

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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**JAARGANG 2005 Nr. 193**

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A. TITEL

*Verdrag ter voorkoming 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.

C. VERTALING

Zie *Trb.* 1999, 161 en *Trb.* 2002, 62.

D. PARLEMENT

Zie *Trb.* 2002, 62.

E. PARTIJGEGEVENS

Zie *Trb.* 1999, 161 en rubriek F van *Trb.* 2002, 62.

Partij	Onder- tekening	Ratifi- catie	Type <sup>1)</sup>	In werking	Opzeg- ging	Buiten werking
Afghanistan		24-09-03	T	24-10-03		
Albanië		22-01-02	T	21-02-02		
Algerije	17-12-98	08-11-01	R	08-12-01		
Andorra		23-09-04	T	23-10-04		
Argentinië	02-09-98	25-09-03	R	25-10-03		
Armenië		16-03-04	T	15-04-04		

Partij	Onder- tekening	Ratifi- catie	Type <sup>1)</sup>	In werking	Opzeg- ging	Buiten werking
Australië		09-08-02	T	08-09-02		
Azerbeidzjan		02-04-01	T	23-05-01		
Bahrein		21-09-04	T	21-10-04		
Bangladesh		20-05-05	T	19-06-05		
Barbados		18-09-02	T	18-10-02		
Belarus	20-09-99	01-10-01	R	31-10-01		
België	12-01-98	20-05-05	R	19-06-05		
Belize		14-11-01	T	14-12-01		
Benin		31-07-03	T	30-08-03		
Bolivia		22-01-02	T	21-02-02		
Bosnië- Herzegovina		11-08-03	T	10-09-03		
Botswana		08-09-00	T	23-05-01		
Brazilië	12-03-99	23-08-02	R	22-09-02		
Brunei		14-03-02	T	13-04-02		
Bulgarije		12-02-02	T	14-03-02		
Burkina Faso		01-10-03	T	31-10-03		
Burundi	04-03-98					
Canada	12-01-98	03-04-02	R	03-05-02		
Chili		10-11-01	T	10-12-01		
China		13-11-01	T	13-12-01		
Colombia		14-09-04	T	14-10-04		
Comoren, de	01-10-98	25-09-03	R	25-10-03		
Costa Rica	16-01-98	20-09-01	R	20-10-01		
Cuba		15-11-01	T	15-12-01		
Cyprus	26-03-98	24-01-01	R	23-05-01		
Denemarken	23-12-99	31-08-01	R	30-09-01		
Djibouti		01-06-04	T	01-07-04		

Partij	Onder- tekening	Ratifi- catie	Type <sup>1)</sup>	In werking	Opzeg- ging	Buiten werking
Dominica		24-09-04	T	24-10-04		
Duitsland	26-01-98	23-04-03	R	23-05-03		
Egypte	14-12-99					
El Salvador		15-05-03	T	14-06-03		
Equatoriaal Guinee		07-02-03	T	09-03-03		
Estland	27-12-99	10-04-02	R	10-05-02		
Ethiopië		16-04-03	T	16-05-03		
Filippijnen, de	23-09-98	07-01-04	R	06-02-04		
Finland	23-01-98	28-05-02	R	27-06-02		
Frankrijk	12-01-98	19-08-99	R	23-05-01		
Gabon		10-03-05	T	09-04-05		
Georgië		18-02-04	T	19-03-04		
Ghana		06-09-02	T	06-10-02		
Grenada		13-12-01	T	12-01-02		
Griekenland	02-02-98	27-05-03	R	26-06-03		
Guatemala		12-02-02	T	14-03-02		
Guinee		07-09-00	T	23-05-01		
Honduras		25-03-03	T	24-04-03		
Hongarije	21-12-99	13-11-01	R	13-12-01		
Ierland	29-05-98	30-06-05	R	30-07-05		
IJsland	28-09-98	15-04-02	R	15-05-02		
India	17-09-99	22-09-99	R	23-05-01		
Israël	29-01-99	10-02-03	R	12-03-03		
Italië	04-03-98	16-04-03	R	16-05-03		
Ivoorkust	25-09-98	13-03-02	R	12-04-02		
Japan	17-04-98	16-11-01	R	16-12-01		
Jemen		23-04-01	T	23-05-01		

Partij	Onder- tekening	Ratifi- catie	Type <sup>1)</sup>	In werking	Opzeg- ging	Buiten werking
Kaapverdië		10-05-02	T	09-06-02		
Kameroen		21-03-05	T	20-04-05		
Kazachstan		06-11-02	T	06-12-02		
Kenia		16-11-01	T	16-12-01		
Koeweit		19-04-04	T	19-05-04		
Kroatië		02-06-05	T	02-07-05		
Kyrgyzstan		01-05-01	T	31-05-01		
Laos		22-08-02	T	21-09-02		
Lesotho		12-11-01	T	12-12-01		
Letland		25-11-02	T	25-12-02		
Liberia		05-03-03	T	04-04-03		
Libië		22-09-00	T	23-05-01		
Liechtenstein		26-11-02	T	26-12-02		
Litouwen	08-06-98	17-03-04	R	16-04-04		
Luxemburg	06-02-98	06-02-04	R	07-03-04		
Macedonië, Voormalige Joegoslavische Republiek	16-12-98	30-08-04	R	29-09-04		
Madagascar	01-10-99	24-09-03	R	24-10-03		
Malawi		11-08-03	T	10-09-03		
Maldiven, de		07-09-00	T	23-05-01		
Maleisië		24-09-03	T	24-10-03		
Mali		28-03-02	T	27-04-02		
Malta		11-11-01	T	11-12-01		
Marshall- eilanden, de		27-01-03	T	26-02-03		
Mauritanië		30-04-03	T	30-05-03		
Mauritius		24-01-03	T	23-02-03		
Mexico		20-01-03	T	19-02-03		

Partij	Onder- tekening	Ratifi- catie	Type <sup>1)</sup>	In werking	Opzeg- ging	Buiten werking
Micronesia		23-09-02	T	23-10-02		
Moldavië		10-10-02	T	09-11-02		
Monaco	25-11-98	06-09-01	R	06-10-01		
Mongolië		07-09-00	T	23-05-01		
Mozambique		14-01-03	T	13-02-03		
Myanmar		12-11-01	T	12-12-01		
<b>Nederlanden, het Koninkrijk der</b> Nederland Aruba	12-03-98	07-02-02 08-02-05	R R	09-03-02 10-03-05		
Nepal	24-09-99					
Nicaragua		17-01-03	T	16-02-03		
Nieuw-Zeeland		04-11-02	T	04-12-02		
Niger		26-10-04	T	25-11-04		
Noorwegen	31-07-98	20-09-99	R	23-05-01		
Oekraïne		26-03-02	T	25-04-02		
Oezbekistan	23-02-98	30-11-98	R	23-05-01		
Oostenrijk	09-02-98	06-09-00	R	23-05-01		
Pakistan		13-08-02	T	12-09-02		
Palau		14-11-01	T	14-12-01		
Panama	03-09-98	05-03-99	R	23-05-01		
Papua-Nieuw Guinea		30-09-03	T	30-10-03		
Paraguay		22-09-04	R	22-10-04		
Peru		10-11-01	T	10-12-01		
Polen	14-06-99	03-02-04	R	04-03-04		
Portugal	30-12-99	10-11-01	R	10-12-01		
Roemenië	30-04-98	29-07-04	R	28-08-04		
Russische Federatie	12-01-98	08-05-01	R	07-06-01		

