

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 2002 Nr. 62

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A. TITEL

*Verdrag inzake de bestrijding van terroristische bomaanslagen;  
New York, 15 december 1997*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 1998, 84.

Voor ondertekening van het Verdrag zie *Trb.* 1998, 84 en *Trb.* 1999, 161<sup>1)</sup>.

Het Verdrag is voorts nog ondertekend voor:

Belarus . . . . .	20 september 1999
Comoren . . . . .	1 oktober 1998
Denemarken . . . . .	23 december 1999
Egypte <sup>2)</sup> . . . . .	14 december 1999
Estland . . . . .	27 december 1999
Hongarije . . . . .	21 december 1999
India . . . . .	17 september 1999
Madagaskar . . . . .	1 oktober 1999
Nepal . . . . .	24 september 1999
Portugal <sup>3)</sup> . . . . .	30 december 1999
Sudan . . . . .	7 oktober 1999
Zuid-Afrika . . . . .	21 december 1999
Zuid-Korea . . . . .	3 december 1999

<sup>1)</sup> Spanje heeft op 29 februari 2000 de volgende verklaring afgelegd:  
“According to article 23 of the Organization of Justice Act 6/1985 of 1 July, terrorism is a crime that is universally prosecutable and over which the Spanish courts have international jurisdiction under any circumstances; accordingly, article 6, paragraph 2 of the Convention is deemed to have been satisfied and there is no need to establish a special jurisdiction upon ratification of the Convention.”.

<sup>2)</sup> Onder de volgende voorbehouden:  
“1. Article 6, paragraph 5:  
The Government of the Arab Republic of Egypt declares that it is bound by

Article 9, paragraph 2, of the Convention insofar as the domestic laws of the State Parties do not contradict the relevant rules and principles of international law.

2. Article 19, paragraph 2:

The Government of the Arab Republic of Egypt declares that it is bound by Article 19, paragraph 2, of the Convention insofar as military forces of the State, in the exercise of their duties do not violate the rules and principles of international law.”.

<sup>3)</sup> Onder de volgende verklaringen:

“For purposes of Article 8, paragraph 2, of the Convention, Portugal declares that the extradition of Portuguese nationals from its territory will be authorised only if the following conditions, as stated in the Constitution of the Portuguese Republic, are met:

A) In case of terrorism and organised criminality; and

B) For purposes of criminal proceedings and, being so, subject to a guarantee given by the State seeking the extradition that the concerned person will be surrendered to Portugal to serve the sentence or measure imposed on him or her, unless such person does not consent thereto by means of expressed declaration.

For purposes of enforcement of a sentence in Portugal, the procedures referred to in the declaration made by Portugal to the European Convention on the transfer of sentenced persons shall be complied with.”.

#### C. VERTALING

Zie *Trb.* 1999, 161.

In de titel van het Verdrag dient het woord „voorkoming” te worden vervangen door „bestrijding”.

#### D. PARLEMENT

Artikel 1 van de Rijkswet van 20 december 2001 (*Stb.* 672) luidt als volgt:

##### „Artikel 1

„Het op 15 december 1997 te New York totstandgekomen Verdrag inzake de bestrijding van terroristische bomaanslagen, waarvan de Engelse en de Franse tekst zijn geplaatst in Tractatenblad 1998, 84, en de vertaling in het Nederlands is geplaatst in Tractatenblad 1999, 161, wordt goedgekeurd voor het gehele Koninkrijk.”.

Deze Rijkswet is gecontrasigneerd door de Minister van Justitie A. H. KORTHALS en de Minister van Buitenlandse Zaken J. J. VAN AARTSEN.

Voor de behandeling in de Staten-Generaal zie: Kamerstukken II 2001/2002, 28 029 (R 1700); Hand. II 2001/2002, blz. 1932–1938; 1946 en 1947; Kamerstukken I 2001/2002, 28 029 (R 1700) nrs.136, 136a; Hand. I 2001/2002, zie vergadering d.d. 17 december 2001.

