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DRAFT CONVENTION ON THE PREVENTION AND PUNISHMENT OF CRIMES
AGAINST DIPLOMATIC AGENTS AND OTHER INTERNATIONALLY
PROTECTED PERSONS

Report of the Sixth Committee

Rapporteur: Mr. Simon BOZANGA (Central African Republic)

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I. INTRODUCTION

A. General

1. By resolution 2926 (XXVII) of 28 November 1972, the General Assembly, having considered chapter III of the report of the International Law Commission on the work of its twenty-fourth session (A/8710/Rev.1), which contained draft articles on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons, decided to include in the provisional agenda of its twenty-eighth session an item entitled "Draft convention on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons" with a view to the final elaboration of that convention by the Assembly. At its 2123rd plenary meeting, on 21 September 1973, the General Assembly included the aforementioned item in the agenda of its twenty-eighth session and allocated it to the Sixth Committee.

2. The Sixth Committee considered the provisions of the draft convention in two stages. In the first stage (1407th to 1413th meetings, 1416th to 1425th meetings, 1430th to 1432nd meetings and 1439th meeting, held from 4 to 10 October, from 16 to 29 October, and on 6, 7, 8 and 15 November), it considered all the draft articles and the new articles proposed as well as the preamble and the final clauses and, except for article 9 which it decided to delete (see paragraph 99 below), referred them to a drafting committee either in their original form or in amended form, together with amendments submitted, as appropriate. In a second stage (1432nd to 1437th meetings, 1439th, 1447th and 1451st meetings, held from 8 to 13 November, and on 15 and 26 November and 1 December), it considered and adopted the texts recommended by the Drafting Committee (see paragraph 11 below).

3. The Sixth Committee embarked on the final phase of its work on the draft convention at its 1451st meeting, on 1 December. It considered and adopted the text of its recommendations to the General Assembly at its 1455th and 1457th meetings, on 5 and 6 December.

4. At its 1409th meeting, on 5 October, in response to a request from the Chief of the Federal Political Department of the Swiss Confederation (A/C.6/421), the Committee decided to invite Switzerland to take part, without the right to vote, in the work of the Sixth Committee on the item, on the understanding that it could not submit formal proposals or amendments during consideration of the item.

B. Documentation

5. The Sixth Committee had before it the draft articles on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons adopted by the International Law Commission at its twenty-fourth session. It also had before it the comments and observations of Member States, non-member States and the secretariats of the specialized agencies, the International Atomic Energy Agency and other intergovernmental organizations concerned (A/9127 and Add.1).

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C. Organization of work

6. The Sixth Committee had before it a note by the Secretariat on the methods of work and procedures followed by the Sixth Committee in the preparation of the Convention on Special Missions (A/C.6/L.898).

7. On the basis of that document, the Sixth Committee decided at its 1407th meeting, on 4 October:

(a) To proceed immediately to consider the draft, article by article, without any general debate;

(b) To establish a drafting committee composed of 15 members;

(c) To instruct a working group of a few representatives to draft the preamble; the same method was subsequently adopted for the drafting of the final clauses.

8. At the 1409th meeting, on 5 October, the Committee decided that the Drafting Committee should have the following members: Bulgaria, Colombia, France, Germany (Federal Republic of), India, Japan, Kenya, Mali, Mexico, Sweden, Tunisia, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America. It was agreed that the representative of Yugoslavia, Vice-Chairman of the Sixth Committee, would be the Chairman of the Drafting Committee. 1/

9. At the 1421st meeting, on 23 October, the Chairman announced that he had appointed the representatives of Austria, Ghana, India, Poland and Uruguay as members of the working group referred to in paragraph 7 above.

10. At the 1417th meeting, on 17 October, the Committee decided, by 47 votes to 30, with 26 abstentions, to follow in a general way the method of work adopted for the preparation of the draft convention on special missions and described in paragraph 6 of the note by the Secretariat (A/C.6/L.898) as follows:

"After a discussion of each article and the amendments thereto, the amendments which raised important questions of principle or seemed to cause divergencies of view unbridgeable by a compromise text were voted on and, if adopted, were incorporated in the text of the article. That text was then referred to the Drafting Committee together with the draft amendments adopted and suggestions of a minor character which had not been the subject of votes. The Drafting Committee then prepared a new text for the article, which was submitted to the Sixth Committee for a vote."

1/ In the absence of the representative of Yugoslavia, Vice-Chairman of the Sixth Committee, the last meeting of the Drafting Committee was chaired by the representative of Nigeria, Vice-Chairman of the Sixth Committee.

11. As mentioned in paragraph 2, the Sixth Committee referred all the draft articles to the Drafting Committee except for article 9 (see paragraph 99 below) as well as the new articles proposed; it also referred to the Drafting Committee the draft preamble and the draft final clauses prepared by the working group referred to in paragraph 9 above. It received from the Drafting Committee the texts it had prepared. Each of the texts adopted by the Drafting Committee was presented to the Sixth Committee by the Chairman of the Drafting Committee, who indicated the principal considerations on which the recommended text was based. The relevant statements of the Chairman of the Drafting Committee appear in the summary records of the 1432nd to 1437th meetings, the 1439th, 1447th and 1451st meetings of the Sixth Committee. Lastly, as part of the final phase of the work of the Sixth Committee on the draft convention, the Drafting Committee undertook the final review of the draft convention as a whole (see section IV A).

D. Plan of the present report

12. This report consists of the introduction (section I) and the four following sections: section II gives a brief account, article by article, of the work of the Sixth Committee on the draft articles and amendments thereto and on the new articles proposed; section III gives an account of the work on the preamble and final clauses, section IV deals with the final phase of the work of the Sixth Committee on the draft and is followed by the Committee's recommendations to the General Assembly.

II. CONSIDERATION OF THE DRAFT ARTICLES AND AMENDMENTS
THERE TO AND OF AMENDMENTS TO ADD NEW ARTICLES

Note: Each of the subsections of this section includes a heading reading "Text adopted by the Sixth Committee". The text given under that heading is the text adopted by the Committee before the Drafting Committee had undertaken the final review of the draft convention (see paragraph 149 below). Consequently, it does not constitute the final version of the article, which can be found at the end of this report, in the annex to the draft resolution recommended by the Sixth Committee to the General Assembly (see paragraph 157 below)./

Article 1

1. Text of the International Law Commission

13. The text of the International Law Commission read as follows:

"Article 1

For the purposes of the present articles:

1. 'Internationally protected person' means:

(a) A Head of State or a Head of Government, whenever he is in a foreign State, as well as members of his family who accompany him;

(b) Any official of either a State or an international organization who is entitled, pursuant to general international law or an international agreement, to special protection for or because of the performance of functions on behalf of his State or international organization, as well as members of his family who are likewise entitled to special protection.

2. 'Alleged offender' means a person as to whom there are grounds to believe that he has committed one or more of the crimes set forth in article 2.

3. 'International organization' means an intergovernmental organization."

2. Amendments

14. Amendments to article 1 were submitted by the following countries: United Kingdom of Great Britain and Northern Ireland (A/C.6/L.902), Spain (A/C.6/L.903), Union of Soviet Socialist Republics (A/C.6/L.905), Argentina (A/C.6/L.909) and France (A/C.6/L.911); in addition, an oral amendment was submitted by Iraq. Furthermore, the amendments submitted by the United Kingdom (A/C.6/L.902) and the USSR (A/C.6/L.905) were further amended by Cyprus (A/C.6/L.907 and L.908). The subamendment submitted by Cyprus to the USSR amendment was subsequently accepted by the USSR.

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15. The amendments were as follows:

(a) United Kingdom of Great Britain and Northern Ireland (A/C.6/L.902):

1. In paragraph 1 (b), after the word "entitled" add the following: ", at the time when and in the place where a crime against him or his premises is committed,".
2. In paragraph 1 (b), delete the words "general international law" and substitute "customary international law".
3. In paragraph 1 (b), delete the words "to special protection for or because of the performance of functions on behalf of his State or international organization" and substitute "to special protection from any attack on his person, freedom or dignity".

(This amendment was referred to the Drafting Committee, see paragraph 17 below.)

(b) Spain (A/C.6/L.903):

1. In subparagraph 1 (a), insert the words "or a Minister for Foreign Affairs" after the words "Head of Government".
2. Replace subparagraph 1 (b) by the following two subparagraphs:

"(b) Any official of a State who is entitled, pursuant to international law, to special protection, as well as members of his family forming part of his household.

(c) Any official of an international organization who is entitled pursuant to international law, to special protection for the performance of his functions, as well as members of his family forming part of his household".

3. Does not apply to the English text.

(This amendment was referred to the Drafting Committee, see paragraph 17 below.)

(c) Union of Soviet Socialist Republics (A/C.6/L.905)

as amended by Cyprus (A/C.6/L.907):

In paragraph 1 (a), after the words "a Head of State", insert the words "including any member of a collective body performing under the respective constitution the functions of a Head of State,".

(This amendment was referred to the Drafting Committee, see paragraph 17 below.)

/...

(d) Argentina (A/C.6/L.909):

Replace article 1, paragraph 2, by the following:

"2. 'Alleged offender' means a person as to whom there is sufficient evidence to determine prima facie that he has committed or participated in one or more of the crimes set forth in article 2."

(This amendment was referred to the Drafting Committee, see paragraph 17 below.)

(e) France (A/C.6/L.911):

Replace paragraph 1 (b) by the following:

"Any person who, on the date on which and in the place where one of the crimes set forth in article 2 has been committed, enjoys immunity from jurisdiction for acts carried out in the performance of his functions".

(This amendment was referred to the Drafting Committee, see paragraph 17 below.)

(f) Iraq (oral amendment):

Replace the words "general international law or an international agreement" by the words "international law".