Partij	Onder- tekening	Ratifi- catie	Type <sup>1)</sup>	In werking	Opzeg- ging	Buiten werking
Rwanda		13-05-02	T	12-06-02		
San Marino		12-03-02	T	11-04-02		
Senegal		27-10-03	T	26-11-03		
Servië en Montenegro		31-07-03	T	30-08-03		
Seychellen, de		22-08-03	T	21-09-03		
Sierra Leone		26-09-03	T	26-10-03		
Sint Kitts en Nevis		16-11-01	T	16-12-01		
Slovenië	30-10-98	25-09-03	R	25-10-03		
Slowakije	28-07-98	08-12-00	R	23-05-01		
Soedan	07-10-99	08-09-00	R	23-05-01		
Spanje	01-05-98	30-04-99	R	23-05-01		
Sri Lanka	12-01-98	23-03-99	R	23-05-01		
Swaziland		04-04-03	T	04-05-03		
Tadzjikistan		29-07-02	T	28-08-02		
Tanzania		22-01-03	T	21-02-03		
Togo	21-08-98	10-03-03	R	09-04-03		
Tonga		09-12-02	T	08-01-03		
Trinidad en Tobago		02-04-01	T	23-05-01		
Tsjechië	29-07-98	06-09-00	R	23-05-01		
Tunesië		22-04-05	T	22-05-05		
Turkije	20-05-99	30-05-02	R	29-06-02		
Turkmenistan	18-02-99	25-06-99	R	23-05-01		
Uganda	11-06-99	05-11-03	R	05-12-03		
Uruguay	23-11-98	10-11-01	R	10-12-01		
Venezuela	23-09-98	23-09-03	R	23-10-03		
Verenigd Koninkrijk, het	12-01-98	07-03-01	R	23-05-01		

Partij	Onder- tekening	Ratifi- catie	Type <sup>1)</sup>	In werking	Opzeg- ging	Buiten werking
Verenigde Staten van Amerika, de	12-01-98	26-06-02	R	26-07-02		
Zuid-Afrika	21-12-99	01-05-03	R	31-05-03		
Zuid-Korea	03-12-99	17-02-04	R	18-03-04		
Zweden	12-02-98	06-09-01	R	06-10-01		
Zwitserland		23-09-03	T	23-10-03		

<sup>1)</sup> DO=Definitieve ondertekening, R=Ratificatie, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid

## Uitbreidingen

### China

Uitgebreid tot	Datum uitbreiding	Inwerking
Hong Kong SAR	13-11-2001	13-12-2001
Macau SAR	13-11-2001	13-12-2001

### Nederlanden, het Koninkrijk der

Uitgebreid tot	Datum uitbreiding	Inwerking
Aruba	08-02-2005	10-03-2005

## Verklaringen, voorbehouden en bezwaren

Andorra, 23 september 2004

In accordance with article 6, paragraph 3, of the Convention, Andorra establishes its competence regarding the offences described in article 2, for all the cases covered by article 6, paragraph 2, b), c) and d).

Australië, 18 oktober 2002

... in accordance with article 6 (3) of the Convention, Australia has chosen to establish jurisdiction in all the circumstances provided for by Article 6 (2), and has provided for such jurisdiction in domestic legislation which took effect on 8 September 2002.

Bahrein, 21 september 2004

The Kingdom of Bahrain does not consider itself bound by Paragraph 1 of Article 20 of the Convention.

België, 20 mei 2005

As for article 11 of the Convention, the Government of Belgium makes the following reservation:

1. In exceptional circumstances, the Government of Belgium reserves the right to refuse extradition or mutual legal assistance in respect of any offence set forth in article 2 which it considers to be a political offence or as an offence connected with a political offence or as an offence inspired by political motives.

2. In cases where the preceding paragraph is applicable, Belgium recalls that it is bound by the general legal principle *aut dedere aut judicare*, pursuant to the rules governing the competence of its courts.

Brazilië, 23 augustus 2002

... the Federative Republic of Brazil declares that, in accordance with the provisions of article 6, paragraph 3, of the said Convention, it will exercise jurisdiction over the offences within the meaning of article 2, in the cases set forth in article 6, paragraph 2, subparagraphs a), b) and e) of the Convention.

... the Federative Republic of Brazil declares, pursuant to article 20, paragraph 2, of the International Convention for the Suppression of Terrorist Bombings, adopted in New York on the 15th December 1997, that it does not consider itself bound by the provisions of article 20, paragraph 1, of the said Convention.

Canada, 3 april 2002

Canada declares that it considers the application of article 2 (3) c) of the Terrorist Bombing Convention to be limited to acts committed in furthering a conspiracy of two or more persons to commit a specific criminal offence contemplated in paragraph 1 or 2 of article 2 of that Convention.

Colombia, 14 september 2004

By virtue of article 20, paragraph 2, of the Convention, Colombia declares that it does not consider itself bound by paragraph 1 of the said article.

Furthermore, by virtue of article 6, paragraph 3, of the Convention, Colombia states that it establishes its jurisdiction in accordance with its domestic law in relation to paragraph 2 of the same article.

El Salvador, 15 mei 2003

With regard to article 6, paragraph 3, the Government of the Republic of El Salvador, gives notification that it has established its jurisdiction under its domestic law in respect of the offences committed in the situations and under the conditions mentioned in article 6, paragraph 2, of the Convention.

... with regard to article 20, paragraph 2, the Republic of El Salvador declares that it does not consider itself bound by paragraph 1 of the said



article because it does not recognize the compulsory jurisdiction of the International Court of Justice.

Estland, 10 april 2002

.....pursuant to article 6, paragraph 3 of the Convention, the Republic of Estonia declares that in its domestic law it shall apply the jurisdiction set forth in article 6 paragraph 2 over offences set forth in article 2.

Ethiopië, 16 april 2003

The Government of the Federal Democratic Republic of Ethiopia does not consider itself bound by the aforementioned provision of the Convention, under which any dispute between two or more States Parties concerning the interpretation or application of the Convention shall, at the request of one of them, be submitted to arbitration or to the International Court of Justice, and states that disputes concerning the interpretation or application of the Convention would be submitted to arbitration or to the Court only with the prior consent of all the parties concerned.

Finland, 28 mei 2002

Pursuant to article 6 (3) of the International Convention for the Suppression of Terrorist Bombings, the Republic of Finland establishes its jurisdiction over the offences set forth in article 2 in all the cases provided for in article 6, paragraphs 1, 2 and 4.