## E. BEKRACHTIGING

Zie *Trb.* 1999, 161<sup>1)</sup>.

Behalve de aldaar genoemde hebben nog de volgende staten in overeenstemming met artikel 21, tweede lid, van het Verdrag een akte van bekrachtiging, aanvaarding of toetreding bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

Algerije <sup>2)</sup> . . . . .	8 november 2001
Belarus . . . . .	1 oktober 2001
Costa Rica . . . . .	20 september 2001
Cyprus <sup>3)</sup> . . . . .	24 januari 2001
Denemarken <sup>4)</sup> . . . . .	31 augustus 2001
Frankrijk . . . . .	19 augustus 1999
Hongarije . . . . .	13 november 2001
India <sup>5)</sup> . . . . .	22 september 1999
Japan . . . . .	16 november 2001
Monaco <sup>6)</sup> . . . . .	6 september 2001
het Koninkrijk der Nederlanden <sup>7)</sup> . . . . .	7 februari 2002
(voor Nederland)	
Noorwegen . . . . .	20 september 1999
Oostenrijk . . . . .	6 september 2000
Portugal <sup>8)</sup> . . . . .	10 november 2001
Rusland <sup>9)</sup> . . . . .	8 mei 2001
Slowakije . . . . .	8 december 2000
Sudan <sup>10)</sup> . . . . .	8 september 2000
Tsjechië . . . . .	6 september 2000
Uruguay <sup>11)</sup> . . . . .	10 november 2001
het Verenigd Koninkrijk van Groot-Britannië en Noord-Ierland . . . . .	7 maart 2001
Zweden . . . . .	6 september 2001

<sup>1)</sup> Oezbekistan heeft op 15 mei 2000 de volgende mededeling gedaan:

“In accordance with the provisions of the International Convention for the Suppression of Terrorist Bombings of 15 December 1997, the Republic of Uzbekistan has established its jurisdiction over the crimes set out in article 2 under all the conditions stipulated in article 6, paragraph 2, of the Convention.” (vertaling).

<sup>2)</sup> Onder de volgende voorbehouden:

“The Government of the People’s Democratic Republic of Algeria does not consider itself bound by the provisions of article 20, paragraph 1, of the International Convention for the Suppression of Terrorist Bombings.

The Government of the People’s Democratic Republic of Algeria declares that in order for a dispute to be submitted to arbitration or to the International Court of Justice, the agreement of all parties to the dispute shall be required in each case.”.

<sup>3)</sup> Onder de volgende verklaring:

“In accordance with article 6, paragraph 3 of the Convention, the Republic of

Cyprus establishes its jurisdiction over the offences specified in article 2 in all the cases provided for in article 6, paragraphs 1, 2 and 4.”.

4) Onder de mededeling dat het Verdrag vooralsnog niet van toepassing is op de Faeroer-eilanden en Groenland en de volgende verklaringen:

“Pursuant to article 6 (3) of the International Convention for the Suppression of Terrorist Bombings, Denmark provides the following information on Danish criminal jurisdiction:

Rules on Danish criminal jurisdiction are laid down in Section 6 to 12 in the Danish Criminal Code. The provisions have the following wording:

#### Section 6

##### Acts committed

- 1) within the territory of the Danish state; or
- 2) on board a Danish ship or aircraft, being outside the territory recognized by international law as belonging to any state; or
- 3) on board a Danish ship or aircraft, being within the territory recognized by international law as belonging to a foreign state, if committed by persons employed on the ship or aircraft or by passengers travelling on board the ship or aircraft, shall be subject to Danish criminal jurisdiction.

#### Section 7

(1) Acts committed outside the territory of the Danish state by a Danish national or by a person resident in the Danish state shall also be subject to Danish criminal jurisdiction in the following circumstances, namely;

- 1) where the act was committed outside the territory recognized by international law as belonging to any state, provided acts of the kind in question are punishable with a sentence more severe than imprisonment for four months; or
- 2) where the act was committed within the territory of a foreign state, provided that it is also punishable under the law in force in that territory.