(This amendment was referred to the Drafting Committee, see paragraph 17 below.)

(g) Cyprus (A/C.6/L.908) (subamendment to United Kingdom amendment (see subparagraph (a) above)):

In paragraph 2, delete "customary" before "international law" and add the following after "international law" "customary or otherwise including international agreements".

(This amendment was referred to the Drafting Committee, see paragraph 17 below.)

3. Work of the Sixth Committee

(a) Meetings

16. The Sixth Committee considered article 1 for the first time at its 1409th to 1411th meetings, on 5 and 8 October. At its 1432nd and 1433rd meetings, on 8 November, it considered the text adopted by the Drafting Committee for that article (A/C.6/L.944).

(b) Initial consideration

17. At its 1411th meeting, the Sixth Committee referred article 1 and the amendments thereto to the Drafting Committee.

(c) Consideration of the text adopted by the Drafting Committee

18. At the 1432nd meeting of the Sixth Committee, the Chairman of the Drafting Committee presented the text adopted by the Drafting Committee for article 1 (see A/C.6/L.944). The text read as follows:

"Article 1

For the purposes of the present Convention:

1. 'internationally protected person' means:

(a) a Head of State, including any member of a collegial body performing the functions of a Head of State under the constitution of the State concerned, or a Head of Government or Minister for Foreign Affairs, whenever any such person is in a foreign State, as well as members of his family who accompany him;

(b) any representative or official of a State or any official or other agent of an international organization who, at the time when and in the place where a crime against him or his premises is committed, is entitled pursuant to international law to special protection from any attack on his person, freedom or dignity, as well as members of his family forming part of his household;

2. 'alleged offender' means a person as to whom there are grounds to believe that he has committed one or more of the crimes set forth in article 2;

3. 'international organization' means an intergovernmental organization."

19. Amendments to this text were submitted in writing by France (A/C.6/L.945) and Argentina (A/C.6/L.909) and orally by Ireland, on the one hand, and by Algeria and Tunisia on the other.

20. These amendments were as follows:

(i) France (A/C.6/L.945):

In paragraph 1 (b), replace the words "is entitled pursuant to international law to special protection from any attack on his person, freedom or dignity" by the words "enjoys immunity from jurisdiction for acts carried out in the performance of his functions".

(This amendment was rejected, see paragraph 21 below.)

(ii) Ireland (oral amendment):

Replace the words "international organization" in paragraph 1 (b) by "intergovernmental organization" and delete paragraph 3.

(This amendment was adopted, see paragraph 21 below.)

/...

(iii) Algeria and Tunisia (oral amendment):

Delete paragraph 2.

(This amendment was rejected, see paragraph 21 below.)

(iv) Argentina (amendment submitted during initial consideration of the article as document A/C.6/L.909 (see paragraph 15 above) and resubmitted during consideration of the text proposed by the Drafting Committee):

Replace article 1, paragraph 2, by the following:

"2. 'Alleged offender' means a person as to whom there is sufficient evidence to determine prima facie that he has committed or participated in one or more of the crimes set forth in article 2."

(This amendment was adopted, see paragraph 21 below.)

21. At its 1433rd meeting, the Sixth Committee rejected the French amendment by 73 votes to 5, with 20 abstentions. It adopted the Irish amendment by 77 votes to 7, with 11 abstentions. It rejected the amendment submitted by Algeria and Tunisia by 52 votes to 28, with 18 abstentions and it adopted the Argentine amendment by 44 votes to 36, with 17 abstentions. It then adopted article 1, as amended, by 88 votes to none, with 11 abstentions.

(d) Text adopted by the Sixth Committee

22. The text adopted by the Sixth Committee reads as follows:

"Article 1

For the purposes of the present Convention:

1. 'internationally protected person' means:

(a) a Head of State, including any member of a collegial body performing the functions of a Head of State under the constitution of the State concerned, or a Head of Government or Minister for Foreign Affairs, whenever any such person is in a foreign State, as well as members of his family who accompany him;

(b) any representative or official of a State or any official or other agent of an intergovernmental organization who, at the time when and in the place where a crime against him, his premises or his means of transport, is committed, is entitled pursuant to international law to special protection from any attack on his person, freedom or dignity, as well as members of his family forming part of his household;

/...

2. 'alleged offender' means a person as to whom there is sufficient evidence to determine prima facie that he has committed or participated in one or more of the crimes set forth in article 2."

23. The Sixth Committee interprets the term "internationally protected person" appearing in article 1, paragraph 1 as applying to nationals of third States appointed by sending States to international organizations if such representatives or officials are accepted by the international organizations in question, provided that they are not nationals of the host States where such international organizations have their headquarters.

Articles 2 and 2A 2/

1. Text of the International Law Commission

24. The text of the International Law Commission read as follows:

"Article 2

1. The intentional commission, regardless of motive, of:

(a) A violent attack upon the person or liberty of an internationally protected person;

(b) A violent attack upon the official premises or the private accommodation of an internationally protected person likely to endanger his person or liberty;

(c) A threat to commit any such attack;

(d) An attempt to commit any such attack; and

(e) Participation as an accomplice in any such attack,

shall be made by each State Party a crime under its internal law, whether the commission of the crime occurs within or outside of its territory.

2. Each State Party shall make these crimes punishable by severe penalties which take into account the aggravated nature of the offence.

3. Each State Party shall take such measures as may be necessary to establish its jurisdiction over these crimes."

2/ In the final text of the draft convention, this article became article 3.

2. Amendments

25. Amendments to article 2 were submitted by the following countries: Belgium (A/C.6/L.904), Union of Soviet Socialist Republics (A/C.6/L.906), Japan, the Netherlands and the Philippines (A/C.6/L.912/Rev.1), Spain (A/C.6/L.913), Argentina (A/C.6/L.919/Rev.1), Jamaica (A/C.6/L.930), Thailand (A/C.6/L.931), Belgium, Spain and Thailand (A/C.6/L.937).

26. The amendments were as follows:

(a) Belgium (A/C.6/L.904):

1. In paragraph 1 (a): delete the words "A violent attack ...".
2. In paragraph 1 (a): at the beginning of the paragraph, insert the words "A murder, kidnapping or other serious attack ...".
3. In paragraph 1 (b): delete the word "violent".
4. In paragraph 1 (b): insert the word "serious" before the word "attack".
5. In paragraph 2: delete the words "... which take into account the aggravated nature of the offence".

(This amendment was withdrawn in favour of a joint amendment, see paragraph 28 below.)

(b) Union of Soviet Socialist Republics (A/C.6/L.906):

Article 2

In paragraph 1 (a), replace the words "a violent attack upon the person or liberty" by the words "encroachment upon the life, health, liberty and dignity".

Add the following at the end of paragraph 1 (b): "or to impair the prestige and other interests of the State or international organization represented by the said person".

In the last part of paragraph 1, insert the word "grave" before the word "crime".

(This amendment was referred to the Drafting Committee, see paragraph 29 below.)

(c) Japan, Netherlands and Philippines (A/C.6/L.912/Rev.1): 3/

1. Final part of paragraph 1

Delete the words "whether the commission of the crime occurs within or outside of its territory".

2. Paragraph 3

Delete paragraph 3 and insert a new article 2A as follows:

"Article 2A

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes mentioned in paragraph 1 of article 2 in the following cases:

(a) When the crime is committed in the territory of that State or on board a ship or aircraft registered in that State;

(b) When the alleged offender is a national of that State;

(c) When the crime is committed against an internationally protected person who enjoys his status as such because of diplomatic or other functions exercised on behalf of that State.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over these crimes in the case where the alleged offender is present in its territory and it does not extradite him pursuant to article 7 to any of the States mentioned in paragraph 1 of this article.

3. The present convention does not exclude any criminal jurisdiction exercised in accordance with national law."

(This amendment was adopted, see paragraph 29 below.)

(d) Spain (A/C.6/L.913):

I. Replace paragraph 1 by the following text, which will constitute article 2:

"1. Any person commits a crime (hereinafter referred to as 'the crime')

3/ The initial version of the amendment (A/C.6/L.912) was submitted by the Japanese delegation alone and was the object of a Netherlands subamendment (A/C.6/L.915) which would have added a third paragraph to article 2A reading as follows: "3. This convention does not exclude any criminal jurisdiction exercised in accordance with national law."

/...

if he unlawfully and intentionally, regardless of motive, perpetrates or threatens to perpetrate a violent attack:

"(a) Upon the person or liberty of an internationally protected person;
or

"(b) Upon the official premises, private accommodation or means of transport of an internationally protected person, where such attack is likely to endanger his person or liberty.

"2. Likewise, any person participates in the commission of the crime if he unlawfully and intentionally, regardless of motive:

"(a) Attempts to commit any of the acts referred to in paragraph 1 of this article;

"(b) Conspires with a view to their commission; or

"(c) Participates as an accomplice of persons committing or attempting to commit such acts or is an accessory to such commission or attempt."

II. Renumber the present paragraph 2 as article 2 bis, reading as follows:

"Each State Party undertakes to make the crime punishable by severe penalties and to punish the offenders accordingly, taking into account the seriousness of the offence."

III. Renumber the present paragraph 3 as article 2 tertio, reading as follows:

"Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crime in the case where the alleged offender is present in its territory and it does not extradite him, pursuant to article 7 of this Convention, to the State in whose territory the crime was committed or to any other State which has jurisdiction over the crime in accordance with its internal law."

Parts I and II of this amendment were withdrawn in favour of a joint amendment; part III became inapplicable (see paragraphs 28 and 29 below).

(e) Argentina (A/C.6/L.919/Rev.1):

1. The intentional commission, regardless of motive, of:

(a) A murder, kidnapping or other serious attack directed against the person or liberty of an internationally protected person;

/...