IJsland, 15 april 2002

Pursuant to article 6, paragraph 3, of the International Convention for the Suppression of Terrorist Bombings, Iceland declares that it has established its jurisdiction over the offences set forth in article 2 of the Convention in all the cases provided for in article 6, paragraph 2, of the Convention.

Israël, 10 februari 2003

The Government of the State of Israel understands Article 1, paragraph 4, of the Convention for the Suppression of Terrorist Bombings, in the sense that the term "military forces of a State" includes police and security forces operating pursuant to the internal law of the State of Israel.

Pursuant to Article 6 paragraph 3 of the International Convention for the Suppression of Terrorist Bombings, the Government of the State of Israel hereby notifies the Secretary-General of the United Nations that it has established jurisdiction over the offences referred to in Article 2 in all the cases detailed in Article 6 paragraph 2.

The Government of the State of Israel understands that the term "international humanitarian law" referred to in Article 19, of the Convention has the same substantive meaning as the term "the laws of war"

(“*jus in bello*”). This body of laws does not include the provisions of the protocols additional to the Geneva Conventions of 1977 to which the State of Israel is not a Party.

The Government of the State of Israel understands that under Article 1 paragraph 4 and Article 19 the Convention does not apply to civilians who direct or organize the official activities of military forces of a state.

Pursuant to Article 20, paragraph 2 of the Convention, the State of Israel does not consider itself bound by the provisions of Article 20, paragraph 1 of the Convention.

Bezwaar door Zweden, 30 januari 2004

The Government of Sweden has examined the declaration made by Israel regarding article 19 of the International Convention for the Suppression of Terrorist Bombings, whereby Israel intends to exclude the Protocols Additional to the Geneva Conventions from the term international humanitarian law.

The Government of Sweden recalls that the designation assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified does not determine its status as a reservation to the treaty. The Government of Sweden considers that the declaration made by Israel in substance constitutes a reservation.

It is the view of the Government of Sweden that the majority of the provisions of the Protocols Additional to the Geneva Conventions constitute customary international law, by which Israel is bound. In the absence of further clarification, Sweden therefore objects to the aforesaid reservation by Israel to the International Convention for the Suppression of Terrorist Bombings.

This objection shall not preclude the entry into force of the Convention between Israel and Sweden. The Convention enters into force in its entirety between the two States, without Israel benefiting from this reservation.

Koeweit, 19 april 2004

... the reservation to its paragraph (a) of article (20) and the declaration of non-compliance to its provisions.

Laos, 22 augustus 2002

In accordance with paragraph 2, Article 20 of the International Convention for the Suppression of Terrorist Bombings, the Lao People's Democratic Republic does not consider itself bound by paragraph 1, article 20 of the present Convention. The Lao People's Democratic Republic

lic declares that to refer a dispute relating to interpretation and application of the present Convention to arbitration or International Court of Justice, the agreement of all parties concerned in the dispute is necessary.

Letland, 25 november 2002

In accordance with Article 6, paragraph 3 of the International Convention for the Suppression of Terrorist Bombings, opened for signature at New York on the 12th day of January 1998, the Republic of Latvia declares that it has established jurisdiction in all cases listed in Article 6, paragraph 2.

Litouwen, 17 maart 2004

... the Seimas of the Republic of Lithuania declares that the Republic of Lithuania establishes the jurisdiction for the offences provided in Article 2 of the Convention in all cases described in paragraph 2 of Article 6 of the said Convention.

Maleisië, 24 september 2003

1. The Government of Malaysia understands the phrase “Military forces of a State” in Article 1 (4) of the Convention to include the national contingents of Malaysia operating as part of United Nations forces.

2. [...]

3. The Government of Malaysia understands Article 8 (1) of the Convention to include the right of the competent authorities to decide not to submit any particular case for prosecution before the judicial authorities if the alleged offender is dealt with under national security and preventive detention laws.

4. a) Pursuant to Article 20 (2) of the Convention, the Government of Malaysia declares that it does not consider itself bound by Article 20 (1) of the Convention; and

b) the Government of Malaysia reserves the right specifically to agree in a particular case to follow the arbitration procedure set forth in Article 20 (1) of the Convention or any other procedure for arbitration.

Bezwaar door Duitsland, 3 november 2004

The Government of the Federal Republic of Germany has examined the declaration relating to the Convention for the suppression of terrorist bombings made by the Government of Malaysia at the time of its accession to the Convention.

The Government of the Federal Republic of Germany considers that in making the interpretation and application of Article 8 of the Convention subject to the national legislation of Malaysia, the Government of Malaysia introduces a general and indefinite reservation that makes it impossible to clearly identify in which way

the Government of Malaysia intends to change the obligations arising from the Convention.

Therefore the Government of the Federal Republic of Germany hereby objects to this declaration which is considered to be a reservation that is incompatible with the object and purpose of the Convention. This objection shall not preclude the entry into force of the Convention between the Federal Republic of Germany and Malaysia.

Bezwaar door Nederlanden, het Koninkrijk der, 2 november 2004  
The Government of the Kingdom of the Netherlands has examined the declaration relating to the International Convention for the suppression of terrorist bombings made by the Government of Malaysia at the time of its accession to the Convention.

The Government of the Kingdom of the Netherlands considers that in making the interpretation and application of Article 8 of the Convention subject to the national legislation of Malaysia, the Government of Malaysia is formulating a general and indefinite reservation that makes it impossible to identify the changes to the obligations arising from the Convention that it is intended to introduce. The Government of the Kingdom of the Netherlands therefore considers that a reservation formulated in this way is likely to contribute to undermining the basis of international treaty law.

For these reasons, the Government of the Kingdom of the Netherlands hereby objects to this declaration which it considers to be a reservation that is incompatible with the object and purpose of the Convention.

This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Malaysia.

Maleisië, 24 september 2003

In accordance with Article 6 (3) of the Convention, the Government of Malaysia declares that it has established jurisdiction in accordance with its domestic laws over the offences set forth in Article 2 of the Convention in all the cases provided for in Article 6 (1) and 6 (2).

Mexico, 24 februari 2003

Notification under article 6 (3)

... in accordance with article 6, paragraph 3, of the Convention, Mexico exercises jurisdiction over the offences defined in the Convention where:

a) They are committed against Mexicans in the territory of another State party, provided that the accused is in Mexico and has not been tried in the country in which the offence was committed. Where it is a question of offences defined in the Convention but committed in the territory

of a non-party State, the offence shall also be defined as such in the place where it was committed (art. 6, para. 2 a));

b) They are committed in Mexican embassies and on diplomatic or consular premises (art. 6, para. 2 b));

c) They are committed abroad but produce effects or are claimed to produce effects in the national territory (art. 6, para. d)).

Moldavië, 10 oktober 2002

1. [...]

2. The Republic of Moldova declares its understanding that the provisions of article 12 of the International Convention for the Suppression of Terrorist Bombings should be implemented in such a way as to ensure the inevitability of responsibility for the commission of offenses falling within the scope of the Convention, without prejudice to the effectiveness of the international cooperation on the questions of extradition and legal assistance.