(2) The provisions in Subsection (1) above shall similarly apply to acts committed by a person who is a national of, or who is resident in Finland, Iceland, Norway or Sweden, and who is present in Denmark.

#### Section 8

The following acts committed outside the territory of the Danish state, shall also come within Danish criminal jurisdiction, irrespective of the nationality of the perpetrator.

- 1) where the act violates the independence, security, Constitution of public authorities of the Danish state, official duties toward the state or such interests, the legal protection of which depends on a personal connection with the Danish state; or
- 2) where the act violates an obligation which the perpetrator is required by law to observe abroad or prejudices the performance of an official duty incumbent on him with regard to a Danish ship or aircraft; or
- 3) where an act committed outside the territory recognized by international law as belonging to any state violates a Danish national or a person resident in the Danish state, provided acts of the kind in question are punishable with a sentence more severe than imprisonment for four months; or
- 4) where the act comes within the provisions of Section 183 a of this Act. The prosecution may also include breaches of Sections 237 and 244-248 of this Act, when committed in conjunction with the breach of Section 183 a; or
- 5) where the act is covered by an international convention in pursuance of which Denmark is under an obligation to start legal proceedings; or
- 6) where transfer of the accused for legal proceedings in another country is rejected, and the act, provided it is committed within the territory recognized by

international law as belonging to a foreign state, is punishable according to the law of this state, and provided that according to Danish law the act is punishable with a sentence more severe than one year of imprisonment.

Section 9

Where the punishable nature of an act depends on or is influenced by an actual or intended consequence, the act shall also be deemed to have been committed where the consequence has taken effect or has been intended to take effect.

Section 10

(1) Where prosecution takes place in this country under the foregoing provisions, the decision concerning the punishment or other legal consequences of the act shall be made under Danish law.

(2) In the circumstances referred to in Section 7 of this Act, if the act was committed within the territory recognized by international law as belonging to a foreign state, the punishment may not be more severe than that provided for by the law of that state.

Section 10 a

(1) A person who has been convicted by a criminal court in the state where the act was committed or who has received a sentence which is covered by the European Convention on the International Validity of Criminal Judgments, or by the Act governing the Transfer of Legal Proceedings to another country, shall not be prosecuted in this country for the same act, if,

1) he is finally acquitted; or

2) the penalty imposed has been served, is being served or has been remitted according to the law of the state in which the court is situated; or

3) he is convicted, but no penalty is imposed.

(2) The provisions contained in Subsection (1) above shall not apply to

a) acts which fall within Section 6 (1) of this Act; or b) the acts referred to in Section 8 (1) 1) above, unless the prosecution in the state in which the court was situated was at the request of the Danish Prosecuting Authority.

Section 10 b

Where any person is prosecuted and punishment has already been imposed on him for the same act in another country, the penalty imposed in this country shall be reduced according to the extent to which the foreign punishment has been served.

Section 11

If a Danish national or a person resident in the Danish state has been punished in a foreign country for an act which under Danish law may entail loss or forfeiture of an office or profession or of any other right, such a deprivation may be sought in a public action in this country.

Section 12

The application of the provisions of Section 6-8 of this Act shall be subject to the applicable rules of international law.”.

5) Onder het volgende voorbehoud:

“In accordance with Article 20 (2), the Government of the Republic of India hereby declares that it does not consider itself bound by the provisions of Article 20 (1) of the Convention.”.

6) Onder de volgende verklaring:

“La Principauté déclare, selon les dispositions du paragraphe 3 de l’article 6 de la Convention internationale pour la répression des attentats terroristes à l’explosif, qu’elle établit sa compétence en ce qui concerne les actes reconnus comme infractions au sens de l’article 2 de la Convention, dans les cas visés aux paragraphes 1 et 2 de l’article 6 de la Convention.”.

7) Onder de volgende verklaring:

“The Government of the Kingdom of the Netherlands understands Article 8, paragraph 1, of the International Convention for the Suppression of Terrorist Bombings to include the right of the competent judicial authorities to decide not to prosecute a person alleged to have committed such an offence, if, in the opinion of the competent judicial authorities grave considerations of procedural law indicate that effective prosecution will be impossible.”

