



23 March 1999

Original: English

---

**Ad Hoc Committee established by General Assembly  
resolution 51/210 of 17 December 1996  
Third Session  
15–26 March 1999**

**Proposal submitted by Australia**

**Revised texts of articles 4 and 7**

**Article 4**

Each State Party shall adopt such measures as may be necessary:

- (a) To establish as criminal offences under its domestic law the offences set forth in article 2 of this Convention;
- (b) To make those offences punishable by **appropriate** penalties which take into account the grave nature of the offences.

**Article 7**

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 when:
  - (a) The offence is committed in the territory of that State;
  - (b) **The offence is committed on board a vessel flying the flag of that State or an aircraft registered under the laws of that State at the time the offence is committed;**
  - (c) The offence is committed by a national of that State.
2. A State Party may also establish its jurisdiction over any such offence when:
  - (a) The offence was directed towards or resulted in the carrying out of an attack in the territory of or against a national of that State;
  - (b) The offence is committed by a stateless person who has his or her habitual residence in the territory of that State;
  - (c) The offence was directed towards or resulted in the carrying out of an attack against a state government facility of that State abroad, including an embassy or other diplomatic or consular premises of that State;

**(d) An act for which financing is provided in respect of an offence under article 2 is committed in an effort to compel that State to do or abstain from doing any act.**

3. Upon ratifying, accepting, approving or acceding to this Convention, each State Party shall notify the Secretary-General of the United Nations of the jurisdiction it has established in accordance with paragraph 2. Should any change take place, the State Party concerned shall immediately notify the Secretary-General.

4. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 in cases where the alleged offender is present in its territory and it does not extradite that person to any of the States Parties which have established their jurisdiction in accordance with paragraphs 1 and 2 of the present article.

5. When more than one State Party claims jurisdiction over the offences referred to in this Convention, the relevant States Parties shall strive to coordinate their actions **appropriately**, in particular concerning the conditions for prosecution and the terms and conditions for mutual legal assistance.

**6. This Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.**

---