3. Pursuant to article 20, paragraph 2 of the International Convention for the Suppression of Terrorist Bombings, the Republic of Moldova declares that it does not consider itself bound by the provisions of article 20, paragraph 1 of the Convention.

Moldavië, 10 oktober 2002

Pursuant to article 6, paragraph 3 of the International Convention for the Suppression of Terrorist Bombings, the Republic of Moldova establishes its jurisdiction over the offences set forth in article 2 in cases provided for in article 6, paragraphs 1 and 2.

Mozambique, 14 januari 2003

The Republic of Mozambique does not consider itself bound by the provisions of article 20 paragraph 1 of the Convention.

In this connection, the Republic of Mozambique states that, in each individual case, the consent of all Parties to such a dispute is necessary for the submission of the dispute to arbitration or to the International Court of Justice.

Furthermore, the Republic of Mozambique declare that:

The Republic of Mozambique, in accordance with its Constitution and domestic laws, may not and will not extradite Mozambique citizens. Therefore, Mozambique citizens will be tried and sentenced in national courts.

Nederlanden, het Koninkrijk der, 8 februari 2005

Subsequently, on 8 February 2005, the Government of the Netherlands informed the Secretary-General that the Convention will apply to Aruba with the following declaration:

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.

Nieuw-Zeeland, 4 november 2002

With a territorial exclusion with respect to Tokelau to the effect that:  
... consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, this accession shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultations with that territory.

Oekraïne, 26 maart 2002

The provisions of article 19, paragraph 2, do not preclude Ukraine from exercising its jurisdiction over the members of military forces of a state and their prosecution, should their actions be illegal. The Convention will be applied to the extent that such activities are not governed by other rules of international law.

Oekraïne, 21 mei 2002

Ukraine exercises its jurisdiction over the offences set forth in article 2 of the Convention in cases provided for in paragraph 2 article 6 of the Convention.

Pakistan, 13 augustus 2002

The Government of the Islamic Republic of Pakistan declares that nothing in this Convention shall be applicable to struggles, including armed struggle, for the realization of right of self-determination launched against any alien or foreign occupation or domination, in accordance with the rules of international law. This interpretation is consistent with Article 53 of the Vienna Convention on the Law of Treaties 1969 which provides that an agreement or treaty concluded in conflict with an existing jus cogen or preemptory norm of international law is void and, the right of self-determination is universally recognized as a jus cogen.

Bezwaar door Australië, 25 juli 2003

The Government of Australia has examined the Declaration made by the Government of Pakistan at the time of its accession to the International Convention for the Suppression of Terrorist Bombings 1997. The Government of Australia considers the declaration made by Pakistan to be a reservation that seeks to limit the scope of the Convention on a unilateral basis and which is contrary to its object and purpose, namely the suppression of terrorist bombings, irrespective of where they take place and of who carries them out.

The Government of Australia further considers the Declaration to be

contrary to the terms of Article 5 of the Convention, according to which States Parties commit themselves to “adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention ... are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature”.

The Government of Australia recalls that, according to Article 19c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Australia objects to the aforesaid reservation made by the Government of Pakistan to the International Convention for the Suppression of Terrorist Bombings. However, this objection shall not preclude the entry into force of the Convention between Australia and Pakistan.

Bezwaar door Canada, 18 juli 2003

The Government of Canada has examined the Declaration made by Pakistan at the time of its accession to the Convention and considers that the Declaration is, in fact, a reservation that seeks to limit the scope of the Convention on a unilateral basis and is contrary to the object and purpose of the Convention which is the suppression of terrorist bombings, irrespective of where they take place and who carries them out.

The Government of Canada considers the Declaration to be, furthermore, contrary to the terms of Article 5 of the Convention, according to which States Parties commit themselves to “adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature”.

The Government of Canada considers that the above Declaration constitutes a reservation which is incompatible with the object and purpose of the International Convention for the Suppression of Terrorist Bombings.

The Government of Canada recalls that, according to Article 19 (c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legisla-

tive changes necessary to comply with their obligations under the treaties.

The Government of Canada therefore objects to the aforesaid reservation made by the Government of the Islamic Republic of Pakistan to the International Convention for the Suppression of Terrorist Bombings.

This objection shall not preclude the entry into force of the Convention between Canada and Pakistan.

Bezwaar door Denemarken, 18 maart 2003

The Government of the Kingdom of Denmark considers that the declaration made by Pakistan is in fact a reservation that seeks to limit the scope of the Convention on a unilateral basis and is therefore contrary to its objective and purpose, which is the suppression of terrorist bombings, irrespective of where they take place and of who carries them out.

The declaration is furthermore contrary to the terms of Article 5 of the Convention, according to which States Parties commit themselves to “adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention (...) are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or similar nature and are punished by penalties consistent with their grave nature”.

The Government of the Kingdom of Denmark recalls that, according to Article 19 C of the Vienna Convention on the law of treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interest of States that all parties respect treaties to which they have chosen to become party, as to their object and purpose, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of the Kingdom of Denmark therefore objects to the aforesaid reservation made by the Government of Pakistan to the International Convention for the suppression of terrorist bombings. This objection shall not preclude the entry into force of the Convention between the Kingdom of Denmark and Pakistan.

Bezwaar door Duitsland, 23 april 2003

The Government of the Federal Republic of Germany has examined the “declaration” to the International Convention of the Suppression of Terrorist Bombings made by the Government of the Islamic Republic of Pakistan at the time of its accession to the Convention. The Government of the Federal Republic of Germany considers that the declaration made by Pakistan is in fact a reservation that seeks to limit the scope of the Convention on a unilateral basis and is therefore contrary to its objective and purpose, which is the suppres-



sion of terrorist bombings, irrespective of where they take place and of who carries them out.

The declaration is furthermore contrary to the terms of Article 5 of the Convention, according to which States Parties commit themselves to “adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention, in particular where they are intended or calculated to provoke a state of terror in the general public or in a group of persons or particular persons, are under no circumstances justifiable by considerations of political, philosophical, ideological, racial, ethnic, religious or similar nature and are punished by penalties consistent with their grave nature.”

The Government of the Federal Republic of Germany therefore objects to the aforesaid reservation made by the Government of Pakistan to the International Convention for the Suppression of Terrorist Bombings.

This objection shall not preclude the entry into force of the Convention between the Federal Republic of Germany and Pakistan.

Bezwaar door Finland, 17 juni 2003

The Government of Finland has carefully examined the contents of the interpretative declaration made by the Government of the Islamic Republic of Pakistan to the International Convention for the Suppression of Terrorist Bombings.

The Government of Finland is of the view that the declaration amounts to a reservation as its purpose is to unilaterally limit the scope of the Convention. The Government of Finland further considers the declaration to be in contradiction with the object and purpose of the Convention, namely the suppression of terrorist bombings wherever and by whomever carried out.