8) Op 16 januari 2002 heeft Portugal de volgende mededeling gedaan:

“Pursuant to article 6 (3) of the International Convention for the Suppression of Terrorist Bombings, Portugal declares that in accordance with article 5 (1) (a) of the Penal Code, Portuguese courts will have jurisdiction against the crimes of terrorism and of terrorist organisations, set forth respectively in article 300 and 301 of the same Code, wherever the place they have been committed, thus covering, in connection with the said crimes, the cases set forth in article 6 (2) of the Convention.”

9) Onder de volgende verklaringen:

1) “The Russian Federation declares that in accordance with paragraph 3 of article 6 of the International Convention for the Suppression of Terrorist Bombings (hereinafter – the Convention) it has established its jurisdiction over the offences set forth in article 2 of the Convention in cases envisaged in paragraphs 1 and 2 of article 6 of the Convention”;

2) “The position of the Russian Federation is that the provisions of article 12 of the Convention should be implemented in such a way as to ensure the inevitability of responsibility for the commission of offences falling within the scope of the Convention, without detriment to the effectiveness of international cooperation on the questions of extradition and legal assistance”. (vertaling).

10) Onder de volgende verklaringen en het volgende voorbehoud:

“Declaration under article 6, paragraph 3:

The Republic of the Sudan declares hereby that it has established its jurisdiction over crimes set out in article 2 of the Convention in accordance with situations and conditions as stipulated in article 6, paragraph 2.

Declaration concerning article 19, paragraph 2:

This paragraph shall not create any additional obligation to the Government of the Republic of the Sudan. It does not affect and does not diminish the responsibility of the Republic of the Sudan to maintain by all legitimate means order and law or re-establish it in the country or to defend its national unity or territorial integrity.

This paragraph does not affect the principle of non-interference in internal affairs of states, directly or indirectly, as set out in the United Nations Charter and relative provisions of international law.

Reservation to article 20, paragraph 1:

The Republic of the Sudan does not consider itself bound by paragraph 1 of article 20, in pursuance to paragraph 2 of the same article.” (vertaling).

11) Onder de verklaring dat Uruguay:

“... notifies, by virtue of article 6, paragraph 3, of the Convention, that the authorities of the Eastern Republic of Uruguay exercise jurisdiction over the offences set forth in article 2, to which reference is made in article 6, paragraph 2. With regard to article 6, paragraph 2, subparagraphs (a) and (b), that jurisdiction is established in article 10 of the Penal Code (Act 9.155 of 4 December 1933) and, with regard to article 6, paragraph 2, subparagraph (e), in article 4 of the Aeronautical Code (Decree-Law 14.305 of 29 November 1974).”

F. TOETREDING

De volgende staten hebben in overeenstemming met artikel 21, derde lid, van het Verdrag een akte van toetreding bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

Albanië . . . . .	22 januari 2002
Azerbeidzjan . . . . .	2 april 2001
Belize . . . . .	14 november 2001
Bolivia . . . . .	22 januari 2002
Botswana . . . . .	8 september 2000
Bulgarije . . . . .	12 februari 2002
Chili <sup>1)</sup> . . . . .	10 november 2001
China <sup>2)</sup> . . . . .	13 december 2001
Cuba <sup>3)</sup> . . . . .	15 november 2001
Grenada . . . . .	13 december 2001
Guinee . . . . .	7 september 2000
Jemen . . . . .	23 april 2001
Kenia . . . . .	16 november 2001
Kirgizië . . . . .	1 mei 2001
Lesotho . . . . .	12 november 2001
Libië . . . . .	22 september 2000
Maladiven . . . . .	7 december 2000
Malta . . . . .	11 november 2001
Mongolië . . . . .	7 september 2000
Myanmar <sup>4)</sup> . . . . .	12 november 2001
Palau . . . . .	14 november 2001
Peru . . . . .	10 november 2001
Saint Kitts en Nevis . . . . .	16 november 2001
Trinidad en Tobago . . . . .	2 april 2001

<sup>1)</sup> Onder de volgende mededeling:

“In accordance with article 6, paragraph 3, of the International Convention for the Suppression of Terrorist Bombings, the Government of Chile declares that, in accordance with article 6, paragraph 8, of the Courts Organization Code of the Republic of Chile, crimes and ordinary offences committed outside the territory of the Republic which are covered in treaties concluded with other Powers remain under Chilean jurisdiction.”