(b) An attack directed against the official premises, private accommodation or means of transport of an internationally protected person likely seriously to endanger his person or liberty;

(c) A threat to commit any such act;

(d) An attempt to commit any such act;

(e) Participation as an accomplice in, accessory after the fact to or instigator of any such act,

shall be made by each State Party a crime under its internal law.

2. Each State Party shall make these crimes punishable by appropriate penalties, taking into account their serious nature.

3. Each State Party shall take the necessary steps to establish its jurisdiction over these crimes in accordance with the principles of its procedural law and the relevant rules of international law.

(Paragraphs 1 and 2 of this amendment were referred to the Drafting Committee; paragraph 3 of the amendment became inapplicable, see paragraphs 28 and 29 below.)

(f) Jamaica (A/C.6/L.930):

1. Replace paragraph 1 of the International Law Commission draft by the following:

1. An alleged offender who commits any offence against any internationally protected person, knowing that that person is an internationally protected person and because that person is an internationally protected person shall, in accordance with the internal law of the State party in which the alleged offence is committed be liable to and subject to the provisions of this convention.

2. Delete paragraph 2 of the International Law Commission draft.

3. Renumber paragraph 3 of the International Law Commission draft as paragraph 2 substituting the word "offences" for the word "crimes".

(This amendment was withdrawn on the understanding that the phrase "knowing that that person is an internationally protected person" would be referred to the Drafting Committee, see paragraphs 28 and 29 below.)

(g) Thailand (A/C.6/L.931):

Replace paragraph 1 (a) by the following:

/...

"1. The intentional commission, regardless of motive, of:

(a) A murder, kidnapping and other attacks upon the person, causing death or serious bodily harm, or seriously affecting the liberty of an internationally protected person;"

(This amendment was withdrawn in favour of a joint amendment, see paragraph 28 below.)

(h) Belgium, Spain and Thailand (A/C.6/L.937):

1. It shall be a crime intentionally to commit, regardless of motive,

(a) A murder, kidnapping or other attack upon an internationally protected person likely to cause death or serious bodily harm, or seriously to affect his liberty;

(b) An attack upon the official premises, private accommodation or means of transport of an internationally protected person which seriously endangers his person or liberty.

2. Each State Party shall consider these acts to be crimes under its internal law, as well as:

(a) A threat or attempt to commit one of the crimes mentioned in paragraph 1 of this article;

(b) Participation as an accomplice in the commission of such a crime or an attempt to commit such a crime.

3. Each State Party undertakes to make the crime punishable by severe penalties.

(This amendment was referred to the Drafting Committee, see paragraph 29 below.)

3. Work of the Sixth Committee

(a) Meetings

27. The Sixth Committee considered article 2 for the first time at its 1412th, 1413th, 1416th and 1424th meetings, on 9, 10, 16 and 25 October. At its 1434th, 1435th, 1436th and 1437th meetings, on 12 and 13 November, it considered the texts adopted by the Drafting Committee for articles 2 and 2A (A/C.6/L.944 and Add.1).

(b) Initial consideration

28. To the extent that they applied to article 2, paragraphs 1 and 2 as drafted by the International Law Commission, the amendments submitted by Belgium (A/C.6/L.904), Spain (A/C.6/L.913) and Thailand (A/C.6/L.931) were withdrawn in

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favour of a joint amendment (A/C.6/L.937). The Jamaican amendment (A/C.6/L.930) was also withdrawn on the understanding that the inclusion in the article of the words "knowing that that person is an internationally protected person" would be given due consideration by the Drafting Committee.

29. At its 1424th meeting, the Sixth Committee adopted the amendment submitted by Japan, the Netherlands and the Philippines (A/C.6/L.912/Rev.1) by 50 votes to 15, with 18 abstentions. Accordingly, the amendments submitted by Spain (A/C.6/L.913) and Argentina (A/C.6/L.919/Rev.1) concerning paragraph 3 were not put to the vote. At the same meeting, the Committee referred to the Drafting Committee:

(a) Paragraphs 1 and 2 of the text drafted by the International Law Commission, minus the words "whether the commission of the crime occurs within or outside of its territory", which were deleted in view of the adoption of the amendment submitted by Japan, the Netherlands and the Philippines;

(b) The amendments relating to paragraphs 1 and 2 which were still before the Sixth Committee, namely the amendments submitted by the USSR (A/C.6/L.906), Argentina (A/C.6/L.919/Rev.1) and Belgium, Spain and Thailand (A/C.6/L.937) as well as the phrase "knowing that that person is an internationally protected person" (see paragraph 28 above);

(c) The text of article 2A contained in document A/C.6/L.912/Rev.1.

(c) Consideration of the texts adopted by the Drafting Committee

30. At the 1434th meeting, the Chairman of the Drafting Committee presented the texts adopted by the Drafting Committee for articles 2 and 2A (A/C.6/L.944 and Add.1).

A. Article 2

31. The text adopted by the Drafting Committee for article 2 read as follows:

" Article 2

1. The intentional commission, regardless of motive, of:

(a) a murder, kidnapping or other serious attack upon the person or liberty of an internationally protected person;

(b) a violent attack upon the official premises, the private accommodation or the means of transport of an internationally protected person likely to endanger his person or liberty;

(c) a threat to commit any such attack;

(d) an attempt to commit any such attack; and

/...

(e) participation as an accomplice in any such attack,

shall be made by each State Party a crime under its internal law.

2. Each State Party shall make these crimes punishable by appropriate penalties which take into account their grave nature.

3. The preceding two paragraphs in no way derogate from the obligations of States Party under international law to take all appropriate measures to prevent other attacks on the person, freedom or dignity of an internationally protected person."

32. France submitted an amendment to the text (A/C.6/L.948, which was orally subamended by the Congo and Gabon) and proposals concerning the text were made orally by Romania, Sudan, Tunisia and Czechoslovakia.

33. The amendment and the oral proposals were as follows:

(i) France (A/C.6/L.948, orally subamended by the Congo and Gabon):

In paragraph 1, first line, replace the words "regardless of motive" by the words "where one of the determining motives is the status of the victim".

(This amendment became inapplicable, see paragraph 34 below.)

(ii) Romania

Delete the word "serious" in paragraph 1 (a).

(This amendment was adopted, see paragraph 34 below.)

(iii) Sudan

Insert the words "unless the offence is committed for reasons which are not related to the status of the internationally protected person" at the end of paragraph 1.

(This amendment was withdrawn, see paragraph 34 below.)

(iv) Czechoslovakia

In paragraph 1 (a), replace the words "or liberty" by the words "liberty or dignity" and in paragraph 1 (b), replace the words "or liberty" by the words "liberty or dignity".

(This amendment was withdrawn, see paragraph 34 below.)

(v) Tunisia

1. Delete the words "regardless of motive" at the beginning of paragraph 1.
2. Delete paragraph 1 (c).
3. Delete paragraph 3.

(The first Tunisian proposal was adopted, the second proposal was rejected and the third proposal was withdrawn, see paragraph 34 below.)

34. At its 1435th meeting, on 12 November 1973, the Sixth Committee adopted the first Tunisian amendment by 40 votes to 33, with 9 abstentions. Accordingly, the French amendment as subamended by the Congo and Gabon was not put to the vote. The Romanian amendment was adopted by 29 votes to 28, with 34 abstentions. The second Tunisian amendment was rejected by 49 votes to 40, with 8 abstentions. The amendment submitted by Czechoslovakia and the third Tunisian amendment were withdrawn, as was the amendment submitted by the Sudan. The Sixth Committee adopted article 2, as amended, by 72 votes to none, with 29 abstentions.

B. Article 2A

35. The text adopted by the Drafting Committee for article 2A read as follows:

"Article 2A

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes mentioned in paragraph 1 of article 2 in the following cases:

(a) when the crime is committed in the territory of that State or on board a ship or aircraft registered in that State;

(b) when the alleged offender is a national of that State;

(c) when the crime is committed against an internationally protected person who enjoys his status as such because of diplomatic or other functions exercised on behalf of that State.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over these crimes in the case where the alleged offender is present in its territory and it does not extradite him pursuant to article 7 to any of the States mentioned in paragraph 1 of this article.

3. The present Convention does not exclude any criminal jurisdiction exercised in accordance with national law."

/...

36. Amendments to this text were submitted by Argentina, the Netherlands, Tunisia and Costa Rica (reproduced in document A/C.6/L.955).

37. The amendments were as follows:

(i) Argentina

1. Replace paragraph 1 of article 2A by the following:

"Each State Party shall take the necessary steps to establish its jurisdiction over the crimes referred to in paragraph 1 of article 2 in accordance with the principles of its procedural law and the relevant rules of international law."

2. Delete paragraph 3.

(This amendment, in a revised version submitted orally, was rejected, see paragraph 38 below.)

(ii) Netherlands

1. Replace subparagraph 1 (c) by a paragraph 2 reading as follows:

"A State Party may establish its jurisdiction over these crimes when the crime is committed against an internationally protected person who enjoys his status as such because of functions exercised on behalf of that State."

2. In paragraph 2, replace the words "pursuant to article 7" by "upon request".

(The first part of this amendment was rejected; the second was withdrawn, see paragraph 38 below.)

(iii) Tunisia

Replace subparagraph 1 (c) by the following:

"(c) When the crime is committed against an internationally protected person who enjoys his status as such by virtue of the functions which he exercises and which are provided for in article 1."

(This amendment was adopted, see paragraph 38 below.)

(iv) Costa Rica

In subparagraph (c) insert the words "in accordance with recognized practices of international law" after the words "other functions".

(This amendment became inapplicable, see paragraph 39 below.)

/...