The declaration is, furthermore, contrary to the terms of Article 5 of the Convention according to which State Parties commit themselves to adopt measures as may be necessary to ensure that criminal acts within the scope of the Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or similar nature and are punished by penalties consistent with their grave nature.

The Government of Finland wishes to recall that, according to the customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interest of states that treaties to which they have chosen to become parties are respected as to their object and purpose and that states are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Finland therefore objects to the above-mentioned interpretative declaration made by the Government of the Islamic

Republic of Pakistan to the Convention.

This objection does not preclude the entry into force of the Convention between the Islamic Republic of Pakistan and Finland. The Convention will thus become operative between the two states without the Islamic Republic of Pakistan benefiting from its declaration.

Bezwaar door Frankrijk, 3 februari 2003

The Government of the French Republic has considered the declaration made by the Government of the Islamic Republic of Pakistan, in ratifying the International Convention for the Suppression of Terrorist Bombings of 15 December 1997, that “nothing in this Convention shall be applicable to struggles, including armed struggle, for the realization of self-determination launched against any alien or foreign occupation or domination, in accordance with international law”. The aim of the Convention is to suppress all terrorist bombings, and article 5 states that ‘each State Party shall adopt such measures as may be necessary ( ... ) to ensure that criminal acts within the scope of this Convention ( ... ) are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature’. The Government of the French Republic considers that the above declaration constitutes a reservation, to which it objects.

Bezwaar door India, 3 april 2003

The Government of the Republic of India have examined the Declaration made by the Government of the Islamic Republic of Pakistan at the time of its accession to the International Convention for the Suppression of Terrorist Bombings 1997.

The Government of the Republic of India consider that the Declaration made by Pakistan is, in fact, a reservation that seeks to limit the scope of the Convention on a unilateral basis and it is, therefore, incompatible with the object and purpose of the Convention which is the suppression of terrorist bombings, irrespective of where they take place and who carries them out.

The Government of India consider the Declaration to be, furthermore, contrary to the terms of Article 5 of the Convention, according to which States Parties commit themselves to “adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention ... are under no circumstances justifiable by considerations of their political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature”.

The Government of India consider that the above Declaration constitutes a reservation which is incompatible with the object and purpose of the International Convention for the Suppression of Terrorist

**Bombings.**

The Government of India recall that, according to Article 19 (c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of India therefore object to the aforesaid reservation made by the Government of Pakistan to the International Convention for the Suppression of Terrorist Bombings.

This objection shall not preclude the entry into force of the Convention between India and Pakistan.

**Bezwaar door Israël, 28 mei 2003**

The Permanent Mission of the State of Israel to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to refer to the declaration of Pakistan at the time of its accession to the International Convention for the Suppression of Terrorist Bombings, 1997.

The Government of the State of Israel considers that declaration to be, in fact, a reservation incompatible with the object and purpose of the Convention, as expressed in Article 5 thereof.

The Government of the State of Israel recalls that, according to Article 19 (c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of the State of Israel therefore objects to the aforesaid reservation made by the Government of Pakistan.

**Bezwaar door Italië, 3 juni 2003**

The Government of Italy has examined the “declaration” to the International Convention of the Suppression of Terrorist Bombings made by the Government of the Islamic Republic of Pakistan at the time of its accession to the Convention.

The Government of Italy considers that the declaration made by Pakistan is in fact a reservation that seeks to limit the scope of the Convention on a unilateral basis and is therefore contrary to its objective and purpose, which is the suppression of terrorist bombings, irrespective of where they take place and of who carries them out.

The declaration is furthermore contrary to the term of Article 5 of the Convention, according to which States Parties commit themselves to “adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention, in particular where they are intended or calculated to provoke a state of terror in the general public or in a group of persons or particular persons, are under no cir-

cumstances justifiable by considerations of political, philosophical, ideological, racial, ethnic, religious or similar nature and are punished by penalties consistent with their grave nature.

The Government of Italy therefore objects to the aforesaid reservation made by the Government of Pakistan to the International Convention for the Suppression of Terrorist Bombings.

This objection shall not preclude the entry into force of the Convention between Italy and Pakistan.

Bezwaar door Japan, 4 augustus 2003

... [The Permanent Mission of Japan] has the honour to make the following declaration on behalf of the Government of Japan.

When depositing its Instrument of Accession, the Government of the Islamic Republic of Pakistan made a declaration which reads as follows:

“The Government of the Islamic Republic of Pakistan declares that nothing in this Convention shall be applicable to struggles, including armed struggle, for the realization of right of self-determination launched against any alien or foreign occupation or domination, in accordance with the rules of international law. This interpretation is consistent with Article 53 of the Vienna Convention on the Law of Treaties 1969 which provides that an agreement or treaty concluded in conflict with an existing jus cogen or preemptory norm of international law is void and, the right of self-determination is universally recognized as a jus cogen.”

In this connection, the Government of Japan draws attention to the provisions of Article 5 of the Convention, according to which each State Party shall adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention, in particular where they are intended or calculated to provoke a state of terror in the general public or in a group of persons or particular persons, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature.

The Government of Japan considers that the declaration made by the Islamic Republic of Pakistan seeks to exclude struggles, including armed struggle, for the realization of right of self-determination launched against any alien or foreign occupation or domination from the application of the Convention and that such declaration constitutes a reservation which is incompatible with the object and purpose of the Convention. The Government of Japan therefore objects to the aforementioned reservation made by the Islamic Republic of Pakistan.

Bezwaar door Moldavië, 6 oktober 2003

The Government of the Republic of Moldova has examined the dec-

laration made by the Government of the Islamic Republic of Pakistan at the time of its accession to the International Convention for the Suppression of Terrorist Bombings 1997.

The Government of the Republic of Moldova considers that the declaration is, in fact, a reservation that seeks to limit the scope of the Convention on a unilateral basis and is therefore contrary to its object and purpose, namely the suppression of terrorist bombings, irrespective of where they take place and of who carries them out.

The declaration is furthermore contrary to the terms of Article 5 of the Convention, according to which States Parties commit themselves to “adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention...are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature”.

The Government of the Republic of Moldova recalls that, according to Article 19 c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted. It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of the Republic of Moldova therefore objects to the aforesaid reservation made by the Government of the Islamic Republic of Pakistan to the International Convention for the Suppression of Terrorist Bombings.

This objection shall not preclude the entry into force of the Convention between the Republic of Moldova and the Islamic Republic of Pakistan. The Convention enters into force in its entirety between the two States, without Pakistan benefiting from its reservation.

Bezwaar door Nederlanden, het Koninkrijk der, 20 februari 2003

The Government of the Kingdom of the Netherlands has examined the declaration made by the Government of the Islamic Republic of Pakistan at the time of its accession to the International Convention for the suppression of terrorist bombings.

The Government of the Kingdom of the Netherlands considers that the declaration made by Pakistan is in fact a reservation that seeks to limit the scope of the Convention on a unilateral basis and is therefore contrary to its object and purpose, which is the suppression of terrorist bombings, irrespective of where they take place and of who carries them out.

