the person in question has done or is about to do any act on the aircraft while it is in flight which jeopardizes or may jeopardize

(i) the safety of the aircraft or of persons or property on board the aircraft; or (ii) good order and discipline on board the aircraft; or

(b) that the person in question has done on the aircraft while in flight any act which in the opinion of the commander is a serious offence under any law in force in the country in which the aircraft is registered, not being a law of a political nature or based on racial or religious discrimination, then subject to subsection (4) the commander may take with respect to that person such reasonable measures, including restraint of his person, as may be necessary

(i) to protect the safety of the aircraft or of persons or property on board the aircraft; or

(ii) to maintain good order and discipline on board the aircraft; or

(iii) to enable the commander to disembark or deliver that person in accordance with subsection (5), and for the purposes of paragraph (b) any Bahamian-controlled aircraft shall be deemed to be registered in The Bahamas whether or not it is in fact so registered and whether or not it is in fact registered in some other country.

(3) Any member of the crew of an aircraft and any other person on board the aircraft may, at the request or with the authority of the commander of the aircraft, and any such member shall if so required by that commander, render assistance in restraining any person whom the commander is entitled under subsection (2) to restrain; and at any time when the aircraft is in flight any such member or other person may, without obtaining the authority of the commander, take with respect to any person on board the aircraft any measures such as are mentioned in subsection (2) which he has reasonable grounds to believe are immediately necessary to protect the safety of the aircraft or of persons or property on board the aircraft.

(4) Any restraint imposed on any person on board an aircraft under the powers conferred by the foregoing provisions of this section shall not be continued after the time when the aircraft first thereafter ceases to be in flight unless before or as soon as is reasonably practicable after that time, the commander of the aircraft causes notification of the fact that a person on board the aircraft is under restraint, and of the reasons therefore, to be sent to an appropriate authority of the country in which the aircraft so ceases to be in flight, but subject to such notification may be continued after that time

(a) for any period (including the period of any further flight) between that time and the first occasion thereafter on which the commander is able with any requisite consent of the appropriate authorities to disembark or deliver the person under restraint in accordance with subsection (5); or

(b) if the person under restraint agrees to continue his journey under restraint on board that aircraft.

(5) The commander of an aircraft

(a) if in the case of any person on board the aircraft he has reasonable grounds

(i) to believe as mentioned in paragraph (a) of subsection (2); and

(ii) to believe that it is necessary so to do in order to protect the safety of the aircraft or of persons or property on board the aircraft or to maintain good order and discipline on board the aircraft, may disembark that person in any country in which that aircraft may be; and

(b) if in the case of any person on board the aircraft he has reasonable grounds to believe as mentioned in paragraph (b) of subsection (2), may deliver that person

(i) in The Bahamas, to a peace officer or immigration officer; or

(ii) in any country which is a Convention country, to an officer having functions corresponding to the functions in The Bahamas either of a peace officer or of an immigration officer.

(6) The commander of an aircraft

(a) if he disembarks any person in pursuance of paragraph (a) of subsection (5), in the case of a Bahamian-controlled aircraft, in any country or, in the case of any other aircraft, in The Bahamas, shall report the fact of, and the reasons for, that disembarkation to

(i) an appropriate authority in the country of disembarkation; and

(ii) the appropriate diplomatic or consular office of the country of nationality of that person;

(b) if he intends to deliver any person in accordance with paragraph (b) of subsection (5) in The Bahamas or, in the case of a Bahamian-controlled aircraft, in any other country which is a Convention country, shall before or as soon as reasonably practicable after landing give notification of his intention and of the reasons therefore

(i) where the country in question is The Bahamas, to a peace officer or immigration officer or, in the case of any other country, to an officer having functions corresponding to the functions in The Bahamas either of a peace officer or of an immigration officer; and

(ii) in either case to the appropriate diplomatic or consular officer of the country of nationality of that person, and any commander of an aircraft who without reasonable cause fails to comply with the requirements of this subsection shall be liable on summary conviction to a fine of five hundred dollars.