38. At the 1436th meeting, on 12 November, the representative of Argentina orally revised the text of his amendment, adding the words "in the following cases:" at the end of the sentence and restoring subparagraphs (a), (b) and (c) as they appeared in the text recommended by the Drafting Committee (see paragraph 35 above). The Sixth Committee rejected that amendment by 41 votes to 29, with 30 abstentions. It adopted the Tunisian amendment by 50 votes to 20, with 35 abstentions, subject to such minor drafting changes as might be made by the Drafting Committee during the final reviewing of the draft convention. It rejected the first Netherlands amendment by 25 votes to 18, with 27 abstentions. It decided to postpone a decision on the second Netherlands amendment until the following meeting. At the 1437th meeting, the Netherlands representative stated that he would not press that amendment. At the same meeting, the Sixth Committee voted paragraph by paragraph of article 2A as amended. It adopted paragraph 1 as amended by 59 votes to none, with 26 abstentions; paragraph 2 by 53 votes to none, with 35 abstentions; paragraph 3 by 62 votes to none, with 29 abstentions; and article 2A as a whole, as amended, by 58 votes to none, with 34 abstentions.

39. The Costa Rican amendment became inapplicable as a result of the adoption of the Tunisian amendment and was not put to the vote.

(d) Texts adopted by the Sixth Committee

40. The texts for articles 2 and 2A adopted by the Sixth Committee read as follows:

"Article 2

1. The intentional commission of:

(a) a murder, kidnapping or other attack upon the person or liberty of an internationally protected person;

(b) a violent attack upon the official premises, the private accommodation or the means of transport of an internationally protected person likely to endanger his person or liberty;

(c) a threat to commit any such attack;

(d) an attempt to commit any such attack; and

(e) participation as an accomplice in any such attack,

shall be made by each State Party a crime under its internal law.

2. Each State Party shall make these crimes punishable by appropriate penalties which take into account their grave nature.

3. The preceding two paragraphs in no way derogate from the obligations of States Party under international law to take all appropriate measures to prevent other attacks on the person, freedom or dignity of an internationally protected person."

"Article 2A

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes mentioned in paragraph 1 of article 2 in the following cases:

(a) when the crime is committed in the territory of that State or on board a ship or aircraft registered in that State;

(b) when the alleged offender is a national of that State;

(c) when the crime is committed against an internationally protected person who enjoys his status as such by virtue of the functions which he exercises and which are provided for in article 1.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over these crimes in the case where the alleged offender is present in its territory and it does not extradite him pursuant to article 7 to any of the States mentioned in paragraph 1 of this article.

3. The present Convention does not exclude any criminal jurisdiction exercised in accordance with national law."

Article 3 4/

1. Text of the International Law Commission

41. The text of the International Law Commission read as follows:

"Article 3

States Party shall co-operate in the prevention of the crimes set forth in article 2 by:

(a) Taking measures to prevent the preparation in their respective territories for the commission of those crimes either in their own or in other territories;

(b) Exchanging information and co-ordinating the taking of administrative measures to prevent the commission of those crimes."

4/ In the final text of the draft Convention, this article became article 4.

2. Amendments

42. Amendments to article 3 were submitted by the following countries: Union of Soviet Socialist Republics (A/C.6/L.906), Czechoslovakia (A/C.6/L.910/Rev.1), Germany (Federal Republic of) (A/C.6/L.917).

43. The amendments were as follows:

(a) Union of Soviet Socialist Republics (A/C.6/L.906):

In subparagraph (b), insert the words "and other necessary" after the word "administrative".

(This amendment was referred to the Drafting Committee, see paragraph 45 below.)

(b) Czechoslovakia (A/C.6/L.910/Rev.1):

In the introductory part, add the words ", in particular:" after the word "by".

(This amendment was referred to the Drafting Committee, see paragraph 45 below.)

(c) Germany (Federal Republic of) (A/C.6/L.917):

1. Present text of article 3 to become paragraph 1, subject to the amendments proposed below:

(1) insert after "States Party shall":

" , in accordance with international and national law,"

(2) insert in subparagraph (a) after "Taking" the words:

"all practicable"

(3) in subparagraph (b) delete the word "administrative" and insert after "measures" the words ", as appropriate,".

2. Add as paragraph 2:

"In the case of kidnapping of an internationally protected person the State Party or international organization on whose behalf he exercised his functions shall be entitled without delay to the fullest possible information concerning him from any other State Party having such information."

(This amendment was referred to the Drafting Committee, see paragraph 45 below.)

3. Work of the Sixth Committee

(a) Meetings

44. The Sixth Committee considered article 3 for the first time at its 1417th and 1418th meetings, on 17 October. At its 1436th meeting, on 12 November, it considered the text adopted by the Drafting Committee for that article (see A/C.6/L.944).

(b) Initial consideration

45. At its 1418th meeting, the Sixth Committee referred article 3 and the amendments thereto to the Drafting Committee.

(c) Consideration of the text adopted by the Drafting Committee

46. At the 1436th meeting, the Chairman of the Drafting Committee presented the text adopted by the Drafting Committee for article 3 (A/C.6/L.944). The text read as follows:

"Article 3

States Party shall co-operate in the prevention of the crimes set forth in article 2, particularly by:

(a) taking all practicable measures to prevent preparation in their respective territories for the commission of those crimes within or outside of their territories;

(b) exchanging information and co-ordinating the taking of administrative and other measures as appropriate to prevent the commission of those crimes."

47. The following amendment to the text was submitted by France (A/C.6/L.945):

In subparagraph (b), transpose the words "as appropriate", which follow the words "and other measures", to the beginning of the subparagraph.

(This amendment was rejected, see paragraph 48 below.)

48. The Sixth Committee rejected the French amendment by 20 votes to 12, with 72 abstentions. It then adopted article 3 as drafted by the Drafting Committee by 73 votes to none, with 35 abstentions.

(d) Text adopted by the Sixth Committee

49. The text adopted by the Sixth Committee reads as follows:

"Article 3

States Party shall co-operate in the prevention of the crimes set forth in article 2 particularly by:

(a) taking all practicable measures to prevent preparation in their respective territories for the commission of those crimes within or outside of their territories;

(b) exchanging information and co-ordinating the taking of administrative and other measures as appropriate to prevent the commission of those crimes."

Article 4 5/

1. Text of the International Law Commission

50. The text of the International Law Commission read as follows:

"Article 4

The State Party in which one or more of the crimes set forth in article 2 have been committed shall, if it has reason to believe an alleged offender has fled from its territory, communicate to all other States Party all the pertinent facts regarding the crime committed and all available information regarding the identity of the alleged offender."

2. Amendments

51. The following amendment to article 4 was submitted by the United Kingdom (A/C.6/L.929):

Delete the words "to all other States Party" and substitute the words "to the State to which the alleged offender appears to have fled as well as to all other States appearing to have jurisdiction over the crime".

(This amendment was referred to the Drafting Committee, see paragraph 54 below.)

5/ In the final text of the draft convention, this article became article 5.

3. Work of the Sixth Committee

(a) Meetings

52. The Sixth Committee considered article 4 for the first time at its 1418th meeting, on 17 October. At its 1436th meeting, on 12 November, it considered the text adopted by the Drafting Committee for that article (see A/C.6/L.944).

(b) Initial consideration

53. At its 1417th meeting, the Sixth Committee referred article 4 and the amendment thereto to the Drafting Committee.

(c) Consideration of the text adopted by the Drafting Committee

54. At the 1436th meeting, the Chairman of the Drafting Committee presented the text adopted by the Drafting Committee for article 4 (A/C.6/L.944). The text read as follows:

"Article 4

1. The State Party in which one or more of the crimes set forth in article 2 have been committed shall, if it has reason to believe an alleged offender has fled from its territory, communicate to all other States concerned all the pertinent facts regarding the crime committed and all available information regarding the identity of the alleged offender.

2. Whenever any of the crimes referred to in article 2 has been committed against an internationally protected person the State Party on whose behalf he exercised his functions may obtain without delay the fullest possible information concerning both the victim and the circumstances of the crime from any other State Party having such information."

55. Amendments to this text were submitted by France (A/C.6/L.945), Jamaica (A/C.6/L.949), Singapore (A/C.6/L.950) and Colombia (A/C.6/L.953).

56. The amendments were as follows:

(i) France (A/C.6/L.945):

In paragraph 2, add the words "in the conditions provided for in the legislation of the State to which the request is addressed" after the words "may obtain without delay".

(This amendment was adopted in a revised form, see paragraph 57 below.)

(ii) Jamaica (A/C.6/L.949):

Delete the word "other" in the fourth line of paragraph 2.

(This amendment became inapplicable, see paragraph 57 below.)

(iii) Singapore (A/C.6/L.950):

In paragraph 1, delete the words "to all other States concerned" and insert after the words "identity of the alleged offender" the words "to the Secretary-General of the United Nations, who shall transmit the information to all other States concerned".

(This amendment was adopted, see paragraph 57 below.)

(iv) Colombia (A/C.6/L.953)

Replace paragraph 2 of article 4 by the following:

"2. Whenever any of the crimes referred to in article 2 has been committed against an internationally protected person any State Party which has information concerning the victim and the circumstances of the crime shall transmit it fully and promptly to the State Party on whose behalf he exercised his functions."

(This amendment was adopted in a revised form, see paragraph 57 below.)

57. At the 1436th meeting, on the suggestion of the representative of Mexico, the representative of Colombia modified the text of his amendment, replacing the words "shall transmit it" by "shall endeavour to transmit it". The Sixth Committee adopted the Singaporean amendment by 66 votes to 13, with 25 abstentions, on the understanding that, during the final reviewing of the text, the Drafting Committee would take into account a Mexican suggestion to the effect that the words "directly or through the Secretary-General of the United Nations" should be inserted in the text in place of the phrase proposed by Singapore. It then adopted the Colombia amendment as orally revised by 35 votes to 17, with 55 abstentions. As a result of the adoption of the Colombian amendment the representative of France made the following change to the text of his own amendment in order to bring it into line with the new version of paragraph 2: "in paragraph 2, add the words 'under the conditions provided for in its internal law' after the words 'shall endeavour to transmit it'." That amendment was adopted by 64 votes to 13, with 32 abstentions. Having become inapplicable, the Jamaican amendment was not put to the vote. The Sixth Committee then adopted, by 60 votes to none, with 49 abstentions, the text of article 4 as amended, subject to possible rewording of the text of the Singaporean amendment.