The declaration is furthermore contrary to the terms of Article 5 of the Convention, according to which States Parties commit themselves to “adopt such measures as may be necessary, including,

where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature”.

The Government of the Kingdom of the Netherlands recalls that, according to Article 19 c) the Vienna Convention on the law of treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of the Kingdom of the Netherlands therefore objects to the aforesaid reservation made by the Government of Pakistan to the International Convention for the suppression of terrorist bombings. This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Pakistan.

Bezwaar door Nieuw-Zeeland, 12 augustus 2003

The Government of New Zealand has carefully examined the declaration made by the Government of Pakistan at the time of its accession to the International Convention for the Suppression of Terrorist Bombings 1997.

The Government of New Zealand considers the declaration made by Pakistan to be a reservation that seeks to limit the scope of the Convention on a unilateral basis and which is contrary to its object and purpose, namely the suppression of terrorist bombings, irrespective of where they take place and who carries them out.

The Government of New Zealand further considers the declaration to be contrary to the terms of article 5 of the Convention, according to which States Parties commit themselves to “adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention...are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious, or other similar nature and are punished by penalties consistent with their grave nature”.

The Government of New Zealand recalls that, according to article 19 c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of New Zealand therefore objects to the reservation made by the Government of Pakistan to the International Convention for the Suppression of Terrorist Bombings 1997. This objec-

tion does not, however, preclude the entry into force of the Convention between New Zealand and Pakistan.

Bezwaar door Noorwegen, 5 september 2003

The Government of Norway has examined the declaration made by the Government of Pakistan upon accession to the International Convention for the Suppression of Terrorist Bombings.

The Government of Norway considers the declaration to be a reservation that seeks to limit the scope of the Convention on a unilateral basis and which is contrary to its object and purpose, namely the suppression of terrorist bombings, irrespective of where they take place and of who carries them out.

The declaration is furthermore contrary to the terms of Article 5 of the Convention according to which State Parties commit themselves to adopt measures as may be necessary to ensure that criminal acts within the scope of the Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or similar nature and are punished by penalties consistent with their grave nature.

The Government of Norway recalls that, according to customary international law, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Norway therefore objects to the aforesaid declaration made by the Government of Pakistan to the Convention between the Kingdom of Norway and Pakistan.

Bezwaar door Oostenrijk, 14 april 2003

The Government of Austria has examined the declaration made by the Government of the Islamic Republic of Pakistan at the time of its accession to the International Convention for the suppression of terrorist bombings.

The Government of Austria considers that the declaration made by the Government of the Islamic Republic of Pakistan is in fact a reservation that seeks to limit the scope of the Convention on a unilateral basis and is therefore contrary to its objective and purpose, which is the suppression of terrorist bombings, irrespective of where they take place and of who carries them out.

The declaration is furthermore contrary to the terms of Article 5 of the Convention, according to which States Parties commit themselves to “adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention (...) are under no circumstance justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature.”

The Government of Austria recalls that according to customary international law as codified in the Vienna Convention on the Law of

Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Austria therefore objects to the aforesaid reservation made by the Government of the Islamic Republic of Pakistan to the International Convention for the suppression of terrorist bombings.

This objection shall not preclude the entry into force of the Convention between Austria and the Islamic Republic of Pakistan.

Bezwaar door Polen, 3 februari 2004

The Government of the Republic of Poland considers that the declaration made by the Government of the Islamic Republic of Pakistan at the time of its accession to the International Convention for the Suppression of Terrorist Bombings of 15 December 1997 is in fact a reservation that seeks to limit the scope of the Convention on a unilateral basis and which is contrary to its object and purpose, namely the suppression of terrorist bombings, irrespective of where they take place and of who carries them out.

The Government of the Republic of Poland further considers the declaration to be contrary to the terms of article 5 of the Convention, according to which each State Party commits itself to “adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention (...) are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature”.

The Government of the Republic of Poland wishes to recall that, according to the customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the treaty shall not be permitted. The Government of the Republic of Poland therefore objects to the aforesaid declaration made by the Government of the Islamic Republic of Pakistan to the International Convention for the Suppression of Terrorist Bombings.

This objection shall not, however, preclude the entry into force of the Convention between the Republic of Poland and the Islamic Republic of Pakistan.

Bezwaar door Russische Federatie, 22 september 2003

The Russian Federation has considered the declaration made by the Islamic Republic of Pakistan upon accession to the International



Convention for the Suppression of Terrorist Bombings, of 1997.

The Russian Federation takes the position that every State which has agreed to the binding nature of the provisions of the Convention must adopt such measures as may be necessary, pursuant to article 5, to ensure that criminal acts which, in accordance with article 2, are within the scope of the Convention, in particular where they are intended or calculated to provoke a state of terror in the general public or in a group of persons or particular persons, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature.

The Russian Federation notes that the realization of the right of peoples to self-determination must not conflict with other fundamental principles of international law, such as the principle of the settlement of international disputes by peaceful means, the principle of the territorial integrity of States, and the principle of respect for human rights and fundamental freedoms.

The Russian Federation believes that the declaration made by the Islamic Republic of Pakistan upon accession to the International Convention for the Suppression of Terrorist Bombings is incompatible with the object and purpose of the Convention. In the view of the Russian Federation, the declaration made by the Islamic Republic of Pakistan may jeopardize the fulfilment of the provisions of the Convention in relations between the Islamic Republic of Pakistan and other States Parties and thereby impede cooperation in combating acts of terrorist bombing. It is in the common interest of States to develop and strengthen cooperation in formulating and adopting effective practical measures to prevent terrorist acts and punish the perpetrators.

The Russian Federation, once again declaring its unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustified, regardless of their motives and in all their forms and manifestations, wherever and by whomever they are perpetrated, calls upon the Islamic Republic of Pakistan to reconsider its position and withdraw the declaration.

Bezwaar door Spanje, 23 januari 2003

The Government of the Kingdom of Spain has considered the declaration made by the Islamic Republic of Pakistan in respect of the International Convention for the Prevention of Terrorist Bombings (New York, 15 December 1997) at the time of its ratification of the Convention.

The Government of the Kingdom of Spain considers this declaration to constitute a de facto reservation the aim of which is to limit unilaterally the scope of the Convention. This is incompatible with the object and purpose of the Convention, which is the repression of ter-

rorist bombings, by whomever and wherever they may be carried out.

In particular, the declaration by the Government of the Islamic Republic of Pakistan is incompatible with the spirit of article 5 of the Convention, which establishes the obligation for all States Parties to adopt “such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention [ ... ] are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature.”

The Government of the Kingdom of Spain wishes to point out that, under customary international law, as codified in the 1969 Vienna Convention on the Law of Treaties, reservations that are incompatible with the object and purpose of treaties are not permitted.

Consequently, the Government of Spain objects to the aforementioned declaration by the Islamic Republic of Pakistan to the International Convention for the Prevention of Terrorist Bombings.

This objection does not prevent the entry into force of the aforementioned Convention between the Kingdom of Spain and the Islamic Republic of Pakistan.