7. For the purposes of the application of the Extradition Act to crimes committed on board an aircraft in flight, any aircraft registered in a Convention country shall, at any time, while that aircraft is in flight, be deemed to be within the jurisdiction of that country whether or not it is for the time being also within the jurisdiction of any other country; and paragraphs (1) to (3) of section 16 of the Extradition Act shall have effect also where a person's surrender is sought in respect of a crime committed on board an aircraft in flight which lands in The Bahamas, but as if in paragraph (3) for references to the port where the vessel lies there were substituted references to the place at which the person whose surrender is sought is disembarked.

8. (1) Where, in proceedings before any court in The Bahamas for an offence committed on board an aircraft, the testimony of any person is required and the court is satisfied that such person cannot be found in The Bahamas, there shall, subject to subsection (2), be admissible in evidence before that court any deposition relating to the subject matter of those proceedings, previously made on oath by that person outside The Bahamas and which was so made

(a) in the presence of the person charged with the offence; and

(b) before a judge or magistrate of any country in the Commonwealth or before any consular officer within the meaning of the Merchant Shipping Act.

(2) Any such deposition shall be authenticated by the signature of the judge, magistrate or officer aforesaid before whom it was made, and shall be certified by him to have been taken in the presence of the person charged as aforesaid.

(3) It shall not be necessary in any proceedings to prove the signature or official character of the person appearing to have authenticated any deposition, or to have given such a certificate, as aforesaid; and such a certificate shall, unless the contrary is proved, be sufficient evidence in any proceedings that the person charged as aforesaid was present at the making of the deposition.

(4) If a complaint is made to such an officer as aforesaid that any offence has been committed on a Bahamian-controlled aircraft while in flight elsewhere than in or over The Bahamas, it shall be lawful for that officer to inquire into the case upon oath.

(5) In this section, the expression "deposition" includes any affidavit, affirmation or statement made upon oath; and nothing in this section shall prejudice the admission as evidence of any deposition which is admissible in evidence apart from this section.

PART III

Provisions giving effect to the Hague Convention

9. (1) Subject to subsection (2), a person on board an aircraft in flight who unlawfully, by use of force or threats of any kind, seizes the aircraft or exercises control of it, commits the offence of hijacking, whatever his nationality, whatever the State in which the aircraft is registered, and whether the aircraft is in The Bahamas or elsewhere.

(2) If

(a) the aircraft is a service aircraft; or

(b) both the place of take-off and the place of landing are in the territory of the State in which the aircraft is registered, subsection (1) shall not apply unless

(i) the person seizing or exercising control of the aircraft is a citizen of The Bahamas; or

(ii) his act is committed in The Bahamas; or

(iii) the aircraft is registered in The Bahamas or is a Bahamian service aircraft.

(3) A person who

(a) commits the offence of hijacking; or

(b) in The Bahamas, induces or assists the commission elsewhere of an act which would be the offence of hijacking but for subsection (2) shall be liable on conviction on information to imprisonment for life.

(4) 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 all its 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 of the State in which that landing takes place take over responsibility for the aircraft and for persons and property on board (being, if the forced landing takes place in The Bahamas, the time when a peace officer acting in the execution of his functions, arrives at the place of landing).

(5) In relation to any offence of hijacking committed outside The Bahamas section 5 shall apply and for the purpose of such application in

respect of a service aircraft paragraph (a) of the definition of aircraft in section 3(1) shall be deemed to have been omitted.

(6) For the purposes of this section, the territorial waters of any State shall be treated as part of its territory.

10. Without prejudice to section 4, where a person (of whatever nationality) does on board any aircraft (wherever registered) and while outside The Bahamas any act which, if done in The Bahamas, would constitute the offence of murder, attempted murder, manslaughter or assault or an offence under section 270, 271, 273, 274, 275, 276 or 277 of the Penal Code, or section 3 of the Explosive Substance (Illegal Use and Possession) Act, or section 34 of the Firearms Act, his act shall constitute that offence if it is done in connection with the offence of hijacking committed or attempted by him on board that aircraft.