(d) Text adopted by the Sixth Committee

58. The text adopted by the Sixth Committee reads as follows:

"Article 4

1. The State Party in which one or more of the crimes set forth in article 2 have been committed shall, if it has reason to believe that an alleged offender has fled from its territory, communicate all the pertinent facts regarding the crime committed and all available information regarding the identity of the alleged offender to the Secretary-General of the United Nations, who shall transmit the information to all other States concerned.

2. Whenever any of the crimes referred to in article 2 has been committed against an internationally protected person any State Party which has information concerning the victim and the circumstances of the crime shall endeavour to transmit it, under the conditions provided for in its internal law, fully and promptly to the State Party on whose behalf he exercised his functions."

Article 5 6/

1. Text of the International Law Commission

59. The text of the International Law Commission read as follows:

"Article 5

1. The State Party in whose territory the alleged offender is present shall take the appropriate measures under its internal law so as to ensure his presence for prosecution or extradition. Such measures shall be immediately notified to the State where the crime was committed, the State or States of which the alleged offender is a national, the State or States of which the internationally protected person concerned is a national and all interested States.

2. Any person regarding whom the measures referred to in paragraph 1 of this article are being taken shall be entitled to communicate immediately with the nearest appropriate representative of the State of which he is a national and to be visited by a representative of that State."

2. Amendments

60. Amendments to article 5 were submitted by the Union of Soviet Socialist Republics (A/C.6/L.906) and Czechoslovakia (A/C.6/L.910/Rev.1).

6/ In the final text of the draft convention, this article became article 6.

61. The amendments were as follows:

(a) Union of Soviet Socialist Republics (A/C.6/L.906):

In paragraphs 1 and 2, delete the word "immediately" and substitute the words "as soon as possible" after the words "notified" and "communicate" respectively.

In paragraph 1, after the words "of which the alleged offender is a national", add the following: "or, if he is a stateless person, in whose territory he permanently resides,".

(This amendment was referred to the Drafting Committee, see paragraph 63 below.)

(b) Czechoslovakia (A/C.6/L.910/Rev.1):

Make paragraph 2 into a separate article.

(This amendment was referred to the Drafting Committee, see paragraph 63 below.)

3. Work of the Sixth Committee

(a) Meetings

62. The Sixth Committee considered article 5 for the first time at its 1418th meeting, on 17 October. At its 1436th meeting, on 12 November, it considered the text adopted by the Drafting Committee for that article (see A/C.6/L.944).

(b) Initial consideration

63. At its 1418th meeting, the Sixth Committee referred article 5 and the amendments thereto to the Drafting Committee.

(c) Consideration of the text adopted by the Drafting Committee

64. At the 1436th meeting, the Chairman of the Drafting Committee presented the text adopted by the Drafting Committee for article 5 (A/C.6/L.944). The text read as follows:

"Article 5

1. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take the appropriate measures under its internal law so as to ensure his presence for the purpose of prosecution or extradition. Such measures shall be notified without delay to:

/...

(a) the State where the crime was committed;

(b) the State or States of which the alleged offender is a national, or, if he is a stateless person, in whose territory he permanently resides;

(c) the State or States of which the internationally protected person concerned is a national or on whose behalf he exercised his functions; and

(d) all other States concerned.

2. Any person regarding whom the measures referred to in paragraph 1 of this article are being taken shall be entitled to communicate without delay with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to protect his rights or, if he is a stateless person, which he requests and which is willing to protect his rights, and to be visited by a representative of that State."

65. Amendments to this text were submitted by Jamaica (A/C.6/L.949) and Singapore (A/C.6/L.950).

66. These amendments were as follows:

(i) Jamaica (A/C.6/L.949):

Add a subparagraph 1 (e) reading as follows:

"(e) the international organization of which the internationally protected person concerned is an agent".

(This amendment was adopted, see paragraph 67 below.)

(ii) Singapore (A/C.6/L.950):

In paragraph 1, after the words "notified without delay to" insert the words "the Secretary-General of the United Nations, who shall transmit the information to".

67. At its 1436th meeting, the Sixth Committee, feeling that the Singaporean amendment was in line with the amendment to article 4 which it had just adopted (see paragraph 57 above), decided to refer it to the Drafting Committee for consideration during the final reviewing of the draft convention. It then voted on the Jamaican amendment, which it adopted by 58 votes to 8, with 34 abstentions. It then adopted the text of article 5, subject to a possible rewording of the text of the Singaporean amendment, by 60 votes to none, with 44 abstentions.

(d) Text adopted by the Sixth Committee

68. The text adopted by the Sixth Committee for article 5 reads as follows:

"Article 5

1. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take the appropriate measures under its internal law so as to ensure his presence for the purpose of prosecution or extradition. Such measures shall be notified without delay to the Secretary-General of the United Nations, who shall transmit the information to:

(a) the State where the crime was committed;

(b) the State or States of which the alleged offender is a national, or, if he is a stateless person, in whose territory he permanently resides;

(c) the State or States of which the internationally protected person concerned is a national or on whose behalf he exercised his functions;

(d) all other States concerned; and

(e) the international organization of which the internationally protected person concerned is an agent.

2. Any person regarding whom the measures referred to in paragraph 1 of this article are being taken shall be entitled to communicate without delay with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to protect his rights or, if he is a stateless person, which he requests and which is willing to protect his rights, and to be visited by a representative of that State."

Article 6 7/

1. Text of the International Law Commission

69. The text of the International Law Commission read as follows:

"Article 6

The State Party in whose territory the alleged offender is present shall, if it does not extradite him, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State."

7/ In the final text of the draft convention, this article became article 7.

2. Amendments

70. An amendment to article 6 was submitted by Sweden (A/C.6/L.933) and read as follows:

End the present sentence of article 6 after the word "prosecution" with a full stop and substitute for the phrase "through proceedings in accordance with the laws of that State" a second sentence in article 6 worded as follows:

"Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the laws of that State."

(This amendment was referred to the Drafting Committee, see paragraph 72 below.)

3. Work of the Sixth Committee

(a) Meetings

71. The Sixth Committee considered article 6 for the first time at its 1419th meeting, on 18 October. At its 1437th meeting, on 13 November, it considered the text adopted by the Drafting Committee for that article (A/C.6/L.944).

(b) Initial consideration

72. At its 1419th meeting, the Committee referred article 6 and the amendment thereto to the Drafting Committee.

(c) Consideration of the text adopted by the Drafting Committee

73. At the 1437th meeting, the Chairman of the Drafting Committee presented the text adopted by the Drafting Committee for article 6 (A/C.6/L.944). The text read as follows:

"Article 6

The State Party in whose territory the alleged offender is present shall, if it does not extradite him, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State."

74. Amendments to this text were submitted by Jamaica (A/C.6/L.949) and the Netherlands (A/C.6/L.954). The amendments were as follows:

(i) Jamaica (A/C.6/L.949):

Delete the words "without exception whatsoever" in the second line and the words "through proceedings" in the fourth line.

(This amendment was withdrawn, see paragraph 75 below.)

(ii) Netherlands (A/C.6/L.954):

Insert after the words:

"the State Party in whose territory the alleged offender is present ..."

the following words:

"and which has received a request for extradition not later than three months after dispatch of the notifications mentioned in article 5."

(This amendment was rejected, see paragraph 75 below.)

75. At the 1437th meeting, the Jamaican representative said that he would not press his amendment. The Netherlands amendment was rejected by 47 votes to 3, with 47 abstentions. Article 6 was adopted by 70 votes to none, with 32 abstentions.

(d) Text adopted by the Sixth Committee

76. The text adopted by the Sixth Committee for article 6 reads as follows:

"Article 6

The State Party in whose territory the alleged offender is present shall, if it does not extradite him, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State."

Article 7 8/

1. Text of the International Law Commission

77. The text of the International Law Commission read as follows:

"Article 7

1. To the extent that the crimes set forth in article 2 are not listed as extraditable offences in any extradition treaty existing between States Party they shall be deemed to have been included as such therein. States Party undertake to include those crimes as extraditable offences in every future extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may, if it decides to extradite, consider the present articles as the legal basis for extradition in respect of the crimes. Extradition shall be subject to the procedural provisions of the law of the requested State.

8/ In the final text of the draft convention, this article became article 8.

3. States Party which do not make extradition conditional on the existence of a treaty shall recognize the crimes as extraditable offences between themselves subject to the procedural provisions of the law of the requested State.

4. An extradition request from the State in which the crimes were committed shall have priority over other such requests if received by the State Party in whose territory the alleged offender has been found within six months after the communication required under paragraph 1 of article 5 has been made."

2. Amendments

78. Amendments to article 7 were submitted by Denmark (A/C.6/L.932), Japan (A/C.6/L.934) and Spain (A/C.6/L.936).

79. The amendments were as follows:

(a) Denmark (A/C.6/L.932):

1. Paragraph 2

Delete the word "procedural" before the words "provisions of the law of the requested State".

2. Paragraph 3

Delete the word "procedural" before the words "provisions of the law of the requested State".

3. Paragraph 4

Delete the entire paragraph.

(This amendment was referred to the Drafting Committee, see paragraph 81 below.)

