

Summaries of the multilateral treaties deposited with other depositaries

Convention on Offences and Certain Other Acts Committed on Board Aircraft, Tokyo, 14 September 1963 (*)

The Convention applies to offences and other acts prejudicial to good order and discipline on board an aircraft, committed while the aircraft is in flight or on the surface of the high seas or of any other area outside the territory of any State. It does not apply to State aircraft, for example, aircraft used in military, customs and police services.

The purpose of the Tokyo Convention is to protect the safety of the aircraft and of the persons or property thereon and to maintain good order and discipline on board. The aircraft commander, members of the crew and, in specific circumstances, even passengers on board, are empowered to prevent the commission of such acts and to disembark the person concerned. The aircraft commander may also disembark the offender or, if the offence is serious, deliver him to the competent authorities of a Contracting State when the aircraft lands. The Convention protects the aircraft commander and any crew member or passenger assisting him in imposing the measures he finds necessary from any proceedings in respect of actions taken by them.

The State of registration of the aircraft is competent to exercise jurisdiction over offences and acts committed on board. Each Contracting State is obliged to take the necessary measures to establish its jurisdiction as the State of registration. The Convention does not eliminate existing or future jurisdiction in States other than the State of registration. A Contracting State which is not the State of registration may not interfere with an aircraft in flight in order to exercise its criminal jurisdiction over an offence committed on board except in certain cases, for instance, the offence has been effected in the territory of the State overflown, the offence has been committed by or against a national or permanent resident of that State, and the offence is against the security of that State.

(*) Summary courtesy of ICAO