11. (1) The list of extradition crimes in the First Schedule to the Extradition Act shall be deemed to include any offence under this Part and (so far as not included in that list by virtue of the foregoing) any attempt to commit such an offence.

(2) Subject to sections 19(1) and 25(2), where the Extradition Act does not apply in the case of any foreign State which is a party to the Convention, an order providing for the Extradition Act to apply in the case of that State may be made with like effect and subject to like terms and conditions as if authorised by section 2 of that Act and, for the purposes of any such order, the Convention shall be treated as an arrangement such as mentioned in that section:

Provided that where the Extradition Act applies by virtue of an order under this subsection, no such application shall relate to any extradition crimes within the meaning of the Extradition Act except offences under this Part and attempts to commit such offences.

(3) In this section “the Convention” means the Convention for the Suppression of Unlawful Seizure of Aircraft signed at The Hague on 16th December, 1970.

PART IV

Provisions giving effect to the Montreal Convention

12. (1) In this Part

“act of violence” means

(a) any act done in The Bahamas

(i) which constitutes the offence of murder, attempted murder, manslaughter, or an assault or an offence under sections 270, 271, 273, 274, 275, 276 or 277 of the Penal Code or section 34 of the Firearms Act; or

(ii) whereby an explosion of a nature likely to endanger life, or to cause serious injury to property, is maliciously caused by means of any explosive substance, whether or not any injury to person or property is actually caused; or

(b) any act done outside The Bahamas which, if done in The Bahamas, would constitute an act of violence within the meaning assigned to that expression by paragraph (a);

“article” includes any substance, whether in solid or liquid form or in the form of a gas or vapour;

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

“property” includes any land, buildings or works, any aircraft or vehicle and any baggage, cargo or other article of any description;

“unlawfully”

(a) in relation to the commission of an act in The Bahamas, means so as (apart from the provisions of this Part) to constitute an offence under the law of The Bahamas;

(b) in relation to the commission of an act outside The Bahamas, means so that the commission of the act would (apart from the provisions of this Part) have been an offence under the law of The Bahamas if it had been committed in The Bahamas.

(2) The provisions of section 9(4) shall apply in relation to this Part as they apply in relation to Part III.

(3) For the purposes of this Part, an aircraft shall be taken to be in service during the whole of the period which begins with the pre-flight preparation of the aircraft for a flight and ends twenty-four hours after the aircraft lands upon completion of that flight, and also at any time (not falling within that period) while the aircraft is in flight.

13. (1) It shall, subject to subsection (4), be an offence for any person unlawfully and intentionally
- (a) to destroy an aircraft in service or so to damage an aircraft in service as to render it incapable of flight or as to be likely to endanger its safety in flight; or
 - (b) to commit on board an aircraft in flight any act of violence which is likely to endanger the safety of the aircraft.
- (2) It shall also, subject to subsection (4), be an offence for any person unlawfully and intentionally to place, or cause to be placed, on an aircraft in service any device or substance which is likely to destroy the aircraft, or is likely so to damage it as to render it incapable of flight or as to be likely to endanger its safety in flight, but nothing in this subsection shall be construed as limiting the circumstances in which the commission of any act
- (a) may constitute an offence under subsection (1); or
 - (b) may constitute attempting or conspiring to commit, or aiding, abetting, counselling or procuring, the commission of such an offence.
- (3) Except as provided by subsection (4), subsections (1) and (2) apply whether any such act as is therein mentioned is committed in The Bahamas or elsewhere, whatever the nationality of the person committing the act and whatever the State in which the aircraft is registered.
- (4) Subsections (1) and (2) do not apply to any act committed in relation to any service aircraft unless
- (a) the act is committed in The Bahamas; or
 - (b) where the act is committed outside The Bahamas, the person committing it is a citizen of The Bahamas.
14. (1) It shall, subject to subsections (5) and (6), be an offence for any person unlawfully and intentionally to destroy or damage any property to which this subsection applies, or to interfere with the operation of any such property, where the destruction, damage or interference is likely to endanger the safety of aircraft in flight.
- (2) Subsection (1) applies to any property used for the provision of air navigation facilities, including any land, building or ship so used, and including any apparatus or equipment so used, whether it is on board an aircraft or elsewhere.

