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QUESTION OF THE PROTECTION AND INVIOABILITY OF DIPLOMATIC
AGENTS AND OTHER PERSONS ENTITLED TO SPECIAL PROTECTION
UNDER INTERNATIONAL LAW

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ECUADOR

[10 May 1972]
[Original: SPANISH]

The Government of Ecuador, aware of the World Organization's interest in devising appropriate measures to prevent the kidnapping of diplomatic agents and to ensure adequate punishment of the guilty when such offences occur, considers that there is a need for an international convention on the subject as a first step towards the development of an international penal code which will one day have to be prepared in the permanent interests of universal justice.

UNION OF SOVIET SOCIALIST REPUBLICS

[20 April 1972]

[Original: RUSSIAN]

The question of the protection and inviolability of diplomats and other persons entitled to special protection under international law is an urgent one of great importance. In this regard the General Assembly's proposal that the International Law Commission should study this question with a view to preparing a set of draft articles dealing with offences against diplomats and other persons entitled to special protection under international law deserves serious attention.

It should be borne in mind, however, that the preparation of draft special articles on the protection of diplomats and persons entitled to special protection under international law must not in any way detract from the existing international legal norms in this matter, more particularly articles 29 and 37 of the 1961 Vienna Convention on Diplomatic Relations, under which the receiving State is obliged to treat diplomatic agents and their families with due respect and to take all appropriate steps to prevent any attack on their person, freedom or dignity. At the same time, work on draft special articles should not be detrimental to the International Law Commission's work on other important international legal questions in its programme.

As regards the possible content of the draft articles, the following points should be incorporated:

1. Recognition of offences against the life, health and dignity of persons entitled to special protection under international law as being serious international crimes detrimental to relations between States.

2. The obligation of States to co-operate in preventing and suppressing such offences.

3. The obligation of States, for the above purposes and in accordance with their law, to prosecute as criminals persons who have planned, attempted to commit or committed such offences, and also their accomplices.

4. The obligation of States, in cases where the offender is found to be in the territory of a third State, to hand the offender over, in accordance with extradition treaties or domestic law, to the State in whose territory the offence was committed. In the case of failure of a State to hand over one of its own nationals, or in the absence of obligations in respect of extradition, States must prosecute the offender under domestic law, irrespective of the place where the offence was committed.

5. The obligation of States to afford legal assistance in the investigation of offences and other necessary legal aid for the purpose of exposing the offender and elucidating other attendant circumstances.

6. The obligation of States to provide reciprocal information on matters relating to the prevention and suppression of such offences and to the prosecution of the offenders.