

1929, or any convention or protocol modifying it and applicable in Niger, even if the transportation is not international in the sense of that convention.

Art. 117. Liability of a carrier of goods or baggage shall be governed, in the case of transportation by air, by the provisions of the Warsaw Convention of October 12, 1929, under the conditions provided for in Article 116 above.

Art. 118. The fraud provided for in Article 26, paragraph 4, of said convention, is one by which the carrier hides or tries to hide the loss, shortage or delay, or by any other means prevents or tries to prevent the addressee from presenting his claims within the required time. The injured person shall also be relieved from the running of the statute of limitations as provided for in this law if he has been prevented from presenting his claim by *force majeure*.

Art. 119. An action for liability may be brought, at the choice of the plaintiff, either before the court of the domicile of the carrier, at his principal place of operation or at the place where he has an office by which the contract was concluded, or before the court of the place of destination.

An action for liability must be brought, under penalty of losing the right, within two years from the day when the aircraft has arrived or should have arrived at the place of destination.

Art. 120. The carrier shall make out a manifest containing the type and nature of the goods carried under the conditions specified by the regulations.

Art. 121. Jettisoning of goods necessary for the welfare of the aircraft shall not create liability on the part of the carrier to the shipper and the addressee on account of such loss of the goods.

CHAPTER II. TRANSPORTATION OF PERSONS

Art. 122. Contracts for transportation of passengers must be made by delivery of a ticket.

The carrier must submit to the competent authorities a traffic form or, in the absence thereof, a passenger manifest.

However, this provision shall not be applicable to round trip transportation to the airdrome of departure without intermediate stop.

Art. 123. For international transportation, the operators shall take the precautions necessary to ensure that the passengers possess all documents required by the States for purposes of control.

Art. 124. Liability of a carrier of persons shall be governed by the provisions of the Convention of Warsaw of October 12, 1929, as provided for in Articles 117, 118 and 119 above. However, unless there are contrary provisions in the convention, a carrier who undertakes gratuitous transportation, shall not be liable, within the limits provided for in said convention, except where it is established that the damage has been caused by a fault attributable to the carrier or his employees.

Liability of an air carrier may not be imposed except under the conditions and within the limits provided for above, whoever the persons bringing the action, and whatever the right they pretend to claim, may be.