(3) It shall also, subject to subsections (4) and (5), be an offence for any person intentionally to communicate any information which is false, misleading or deceptive in a material particular, where the communication of the information endangers the safety of an aircraft in flight or is likely to endanger the safety of aircraft in flight.

(4) It shall be a defence for a person charged with an offence under subsection (3) to prove that, when he communicated the information

(a) he believed and had reasonable grounds for believing, the information to be true; or

(b) he was lawfully employed to perform duties which consisted of or included the communication of information and that he communicated the information in good faith in the performance of those duties.

(5) Subsections (1) and (3) do not apply to the commission of any act unless either the act is committed in The Bahamas or, where it is committed outside The Bahamas

(a) the person committing it is a citizen of The Bahamas; or

(b) the commission of the act endangers or is likely to endanger the safety in flight of a civil aircraft registered in The Bahamas or demised or hired out to a person whose principal place of business, or (if he has no place of business) whose permanent residence, is in The Bahamas; or

(c) the act is committed on board a civil aircraft referred to in paragraph (b); or

(d) the act is committed on board a civil aircraft which lands in The Bahamas with the person who committed the act still on board.

(6) Subsection (1) also does not apply to any act committed outside The Bahamas and so committed in relation to property which is situated outside The Bahamas and is not used for the provision of air navigation facilities in connection with international air navigation, unless the person committing the act is a citizen of The Bahamas.

(7) In this section "civil aircraft" means any aircraft, other than a service aircraft.

15. (1) It shall be an offence for any person in The Bahamas to induce or assist the commission outside The Bahamas of any act which

(a) would, but for section 13(4) be an offence under section 13;
or

(b) would, but for subsection (5) or (6) of section 14, be an offence under section 14.

(2) Subsection (1) shall, in relation to any offence under section 13 or 14, have effect without prejudice to the provisions of sections 85 and 328 of the Penal Code.

16. (1) Any person who commits an offence under this Part shall be liable on conviction on information to imprisonment for life.

(2) Section 9(5) shall apply in relation to any offence under section 13 or 14, being an offence committed outside The Bahamas, as it applies in relation to any offence of hijacking committed outside The Bahamas.

17. (1) The list of extradition crimes in the First Schedule to the Extradition Act shall be deemed to include any offence under this Part and (so far as not included in that list by virtue of the foregoing) any attempt to commit such an offence.

(2) Subject to sections 19(1) and 25(2), where the Extradition Act does not apply in the case of any foreign State which is a party to the Convention, an order providing for the Extradition Act to apply in the case of that State may be made with like effect and subject to like terms and conditions as if authorised by section 2 of that Act and, for the purposes of any such order, the Convention shall be treated as an arrangement such as mentioned in that section:

Provided that where the Extradition Act applies by virtue of an order under this subsection, no such application shall relate to any extradition crimes within the meaning of the Extradition Act except offences under this Part or attempts to commit such offences.

(3) In this section “the Convention” means the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on 23rd September, 1971.

18. Nothing in the provisions of sections 13, 14 and 15

(a) confers a right of action in any civil proceedings in respect of any contravention of this Part; or

(b) derogates from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Part.

PART V.

General.

