

SIGNED this 27th day of April, 1974.

SIAKA STEVENS,
President.

LS

No. 2



1974

Sierra Leone

The Unlawful Seizure of Aircraft Act, 1974

Short title.

Being an Act to make provisions with the view to ratification on behalf of Sierra Leone of, and to give effect to, the Convention for the Suppression of Unlawful Seizure of Aircraft signed at The Hague on 16th December, 1970

[2nd May, 1974.] Commence-
ment.

BE IT ENACTED by the President and Members of Parliament in this present Parliament assembled, as follows:—

Offence of unlawful seizure of aircraft.

I. (1) Any person who within Sierra Leone or abroad unlawfully, by force or threat thereof, or by any other form of intimidation, seizes, or exercises control of, an aircraft in flight shall be guilty of the offence of unlawful seizure of aircraft and shall be liable on conviction to imprisonment for life.

Local jurisdiction where offence committed abroad.

(2) Where an offence punishable under subsection (1) has been committed outside Sierra Leone by a person who is found in any part of Sierra Leone, the offence shall be deemed to have been committed in that part of Sierra Leone and proceedings in respect thereof may be brought in any court in Sierra Leone which would have jurisdiction if the offence had been committed in that part of Sierra Leone for which the court acts:

Provided that for the purpose of extradition, the offence shall be treated as if it had been committed not only in the place in which it occurred but also in territories of—

- (a) the State of registration of the aircraft involved;
- (b) the State in which the said aircraft has landed with the alleged offender on board; and
- (c) the State in which the lessee, if any, of the aircraft involved, has his principal place of business, or, if he has no such place of business, his permanent residence, provided the aircraft had been leased without crew.

When subsection (1) not applicable.

(3) Subsection (1) shall not apply, if—

- (a) the aircraft is used in military, customs or police service, 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.

Interpretation.

(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 take over responsibility for the aircraft and for persons and property on board.

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

(6) In this section "military service" includes naval and air force service.

2. Where proceedings in respect of an offence punishable under section 1 are brought in a court in Sierra Leone that court shall also have jurisdiction with respect to any other act of violence against passengers or crew of the aircraft committed in connection with the said offence: Jurisdiction in respect of other offences.

Provided that any such act, if it has or had been committed in any part of Sierra Leone, is an offence under the laws of Sierra Leone

3. Where there is reason to believe that an offence punishable under section 1 has been committed— Powers of Attorney-General where offence is committed

(i) with respect to an aircraft registered in a State other than Sierra Leone, and

(ii) by a person who is found in Sierra Leone, the Attorney-General shall cause—

(a) such measures, including custody, to be taken so as to ensure the presence of that person:

Provided that any such measure will only be continued for such time as it is necessary to enable any criminal or extradition proceedings to be instituted;

(b) a preliminary inquiry to be made into the circumstances of the alleged offence;

(c) that person to be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national;

(d) the detention, if any, of that person and the reasons thereof, be notified immediately to the States specified in subsection (2) of section 1 and, if he considers it advisable, to any other interested State;

(e) the findings of the preliminary inquiry mentioned in sub-paragraph (b), and any decision as to whether he intends to bring proceedings in a court in Sierra Leone to be promptly reported to the States mentioned in the preceding paragraph.

4. Where a person who has committed outside Sierra Leone an offence punishable under section 1 is found in Sierra Leone and is not extradited, the Attorney-General shall decide on whether or not to bring criminal proceedings against him, in the same manner as in the case of any ordinary offence of a serious nature under the Laws of Sierra Leone. Where offender is found in Sierra Leone

Assistant
to requesting
State in
criminal
proceedings.

5. (1) Subject to the provisions of any bilateral or multilateral treaty in force between Sierra Leone and the requesting States, the Attorney-General shall accord the greatest measure of assistance, in accordance with the Laws of Sierra Leone, to the competent authorities of a State in connection with criminal proceedings brought by them in respect to an act which, if committed in Sierra Leone, would be an offence punishable under section 1.

Attorney-
General's
report to
I.C.A.O.

(2) Where an offence punishable under section 1 has been committed in Sierra Leone, the Attorney-General shall report to the Council of the International Civil Aviation Organisation as promptly as possible any relevant information in his possession concerning—

- (a) the circumstance of the offence;
- (b) any action taken in accordance with section 4;
- (c) any measure taken against the alleged offender; and,
- (d) the results of any extradition proceedings or other legal proceedings, as the case may be.

D.C.A.'s
action in
respect of
affected
aircraft.

6. If the Director of Civil Aviation has reasonable grounds to believe that an offence within the meaning of section 1 has been committed or is about to be committed, he shall, in consultation with the Minister of Transport and Communications, take all appropriate measures with the view—

- (a) to restore control of the aircraft to its lawful commander or preserve his control thereof; and
- (b) if the aircraft lands in Sierra Leone, to facilitate the continuation of the journey of the passengers and crew as soon as practicable, and to return without delay the aircraft and its cargo to the persons lawfully entitled to possession.

Extradition
of offender
based on
reciprocity.

7. (1) Except as otherwise provided in any treaty in force between Sierra Leone and the requesting State, a person alleged to have committed an act which, if committed in Sierra Leone would be an offence under section 1, shall be extradited to the requesting State if the latter grants reciprocity.

Act No. 60
of 1962.

(2) Any offence punishable under section 2 shall be deemed to be included in the list of extraditable offences contained in the Fourth Schedule to the Extradition Act, 1962.

Passed in Parliament this *5th* day of *March*, in the year of our Lord one thousand nine hundred and seventy-four.

M. MUNU,
Acting Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correctly printed copy of the said Bill.

M. MUNU,
Acting Clerk of Parliament.