(b) Japan (A/C.6/L.934):

Replace paragraph 4 of article 7 by:

"4. Each of the crimes shall be treated, for the purpose of extradition between States Party, as if it had been committed not only in the place in which it occurred but also in the territories of the States required to establish their jurisdiction in accordance with paragraph 1 (b) and (c) of article 2A."

(This amendment was referred to the Drafting Committee, see paragraph 81 below.)

/...

(c) Spain (A/C.6/L.936):

Replace paragraph 4 by the following paragraphs:

4. For the purposes of extradition between States party the crime shall be deemed to have been committed not only where it was actually committed but also in the territory of the States which have jurisdiction over the crime in accordance with their respective national laws.

5. In the case of concurrent extradition requests, priority shall be given to the request made by the State party in whose territory the crime was committed.

(This amendment became inapplicable, see paragraph 81 below.)

3. Work of the Sixth Committee

(a) Meetings

80. The Sixth Committee considered article 7 for the first time at its 1419th meeting, on 18 October. At its 1437th meeting, on 13 November, it considered the text adopted by the Drafting Committee for that article (A/C.6/L.944).

(b) Initial consideration

81. At its 1419th meeting, the Sixth Committee referred article 7 and the Danish amendment thereto (A/C.6/L.932) to the Drafting Committee. It deferred its decision on the Japanese amendment (A/C.6/L.934) and the Spanish amendment (A/C.6/L.936) until a decision had been taken on article 2. At its 1424th meeting, it adopted the amendment to article 2 submitted by Japan, the Netherlands and the Philippines (A/C.6/L.912/Rev.1) (see paragraph 29 above) and consequently referred the Japanese amendment to article 7 (A/C.6/L.934) to the Drafting Committee.

(c) Consideration of the text adopted by the Drafting Committee

82. At the 1437th meeting on 13 November, the Chairman of the Drafting Committee presented the text adopted by the Drafting Committee for article 7 (A/C.6/L.944). The text read as follows:

"Article 7

1. To the extent that the crimes set forth in article 2 are not listed as extraditable offences in any extradition treaty existing between States Party they shall be deemed to be included as such therein. States Party undertake to include those crimes as extraditable offences in every future extradition treaty to be concluded between them.

/...

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it had no extradition treaty, it may, if it decides to extradite, consider the present Convention as the legal basis for extradition in respect of the crimes. Extradition shall be subject to the procedural provisions and the other conditions of the law of the requested State.

3. States Party which do not make extradition conditional on the existence of a treaty shall recognize the crimes as extraditable offences between themselves subject to the procedural provisions and the other conditions of the law of the requested State.

4. Each of the crimes shall be treated, for the purpose of extradition between States Party, as if it had been committed not only in the place in which it occurred but also in the territories of the States required to establish their jurisdiction in accordance with paragraph 1 (b) and (c) of article 2A."

83. Amendments to this text were submitted by France (A/C.6/L.945) and Jamaica (A/C.6/L.949).

84. The amendments were as follows:

(i) France (A/C.6/L.945):

In paragraph 2, replace the phrase "it may, if it decides to extradite, ..." by "it must ...".

(This amendment was rejected, see paragraph 85 below.)

(ii) Jamaica (A/C.6/L.949):

In paragraph 2 either substitute the words "these crimes" for "the crimes" or add after the word "crimes" the words "set forth in article 2". Similarly in paragraph 3, either substitute "these crimes" for "the crimes" or add after the word "crimes" the words "set forth in article 2".

(This amendment was referred to the Drafting Committee, see paragraph 85 below.)

85. At its 1437th meeting, the Sixth Committee rejected the French amendment (A/C.6/L.945) by 49 votes to 12, with 43 abstentions. It referred the Jamaican amendment (A/C.6/L.949) to the Drafting Committee in order that it should be taken into consideration in the final reviewing of the draft article. It then adopted article 7 by 67 votes to none, with 37 abstentions.

(d) Text adopted by the Sixth Committee

86. The text adopted by the Sixth Committee for article 7 reads as follows:

/...

"Article 7

1. To the extent that the crimes set forth in article 2 are not listed as extraditable offences in any extradition treaty existing between States Party they shall be deemed to be included as such therein. States Party undertake to include those crimes as extraditable offences in every future extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may, if it decides to extradite, consider the present Convention as the legal basis for extradition in respect of the crimes. Extradition shall be subject to the procedural provisions and the other conditions of the law of the requested State.

3. States Party which do not make extradition conditional on the existence of a treaty shall recognize the crimes as extraditable offences between themselves subject to the procedural provisions and the other conditions of the law of the requested State.

4. Each of the crimes shall be treated, for the purpose of extradition between States Party, as if it had been committed not only in the place in which it occurred but also in the territories of the States required to establish their jurisdiction in accordance with paragraph 1 (b) and (c) of article 2A."

Article 8 9/

1. Text of the International Law Commission

87. The text of the International Law Commission read as follows:

"Article 8

Any person regarding whom proceedings are being carried out in connexion with any of the crimes set forth in article 2 shall be guaranteed fair treatment at all stages of the proceedings."

2. Amendments

88. No amendments to this article were submitted.

3. Work of the Sixth Committee

(a) Meetings

89. The Sixth Committee considered article 8 for the first time at its 1419th meeting, on 18 October. At its 1437th meeting, on 13 November, it considered the text adopted by the Drafting Committee for that article (A/C.6/L.944).

(b) Initial consideration

90. At its 1419th meeting, the Sixth Committee referred article 8 to the Drafting Committee.

(c) Consideration of the text adopted by the Drafting Committee

91. At the 1437th meeting, the Chairman of the Drafting Committee presented the text adopted by the Drafting Committee for article 8 (A/C.6/L.944). The text read as follows:

"Article 8

Any person regarding whom proceedings are being carried out in connexion with any of the crimes set forth in article 2 shall be guaranteed fair treatment at all stages of the proceedings."

92. An amendment to this text was submitted by Jamaica (A/C.6/L.949) and read as follows:

Substitute for "person" the words "alleged offender".

(This amendment was rejected, see paragraph 93 below.)

9/ In the final text of the draft convention, this article became article 9.

/...

93. At its 1437th meeting, the Sixth Committee rejected the Jamaican amendment by 46 votes to 4, with 48 abstentions. It then adopted article 8 by 86 votes to none, with 14 abstentions.

(d) Text adopted by the Sixth Committee

94. The text adopted by the Sixth Committee for article 8 read as follows:

"Article 8

Any person regarding whom proceedings are being carried out in connexion with any of the crimes set forth in article 2 shall be guaranteed fair treatment at all stages of the proceedings."

Article 9

1. Text of the International Law Commission

95. The text of the International Law Commission read as follows:

"Article 9

The statutory limitation as to the time within which prosecution may be instituted for the crimes set forth in article 2 shall be, in each State Party, that fixed for the most serious crimes under its internal law."

2. Amendments

96. Amendments to article 9 were submitted by the Union of Soviet Socialist Republics (A/C.6/L.906) and Kenya (A/C.6/L.935).

97. The amendments were as follows:

(a) Union of Soviet Socialist Republics (A/C.6/L.906):

After the word "instituted", insert the words "and a sentence may be executed".

(This amendment became inapplicable, see paragraph 99 below.)

(b) Kenya (A/C.6/L.935):

Delete the entire article.

(This amendment was adopted, see paragraph 99 below.)

3. Work of the Sixth Committee

98. The Sixth Committee considered article 9 for the first time at its 1420th meeting, on 22 October.

99. The Sixth Committee decided, by 48 votes to 34, with 18 abstentions, to proceed immediately to a vote on article 9 and the substantive amendments thereto. It then adopted the Kenyan amendment (A/C.6/L.935) by 64 votes to 11, with 22 abstentions. Since it had thus decided to delete the article, there was no need for the Committee to take a decision on the other amendment submitted.

Article 10

1. Text of the International Law Commission

100. The text of the International Law Commission read as follows:

"Article 10

1. States Party shall afford one another the greatest measure of assistance in connexion with criminal proceedings brought in respect of the crimes set forth in article 2, including the supply of all evidence at their disposal necessary for the proceedings.

2. The provisions of paragraph 1 of this article shall not affect obligations concerning mutual judicial assistance embodied in any other treaty."

2. Amendments

101. No amendments to article 10 were submitted.

3. Work of the Sixth Committee

(a) Meetings

102. The Sixth Committee considered article 10 for the first time at its 1420th meeting, on 22 October. At its 1437th meeting, on 13 November, it considered the text adopted by the Drafting Committee for that article (A/C.6/L.944).

(b) Initial consideration

103. At its 1420th meeting, the Sixth Committee referred article 10 to the Drafting Committee.

(c) Consideration of the text adopted by the Drafting Committee

104. At the 1437th meeting, the Chairman of the Drafting Committee presented the text adopted by the Drafting Committee for article 10 (A/C.6/L.944). The text read as follows:

"Article 10

1. States Party shall afford one another the greatest measure of assistance in connexion with criminal proceedings brought in respect of the crimes set forth in article 2, including the supply of all evidence at their disposal necessary for the proceedings.

2. The provisions of paragraph 1 of this article shall not affect obligations concerning mutual juridical assistance embodied in any other treaty."

105. An amendment to this text was submitted by Jamaica (A/C.6/L.949) and read as follows:

In paragraph 1, delete the words "including the supply of all evidence at their disposal necessary for the proceedings".

(This amendment was withdrawn, see paragraph 106 below.)

106. At the 1437th meeting, the Jamaican representative said that he would not press his amendment. The Sixth Committee then adopted article 10 by 68 votes to none, with 31 abstentions.

(d) Text adopted by the Sixth Committee

107. The text adopted by the Sixth Committee read as follows:

"Article 10

1. States Party shall afford one another the greatest measures of assistance in connexion with criminal proceedings brought in respect of the crimes set forth in article 2, including the supply of all evidence at their disposal necessary for the proceedings.