Bezwaar door Verenigd Koninkrijk, het, 28 maart 2003

The Government of the United Kingdom of Great Britain and Northern Ireland have examined the Declaration made by the Government of Pakistan at the time of its accession to the International Convention for the Suppression of Terrorist Bombings 1997. The Government of the United Kingdom consider the declaration made by Pakistan to be a reservation that seeks to limit the scope of the Convention on a unilateral basis and which is contrary to its object and purpose, namely the suppression of terrorist bombings, irrespective of where they take place and of who carries them out.

The Government of the United Kingdom further consider the Declaration to be contrary to the terms of Article 5 of the Convention, according to which States Parties commit themselves to “adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention...are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature”.

The Government of the United Kingdom recall that, according to Article 19(c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with object and purpose of the Convention shall not be permitted.

The Government of the United Kingdom therefore object to the aforesaid reservation made by the Government of Pakistan to the

International Convention for the Suppression of Terrorist Bombings. However, this objection shall not preclude the entry into force of the Convention between the United Kingdom and Pakistan.

Bezwaar door Verenigde Staten van Amerika, de, 5 juni 2003

The Government of the United States of America, after careful review, considers the declaration made by Pakistan to be a reservation that seeks to limit the scope of the Convention on a unilateral basis. The declaration is contrary to the object and purpose of the Convention, namely, the suppression of terrorist bombings, irrespective of where they take place and who carries them out.

The Government of the United States also considers the declaration to be contrary to the terms of Article 5 of the Convention, which provides: "Each State Party shall adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention ... are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature."

The Government of the United States notes that, under established principles of international treaty law, as reflected in Article 19c) of the Vienna Convention on the Law of Treaties, a reservation that is incompatible with the object and purpose of the treaty shall not be permitted.

The Government of the United States therefore objects to the declaration made by the Government of Pakistan upon accession to the International Convention for the Suppression of Terrorist Bombings. This objection does not, however, preclude the entry into force of the Convention between the United States and Pakistan.

Bezwaar door Zweden, 4 juni 2003

The Government of Sweden has examined the declaration made by the Government of the Islamic Republic of Pakistan upon acceding to the International Convention for the Suppression of Terrorist Bombings (the Convention).

The Government of Sweden recalls that the name assigned to a statement, whereby the legal effect of certain provisions of a treaty is excluded or modified, does not determine its status as a reservation to the treaty. The Government of Sweden considers that the declaration made by Pakistan to the Convention in substance constitutes a reservation.

The Government of Sweden notes that the Convention is being made subject to a general reservation. This reservation does not clearly specify the extent of the derogation from the Convention and it raises serious doubts as to the commitment of Pakistan to the object and purpose of the Convention.

The declaration is furthermore contrary to the terms of article 5 of the Convention, according to which States Parties commit themselves to “adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention (...) are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or similar nature and are punished by penalties consistent with their grave nature”.

The Government of Sweden would like to recall that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Sweden therefore objects to the aforesaid reservation made by the Government of Pakistan to the International Convention for the Suppression of Terrorist Bombings.

This objection shall not preclude the entry into force of the Convention between Pakistan and Sweden. The Convention enters into force in its entirety between the two States, without Pakistan benefiting from its reservation.

Paraguay, 22 september 2004

..., by virtue of the provisions of article 6, paragraph 3, of the aforementioned Convention, the Republic of Paraguay has established its jurisdiction in accordance with its domestic legislation, under article 6, paragraph 2, of the Convention.

Roemenië, 29 juli 2004

In accordance with Article 6, paragraph 3 of the Convention, Romania declares that it has established its jurisdiction for the offenses set forth in Article 2, in all cases stipulated by Article 6, paragraphs 1 and 2, in conformity with relevant provisions of its domestic law.

Tunesië, 22 april 2005

By agreeing to accede to the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997, [the Republic of Tunisia] declares that it does not consider itself bound by the provisions of article 20 (1) and affirms that disputes concerning the interpretation or application of

the said Convention may only be submitted to the International Court of Justice with its prior consent.

Turkije, 30 mei 2002

1. The Republic of Turkey declares that Articles (9) and (12) should not be interpreted in such a way that offenders of these crimes are neither tried nor prosecuted.

2. The Republic of Turkey declares its understanding that the term international humanitarian law referred to in Article (19) of the Convention for the Suppression of Terrorist Bombings shall be interpreted as comprising the relevant international rules excluding the provisions of Additional Protocols to Geneva Conventions of 12 August 1949, to which Turkey is not a Party. The first part of the second paragraph of the said article should not be interpreted as giving a different status to the armed forces and groups other than the armed forces of a state as currently understood and applied in international law and thereby as creating new obligations for Turkey.

3. Pursuant to Paragraph 2 of Article (20) of the International Convention for the Suppression of Terrorist Bombings, the Republic of Turkey declares that it does not consider itself bound by the provisions of Paragraph 1 of Article (20) of the said Convention.

Bezwaar door Zweden, 3 juni 2003

The Government of Sweden has examined the reservation made by Turkey to article 19 of the International Convention for the Suppression of Terrorist Bombings, whereby Turkey intends to exclude the Protocols Additional to the Geneva Conventions from the term international humanitarian law. It is the view of the Government of Sweden that the majority of the provisions of those Additional Protocols constitute customary international law, by which Turkey is bound.

In the absence of further clarification, Sweden therefore objects to the aforesaid reservation by Turkey to the International Convention for the Suppression of Terrorist Bombings.

This objection shall not preclude the entry into force of the Convention between Turkey and Sweden. The Convention enters into force in its entirety between the two States, without Turkey benefiting from its reservation.

Venezuela, 23 september 2003

The Bolivarian Republic of Venezuela, pursuant to the provisions of article 20, paragraph 2, of the International Convention for the Suppression of Terrorist Bombings, formulates an express reservation regarding the stipulation in paragraph 1 of that article. Accordingly, it does not consider itself bound to resort to arbitration as a means of dispute settlement, and does not recognize the binding jurisdiction of the International Court of Justice.

Moreover, the Bolivarian Republic of Venezuela, having regard for article 6, paragraph 3, of the International Convention for the Suppression of Terrorist Bombings, declares that it has established jurisdiction under its domestic law over the offences committed in the situations and under the conditions envisaged in article 6, paragraph 2, of the Convention.

Verenigde Staten van Amerika, de, 26 juni 2002

a) pursuant to article 20 (2) of the Convention, the United States of America declares that it does not consider itself bound by Article 20 (1) of the Convention; and

b) the United States of America reserves the right specifically to agree in a particular case to follow the procedure in Article 20 (1) of the Convention or any other procedure for arbitration.

Understandings:

1. Exclusion from coverage of term “armed conflict”.

The United States of America understands that the term “armed conflict” in Article 19 (2) of the Convention does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

2. Meaning of term “international humanitarian law”.

The United States of America understands that the term “international humanitarian law” in Article 19 of the Convention has the same substantive meaning as the law of war.