19. (1) All authority for the making of orders under sections 11 and 17 shall be vested in the Minister charged with responsibility for Foreign Affairs.
- (2) For the purposes of the Extradition Act, any act (wherever committed)
- (a) which is an offence under Part III or IV, or an attempt to commit such an offence, or would be such an offence or attempt but for section 9(2) or section 13(4) or subsection (5) or (6) or section 14; and
- (b) which is an offence against the law of any foreign State in the case of which the Extradition Act applies, shall be deemed to be an offence committed within the jurisdiction of that State.
- (3) There shall be deemed to be included among the descriptions of offences set out in Schedule I to the Fugitives Offenders Act, 1967, in its application as part of the law of The Bahamas, any offence constituted by any act of the description referred to in paragraph (a) of subsection (2) of this section.
20. If the Minister by order declares
- (a) that any two or more States named in the order have established an organization or agency which operates aircraft; and
- (b) that one of those States has been designated to exercise the powers of the State of registration, or to be considered as the State thereof, in relation to all or any aircraft so operated, then, for the purposes of such provisions of this Act as the order shall prescribe, the State declared under paragraph (b) shall be deemed to be the State in which all aircraft so operated, or (as the case may be) any such aircraft specified in the order, are registered.
21. (1) A certificate of the Minister stating whether or not
- (a) an aircraft is or was at any time a service aircraft;
- (b) an aircraft is one to the exclusive use of which the Government is or was, at any time, entitled;
- (c) military service is the service in reference to which an aircraft is or was at any time a service aircraft, for the purposes of any

provisions of this Act shall be conclusive evidence of the matter so certified.

(2) Any document purporting to be such a certificate as is mentioned in subsection (1) shall be deemed to be such a certificate, unless the contrary is proved.

22. (1) No proceedings for any offence under Part III or IV shall be instituted except by or with the consent of the Attorney-General.

(2) Nothing in subsection (1) or in section 4(2) shall prevent the arrest, or the issue of a warrant for the arrest, of any person in respect of any offence under this Act, or the remanding in custody or on bail of any person charged with any such offence.

(3) For the purposes of Parts III, IV and of this Part, the territorial sea of, and archipelagic waters adjacent to, The Bahamas shall be treated as included in The Bahamas.

23. Where a peace officer has reasonable cause to suspect that a person about to embark on an aircraft in The Bahamas, or a person on board such an aircraft, intends to commit an offence under PART III or IV in relation to the aircraft, the peace officer may prohibit him from travelling on board the aircraft; and for the purpose of enforcing such prohibition may

(a) prevent him from embarking on the aircraft, or as the case may be, remove him from the aircraft;

(b) arrest him without warrant and detain him for so long as may be necessary for that purpose.

24. For the avoidance of doubt, it is hereby declared that for the purposes of any proceedings before any court in The Bahamas in respect of piracy, the provisions set out in the Schedule, being provisions of the Convention on the High Seas signed at Geneva on the 29th April, 1958, shall be treated as constituting part of the law of nations; and any such court having jurisdiction in respect of piracy committed on the high seas shall have jurisdiction in respect of piracy committed by or against an aircraft wherever that piracy is committed.

25. (1) The provisions of the Tokyo Convention Act, 1967 and of the Hijacking Act, 1971 of the United Kingdom as applied to The Bahamas by the Tokyo Convention Act, 1967 (Overseas Territories) Order, 1968 and the Hijacking Act, 1971 (Overseas Territories) Order, 1971, respectively, are hereby repealed.

(2) Notwithstanding the repeal of the provisions effected by subsection (1) all laws made under the repealed provisions or the Extradition Act for the purpose of the carrying out of the repealed provisions in their

application to The Bahamas and having effect therein at the commencement of this Act shall, in so far as such laws are not inconsistent with this Act, or like provision made by or under this Act, continue to have effect as if references in those laws to the repealed provisions were references to the respective provisions of this Act subject to such modifications, adaptations, qualifications and exceptions as may be necessary for the purpose.

SCHEDULE
(Section 24)

PROVISIONS OF GENEVA CONVENTION ON THE HIGH SEAS TO BE TREATED AS PART OF THE LAW OF NATIONS.

Article 15

Piracy consist of any of the following acts

(1) Any illegal acts of violence, detention or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:

(a) On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;

(b) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;

(2) Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft:

(3) Any act of inciting or of intentionally facilitating an act described in subparagraph (1) or subparagraph (2) of this article.

Article 16

The acts of piracy, as defined in article 15, committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are assimilated to acts committed by a private ship.

Article 17

A ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to in article 15. The same applies if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons guilty of that act.