<sup>2)</sup> Onder het volgende voorbehoud:

“... China accedes to the International Convention for the Suppression of Terrorist Bombing, done at New York on 15 December 1997, and declares that it does not consider itself bound by paragraph 1 of Article 20 of the Convention.”

<sup>3)</sup> Onder het volgende voorbehoud en de volgende verklaringen:

“Reservation

The Republic of Cuba declares, pursuant to article 20, paragraph 2, that it does not consider itself bound by paragraph 1 of the said article, concerning the settlement of disputes arising between States Parties, inasmuch as it considers that such disputes must be settled through amicable negotiation. In consequence, it

declares that it does not recognize the compulsory jurisdiction of the International Court of Justice.

Declaration

The Republic of Cuba declares that none of the provisions contained in article 19, paragraph 2, shall constitute an encouragement or condonation of the threat or use of force in international relations, which must under all circumstances be governed strictly by the principles of international law and the purposes and principles enshrined in the Charter of the United Nations.

Cuba also considers that relations between States must be based strictly on the provisions contained in resolution 2625 (XXV) of the United Nations General Assembly.

In addition, the exercise of State terrorism has historically been a fundamental concern for Cuba, which considers that the complete eradication thereof through mutual respect, friendship and cooperation between States, full respect for sovereignty and territorial integrity, self-determination and non-interference in internal affairs must constitute a priority of the international community.

Cuba is therefore firmly of the opinion that the undue use of the armed forces of one State for the purpose of aggression against another cannot be condoned under the present Convention, whose purpose is precisely to combat, in accordance with the principles of the international law, one of the most noxious forms of crime faced by the modern world.

To condone acts of aggression would amount, in fact, to condoning violations of international law and of the Charter and provoking conflicts with unforeseeable consequences that would undermine the necessary cohesion of the international community in the fight against the scourges that truly afflict it.

The Republic of Cuba also interprets the provisions of the present Convention as applying with full rigour to activities carried out by armed forces of one State against another State in cases in which no armed conflict exists between the two.”.

<sup>4)</sup> Onder het volgende voorbehoud:

“The Government of the Union of Myanmar, having considered the Convention aforesaid, hereby declares that it accedes to the same with reservation on Article 20 (1) and does not consider itself bound by the provision set forth in the said Article.”.

G. INWERKINGTREDING

De bepalingen van het Verdrag zijn ingevolge artikel 22, eerste lid, van het Verdrag op 23 mei 2001 in werking getreden.

Ten aanzien van iedere staat die het Verdrag bekrachtigt, aanvaardt, goedkeurt of ertoe toetreedt na 23 april 2001, treedt het Verdrag ingevolge artikel 22, tweede lid, in werking op de dertigste dag na de datum van nederlegging door de betreffende staat van de akte van bekrachtiging, aanvaarding, goedkeuring of toetreding.

Voor het *Koninkrijk der Nederlanden* zijn de bepalingen van het Verdrag ingevolge artikel 22, tweede lid, op 9 maart 2002 in werking getreden.

Wat het *Koninkrijk der Nederlanden* betreft, geldt het Verdrag alleen voor Nederland.



J. GEGEVENS**Verwijzingen**

Zie *Trb.* 1998, 84 en *Trb.* 1999, 161.

Titel : Handvest van de Verenigde Naties; San Francisco,  
26 juni 1945  
Laatste *Trb.* : *Trb.* 2001, 179

Uitgegeven de *vijfentwintigste* maart 2002.

*De Minister van Buitenlandse Zaken,*

J. J. VAN AARTSEN