2. The provisions of paragraph 1 of this article shall not affect obligations concerning mutual judicial assistance embodied in any other treaty."

Article 11

1. Text of the International Law Commission

108. The text of the International Law Commission read:

"Article 11

The final outcome of the legal proceedings regarding the alleged offender shall be communicated by the State Party where the proceedings are conducted to the Secretary-General of the United Nations, who shall transmit the information to the other States Party."

2. Amendments

109. No amendments to article 11 were submitted.

3. Work of the Sixth Committee

(a) Meetings

110. The Sixth Committee considered article 11 for the first time at its 1420th meeting, on 22 October. At its 1437th and 1447th meetings, on 13 and 26 November, it considered the text adopted by the Drafting Committee for that article (A/C.6/L.944).

(b) Initial consideration

111. At its 1420th meeting, the Sixth Committee referred article 11 to the Drafting Committee.

(c) Consideration of the text adopted by the Drafting Committee

112. At the 1437th meeting, the Chairman of the Drafting Committee presented the text adopted by the Drafting Committee for article 11 (A/C.6/L.944). The text read as follows:

"Article 11

The State Party where an alleged offender is prosecuted shall communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to the other States Party."

113. At the same meeting, the Sixth Committee decided to defer its decision on article 11 until the Drafting Committee had taken a decision, during the final reviewing of the draft convention, on the wording of articles 4 and 5 (see paragraphs 57 and 67 below). At its 1447th meeting, the Sixth Committee had before it an oral amendment by Jamaica, to add, at the end of the article, the words "and to the intergovernmental organizations concerned". On the basis of rule 125 of the rules of procedure, the Committee decided, by 23 votes to 16, with 56 abstentions, not to consider that amendment. It then adopted the text of article 11 by 70 votes to none, with 30 abstentions.

(d) Text adopted by the Sixth Committee

114. The text adopted by the Sixth Committee read as follows:

"Article 11

The State Party where an alleged offender is prosecuted shall communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to the other States Party."

Article 11 bis 10/

1. Text proposed

115. The delegations of Colombia, Costa Rica, Ecuador, El Salvador, Honduras, Mexico, Nicaragua, Panama, Peru, Uruguay and Venezuela proposed the addition of an article 11 bis, reading as follows (A/C.6/L.928):

"None of the provisions of this Convention shall be construed as modifying the treaties on asylum."

116. The delegation of Bolivia later proposed the following wording (A/C.6/L.943):*

"The provisions of this Convention shall not affect the operation of the treaties on asylum, in force at the date of the adoption of this Convention, as between the States which are parties to those treaties; but a State Party to this Convention may not invoke those treaties with respect to another State Party to this Convention which is not a party to those treaties."

2. Work of the Sixth Committee

(a) Meetings

117. The Sixth Committee considered article 11 bis for the first time at its 1421st, 1422nd, 1430th and 1432nd meetings, on 23 and 24 October and 8 November. At its 1439th and 1447th meetings, on 15 and 26 November, it considered the text adopted by the Drafting Committee for that article (A/C.6/L.944/Add.2).*

(b) Initial consideration

118. At the 1432nd meeting, the Mexican representative announced that the sponsors of amendment A/C.6/L.928 would not press their amendment. At the same meeting, the Sixth Committee referred the text proposed by Bolivia (A/C.6/L.943)* to the Drafting Committee.

* Reissued for technical reasons.

10/ In the final text of the draft convention, this article became article 12.

(c) Consideration of the text adopted by the Drafting Committee

119. At the 1439th meeting, the Chairman of the Drafting Committee presented the text adopted by the Drafting Committee for article 11 bis (A/C.6/L.944/Add.2).^{*} The text read as follows:

"Article 11 bis

The provisions of this Convention shall not affect the application of the Treaties on Asylum, in force at the date of the adoption of this Convention, as between the States which are parties to those Treaties; but a State Party to this Convention may not invoke those Treaties with respect to another State Party to this Convention which is not a party to those Treaties."

120. At the same meeting, the Sixth Committee decided to defer its decision on article 11 bis. At its 1447th meeting, it adopted the article by 50 votes to none, with 52 abstentions.

(d) Text adopted by the Sixth Committee

121. The text adopted by the Sixth Committee for article 11 bis read as follows:

"Article 11 bis

The provisions of this Convention shall not affect the application of the Treaties on Asylum, in force at the date of the adoption of this Convention, as between the States which are parties to those Treaties; but a State Party to this Convention may not invoke those Treaties with respect to another State Party to this Convention which is not a party to those Treaties."

Article 12 11/

1. Text of the International Law Commission

122. The International Law Commission proposed the following two alternatives for this article:

"ALTERNATIVE A

1. Any dispute between the Parties arising out of the application or interpretation of the present articles that is not settled through negotiation may be brought by any State party to the dispute before a conciliation Commission to be constituted in accordance with the provisions of this article by the giving of written notice to the other State or States party to the dispute and to the Secretary-General of the United Nations.

2. A conciliation commission will be composed of three members. One member shall be appointed by each party to the dispute. If there is more than

11/ In the final text of the draft convention, this article became article 13.

one party on either side of the dispute they shall jointly appoint a member of the conciliation Commission. These two appointments shall be made within two months of the written notice referred to in paragraph 1. The third member, the Chairman, shall be chosen by the other two members.

3. If either side has failed to appoint its member within the time-limit referred to in paragraph 2, the Secretary-General shall appoint such member within a further period of two months. If no agreement is reached on the choice of the Chairman within five months of the written notice referred to in paragraph 1, the Secretary-General shall within the further period of one month appoint as the Chairman a qualified jurist who is not a national of any State party to the dispute.

4. Any vacancy shall be filled in the same manner as the original appointment was made.

5. The commission shall establish its own rules of procedure and shall reach its decisions and recommendations by a majority vote. It shall be competent to ask any organ that is authorized by or in accordance with the Charter of the United Nations to request an advisory opinion from the International Court of Justice to make such a request regarding the interpretation or application of the present articles.

6. If the commission is unable to obtain an agreement among the parties on a settlement of the dispute within six months of its initial meeting, it shall prepare as soon as possible a report of its proceedings and transmit it to the parties and to the depositary. The report shall include the commission's conclusions upon the facts and questions of law and the recommendations it has submitted to the parties in order to facilitate a settlement of the dispute. The six months time-limit may be extended by decision of the commission.

7. This article is without prejudice to provisions concerning the settlement of disputes contained in international agreements in force between States.

ALTERNATIVE B

1. Any dispute between two or more Parties concerning the interpretation or application of the present articles which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each Party may at the time of signature or ratification of these articles or accession thereto, declare that it does not consider itself bound

/...

by the preceding paragraph. The other Parties shall not be bound by the preceding paragraph with respect to any Parties having made such a reservation.

3. Any Party having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the depositary governments."

2. Amendments

123. Amendments to article 12 were submitted by the USSR (A/C.6/L.906), Czechoslovakia (A/C.6/L.910/Rev.1) and the United States of America (A/C.6/L.938).

124. The amendments were as follows:

(a) Union of Soviet Socialist Republics (A/C.6/L.906):

Delete from the draft convention (applicable to alternatives A and B).

(This amendment was withdrawn, see paragraph 126 below.)

(b) Czechoslovakia (A/C.6/L.910/Rev.1):

Delete this article.

(This amendment was withdrawn, see paragraph 126 below.)

(c) United States of America (A/C.6/L.938):

Substitute the following articles for article 12:

"Article 12

1. A dispute between two or more parties arising out of the application or interpretation of the present articles that is not settled through negotiation or is not subject to settlement under the provisions of article 13, may be brought by any State party to the dispute before a conciliation commission to be constituted in accordance with the provisions of this article by the giving of written notice to the other State or States party to the dispute and to the Secretary-General of the United Nations.

2. A conciliation commission will be composed of three members. One member shall be appointed by each party to the dispute. If there is more than one party on either side of the dispute they shall jointly appoint a member of the conciliation Commission. These two appointments shall be made within two months of the written notice referred to in paragraph 1. The third member, the Chairman, shall be chosen by the other two members.

3. If either side has failed to appoint its member within the time-limit referred to in paragraph 2, the Secretary-General shall appoint such member within a further period of two months. If no agreement is reached on the choice of the Chairman within five months of the written notice referred to in paragraph 1, the Secretary-General shall within the further period of one month appoint as the Chairman a qualified jurist who is not a national of any State party to the dispute.

4. Any vacancy shall be filled in the same manner as the original appointment was made.

5. The commission shall establish its own rules of procedure and shall reach its decisions and recommendations by a majority vote. It shall be competent to ask any organ that is authorized by or in accordance with the Charter of the United Nations to request an advisory opinion from the International Court of Justice to make such a request regarding the interpretation or application of the present articles.

6. If the commission is unable to obtain an agreement among the parties on a settlement of the dispute within six months of its initial meeting, it shall prepare as soon as possible a report of its proceedings and transmit it to the parties and to the depositary. The report shall include the commission's conclusions upon the facts and questions of law and the recommendations it has submitted to the parties in order to facilitate a settlement of the dispute. The six months time-limit may be extended by decision of the commission.

Article 13

1. Any dispute between two or more parties concerning the interpretation or application of the present articles which is not settled by negotiation may at the request of any such party be submitted to arbitration unless a party to the dispute had submitted a written declaration with its instrument of ratification or accession thereto that it is not bound by the provisions of this article.

2. The request for arbitration shall be submitted to all other parties to the dispute by giving written notice to the other State or States party to the dispute and to the Secretary-General of the United Nations. If, within six months from the date of receipt of the notice by the Secretary-General, the parties to the dispute have not consented to be bound by a compromise which specifies as a minimum:

(a) The subject-matter of the dispute, and

(b) The method of constituting the tribunal; or if a compromise is concluded, and the tribunal is not constituted within the time-limit specified therein, or, if no such time-limit is specified, within

six months from the entry into force of the compromise, the dispute may be brought before the International Court of Justice by the application of any party to the dispute.