3. Exclusion from coverage of activities by military forces.

The United States understands that, under Article 19 and Article 1 (4), the Convention does not apply to:

- A) the military forces of a state in the exercise of their official duties;
- B) civilians who direct or organize the official activities of military forces of a state; or
- C) civilians acting in support of the official activities of the military forces of a state, if the civilians are under the formal command, control, and responsibility of those forces.

Zuid-Korea, 7 juli 2004

Pursuant to Article 6, Paragraph 3 of the International Convention for the Suppression of Terrorist Bombings, The Republic of Korea provides the following information on its criminal jurisdiction. Principles on the criminal jurisdiction are set out in the Chapter I of Part I of the Korean Penal Code.

The provisions have the following wording:

Article 2 (Domestic Crimes)

This Code shall apply to anyone, whether Korean or alien, who commits a crime within the territorial boundary of the Republic of Korea.

Article 3 (Crimes by Koreans outside Korea)

This Code shall apply to a Korean national who commits a crime outside the territorial boundary of the Republic of Korea.

Article 4 (Crimes by Aliens on board Korean Vessel, etc., outside Korea)

This Code shall apply to an alien who commits a crime on board a Korean vessel or a Korean aircraft outside the territorial boundary of the Republic of Korea.

Article 5 (Crimes by Aliens outside Korea)

This Code shall apply to an alien who commits any of the following crimes outside the territorial boundary of the Republic of Korea:

1. Crimes concerning insurrection;
2. Crimes concerning treason;
3. Crimes concerning the national flag;
4. Crimes concerning currency;
5. Crimes concerning securities, postage and revenue stamps;
6. Crimes specified in Articles 225 through 230 among crimes concerning documents; and
7. Crimes specified in Article 238 among crimes concerning seal.

Article 6 (Foreign Crimes against the Republic of Korea and Koreans outside Korea)

This Code shall apply to an alien who commits a crime, other than those specified in the preceding Article, against the Republic of Korea or its national outside the territorial boundary of the Republic of Korea, unless such act does not constitute a crime, or it is exempt from prosecution or execution of punishment under the *lex loci delictus*.

Article 8 (Application of General Provisions)

The provisions of the preceding Articles shall also apply to such crimes as are provided by other statutes unless provided otherwise by such statutes.

Zweden, 5 november 2002

Pursuant to article 6 (3) of the International Convention for the Suppression of Terrorist Bombings, Sweden provides the following information on Swedish criminal jurisdiction. Rules on Swedish criminal jurisdiction are laid down in Chapter 2 Section 1–5 in the Swedish Penal Code. The provisions have the following wording:

Section 1

Crimes committed in this Realm shall be adjudged in accordance with Swedish law and by a Swedish court. The same applies when it is uncertain where the crime was committed but grounds exist for assuming that it was committed within the Realm.

Section 2

Crimes committed outside the Realm shall be adjudged according to Swedish law and by a Swedish court when the crime has been committed:

1. By a Swedish citizen or an alien domiciled in Sweden,

2. By an alien not domiciled in Sweden who, after having committed the crime, has become a Swedish citizen or has acquired domicile in the Realm or who is a Danish, Finnish, Icelandic or Norwegian citizen and is present in the Realm, or

3. By any other alien, who is present in the Realm, and the crime under Swedish law can result in imprisonment for more than six months.

The first paragraph shall not apply if the act is not subject to criminal responsibility under the law of the place where it was committed or if it was committed within an area not belonging to any state and, under Swedish law, the punishment for the act cannot be more severe than a fine.

In cases mentioned in this Section, a sanction may not be imposed which is more severe than the most severe punishment provided for the crime under the law in the place where it was committed.

#### Section 3

Even in cases other than those listed in Section 2, crimes committed outside the Realm shall be adjudged according to Swedish law and by a Swedish court:

1. if the crime was committed on board a Swedish vessel or aircraft, or was committed in the course of duty by the officer in charge or by a member of its crew,

2. if the crime was committed by a member of the armed force in an area in which a detachment of the armed forces was present, or if it was committed by some other person in such an area and the detachment was present for a purpose other than exercise,

3. if the crime was committed in the course of duty outside the Realm by a person employed in a foreign contingent of the Swedish armed forces,

3a. if the crime was committed in the course of duty outside the Realm by a policeman, custom officer or official employed at the coast guard, who performs boundless assignments according to an international agreement that Sweden has ratified,

4. if the crime committed was a crime against the Swedish nation, a Swedish municipal authority or other assembly, or against a Swedish public institution,

5. If the crime was committed in an area not belonging to any state and was directed against a Swedish citizen, a Swedish association or private institution, or against an alien domiciled in Sweden,

6. if the crime is hijacking, maritime or aircraft sabotage, airport sabotage, counterfeiting currency, an attempt to commit such crimes, a crime against international law, unlawful dealings with chemical weapons, unlawful dealings with mines or false or careless statement before an international court, or

7. if the least severe punishment prescribed for the crime in Swedish law is imprisonment for four years or more.



## Section 3 a

Besides the cases described in Sections 1-3, crimes shall be adjudged according to Swedish law by a Swedish court in accordance with the provisions of the Act on International Collaboration concerning Proceedings in Criminal matters.

## Section 4

A crime is deemed to have been committed where the criminal act was perpetrated and also where the crime was completed or in the case of an attempt, where the intended crime would have been completed.

## Section 5

Prosecution for a crime committed within the Realm on a foreign vessel or aircraft by an alien, who was the officer in charge or member of its crew or otherwise travelled in it, against another alien or a foreign interest shall not be instituted without the authority of the Government or a person designated by the Government.

1. on a Swedish vessel or aircraft or by the officer in charge or some member of its crew in the course of duty,
2. by a member of the armed forces in an area in which a detachment of the armed forces was present,
3. in the course of duty outside the Realm by a person employed by a foreign contingent of the Swedish armed forces,
4. In the course of duty outside the Realm by a policeman, custom officer or official employed at the coast guard, who performs boundless assignments according to an international agreement that Sweden has ratified,
5. In Denmark, Finland, Iceland or Norway or on a vessel or aircraft in regular commerce between places situated in Sweden or one of the said states, or
6. By a Swedish, Danish, Finnish, Icelandic or Norwegian citizen against a Swedish interest.

Zwitserland, 23 september 2003

Pursuant to article 6, paragraph 3, of the International Convention for the Suppression of Terrorist Bombings, Switzerland establishes its jurisdiction over the offences set forth in article 2 in all the cases provided for in article 6, paragraph 2.

G. INWERKINGTREDING

Zie *Trb.* 2002, 62.

Wat het Koninkrijk der Nederlanden betreft, zijn de bepalingen van het Verdrag ingevolge artikel 22, tweede lid, op 10 maart 2005 in werking getreden voor Aruba.

J. VERWIJZINGEN

Zie *Trb.* 1998, 84, *Trb.* 1999, 161 en *Trb.* 2002, 62.

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*De Minister van Buitenlandse Zaken,*

B. R. BOT