3. A written declaration submitted pursuant to paragraph 1 of this article may be withdrawn at any time.

Article 14

Articles 12 and 13 are without prejudice to provisions concerning the settlement of disputes contained in international agreements in force between States."

(This amendment was withdrawn, subject to the referral to the Drafting Committee of article 13, in so far as it proposed only drafting changes to the text of alternative B, see paragraph 126 below.)

3. Work of the Sixth Committee

(a) Meetings

125. The Sixth Committee considered article 12 for the first time at its 1421st, 1422nd, 1423rd and 1425th meetings, on 23, 24, 25 and 29 October. At its 1437th meeting, on 13 November, it considered the text adopted by the Drafting Committee for that article (A/C.6/L.944).

(b) Initial consideration

126. At the 1425th meeting, it was announced that the sponsors of the amendments reproduced above would not press their proposals. The Sixth Committee rejected alternative A of the article as drafted by the International Law Commission by 65 votes to 4, with 10 abstentions. It referred to the Drafting Committee alternative B as drafted by the International Law Commission and article 13 of the text submitted by the United States (A/C.6/L.938) in so far as it proposed only drafting changes to the text of alternative B.

(c) Consideration of the text adopted by the Drafting Committee

127. At the 1437th meeting, the Chairman of the Drafting Committee presented the text adopted by the Drafting Committee for article 12. The text read as follows:

"Article 12

1. Any dispute between two or more States Party concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration

/...

the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by the preceding paragraph. The other States Party shall not be bound by the preceding paragraph with respect to any States Party having made such a reservation.

3. Any State Party having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the depository Governments."

128. An amendment to this text was submitted by Jamaica (A/C.6/L.949) and read as follows:

Delete the whole of paragraph 3.

(This amendment was withdrawn, see paragraph 129 below.)

129. At the 1437th meeting, the Jamaican representative said that he would not press his amendment. The Sixth Committee then adopted article 12 by 73 votes to none, with 28 abstentions.

(d) Text adopted by the Sixth Committee

130. The text adopted by the Sixth Committee for article 12 read as follows:

"Article 12

1. Any dispute between two or more States Party concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by the preceding paragraph. The other States Party shall not be bound by the preceding paragraph with respect to any States Party having made such a reservation.

3. Any State Party having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the depository Governments."

Additional article

The delegations of Afghanistan, Algeria, Burundi, Cameroon, the Central African Republic, Chad, the Congo, Dahomey, Democratic Yemen, Egypt, Equatorial Guinea, Ethiopia, Ghana, Guinea, Kenya, Liberia, the Libyan Arab Republic, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Qatar, Rwanda, Senegal, Sierra Leone, Somalia, the Sudan, the Syrian Arab Republic, Togo, Tunisia, Uganda, the United Republic of Tanzania, the Upper Volta, Zaire and Zambia submitted a draft additional article (A/C.6/L.951/Rev.1), 12/ worded as follows:

"No provision of the present articles shall be applicable to peoples struggling against colonialism, alien domination, foreign occupation, racial discrimination and apartheid in the exercise of their legitimate rights to self-determination and independence."

132. This text was introduced at the 1439th meeting of the Sixth Committee, on 15 November.

133. The idea of introducing a new article was replaced by a different approach (see below, paragraph 151).

12/ The revised version reproduced above is the result of the incorporation in the original version of an amendment by Afghanistan (A/C.6/L.956) concerning the addition of the words "alien domination," between "colonialism," and "foreign occupation".

III. PREAMBLE AND FINAL CLAUSES

A. Preamble

1. Text prepared by the working group

134. As indicated above (see paragraphs 7 and 9), the Sixth Committee entrusted a working group composed of the representatives of Austria, Ghana, India, Poland and Uruguay with the task of preparing a draft preamble for the convention. At the 1423rd meeting, on 25 October, the representative of Austria, on behalf of the working group, presented the following draft preamble (A/C.6/L.939):

"The States Parties to the present Convention,

Having in mind the purposes and principles of the Charter of the United Nations concerning the promotion of friendly relations and co-operation among States,

Considering that crimes against diplomatic agents and other internationally protected persons jeopardize the safety of these persons and create a serious threat to the maintenance of normal international relations which are necessary for co-operation among States,

Believing that the occurrence of such crimes is a matter of grave concern to the international community,

Realizing that there is an urgent need to provide appropriate and effective measures for the prevention and punishment of such crimes,

Having agreed as follows:".

2. Amendments

135. No amendments to the draft preamble were submitted.

3. Work of the Sixth Committee

(a) Meetings

136. The Sixth Committee considered the draft preamble for the first time at its 1424th meeting, on 25 October. At its 1432nd and 1433rd meetings, on 8 November, it considered the text adopted by the Drafting Committee (A/C.6/L.944).

(b) Initial consideration

137. At its 1424th meeting, the Committee referred to the Drafting Committee the draft preamble prepared by the working group (A/C.6/L.939).

(c) Consideration of the text adopted by the Drafting Committee

138. At the 1432nd meeting, the Chairman of the Drafting Committee presented the text adopted by the Drafting Committee for the preamble (A/C.6/L.944). This text read as follows:

"The States Parties to the present Convention,

Having in mind the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and the promotion of friendly relations and co-operation among States,

Considering that crimes against diplomatic agents and other internationally protected persons jeopardizing the safety of these persons create a serious threat to the maintenance of normal international relations which are necessary for co-operation among States,

Believing that the occurrence of such crimes is a matter of grave concern to the international community,

Convinced that there is an urgent need to adopt appropriate and effective measures for the prevention and punishment of such crimes,

Have agreed as follows:".

139. Amendments to this text were submitted by Spain (A/C.6/L.946) and Ireland (A/C.6/L.947).

140. The amendments were as follows:

Spain (A/C.6/L.946):

Insert the following two paragraphs at the end of the preamble:

"Reaffirming the rules of international law relating to respect for and guaranty of the life, person, liberty and dignity of diplomatic agents and other internationally protected persons,

Declaring that the present Convention will not affect in any way any other rule of international law that may be applicable to these cases,".

(This amendment was rejected: see paragraph 142 below.)

Ireland (A/C.6/L.947):

Add the following additional paragraph to the preamble:

"Affirming that the rules of customary international law continue to govern matters not regulated by the provisions of the present Convention,".

(This amendment was rejected: see paragraph 142 below.)

141. At its 1433rd meeting, the Sixth Committee rejected the first paragraph of the Spanish amendment (A/C.6/L.946) by 28 votes to 22, with 43 abstentions; it rejected the second paragraph of the same amendment by 34 votes to 8, with 53 abstentions; and, lastly, it rejected the Irish amendment (A/C.6/L.947) by 32 votes to 16, with 53 abstentions.

142. The Sixth Committee then adopted the text of the preamble as proposed by the Drafting Committee.

(d) Text adopted by the Sixth Committee

143. The text adopted by the Sixth Committee reads as follows:

"The States Party to the present Convention,

Having in mind the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and the promotion of friendly relations and co-operation among States,

Considering that crimes against diplomatic agents and other internationally protected persons jeopardizing the safety of these persons create a serious threat to the maintenance of normal international relations which are necessary for co-operation among States,

Believing that the occurrence of such crimes is a matter of grave concern to the international community,

Convinced that there is an urgent need to adopt appropriate and effective measures for the prevention and punishment of such crimes,

Have agreed as follows:".

B. Final clauses

1. Text prepared by the working group

144. As indicated above (see paragraphs 7 and 9), the Sixth Committee entrusted a working group composed of the representatives of Austria, Ghana, India, Poland and

Uruguay with the task of preparing a draft set of final clauses for the convention. At the 1431st meeting, on 7 November, the representative of Austria, on behalf of the working group, presented the following set of draft final clauses (A/C.6/940):

"ARTICLE A

Signature

The present Convention shall be open for signature by all States, until ... /date/ at United Nations Headquarters in New York.

ARTICLE B

Ratification

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

ARTICLE C

Accession

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE D

Entry into force

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the tenth instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the tenth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

ARTICLE E

Notifications by the depositary

The Secretary-General of the United Nations shall inform all States:

/...

(a) Of signatures to the present Convention and of the deposit of instruments of ratification or accession in accordance with articles A, B and C.

(b) Of the date on which the present Convention will enter into force in accordance with article D.

ARTICLE F

Authentic texts

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Convention, opened for signature at New York on ... /date/.

2. Amendments

No amendments to the draft final clauses were submitted.

3. Work of the Sixth Committee

(a) Meetings

145. The Sixth Committee considered the draft set of final clauses for the first time at its 1431st meeting, on 7 November. At its 1445th meeting, on 23 November, it heard a statement by the Chairman of the Drafting Committee concerning progress achieved so far. At its 1449th and 1451st meetings, on 28 November and 1 December, it considered the proposals adopted by the Drafting Committee.

(b) Initial consideration

146. At its 1431st meeting, the Sixth Committee referred to the Drafting Committee the set of draft final clauses prepared by the working group.

(c) Consideration of proposals adopted by the Drafting Committee

147. At the 1445th meeting, the Chairman of the Drafting Committee presented the draft set of final clauses prepared by the Drafting Committee and the text of a recommendation from the Drafting Committee to the Sixth Committee (A/C.6/L.944/Add.3). The document presented by the Chairman of the Drafting Committee read as follows:

/...

"I. Set of final clauses adopted by the Drafting Committee

Article 14

This Convention shall be open for signature by all States, until ... /date/
at United Nations Headquarters in New York.

Article 15

This Convention is subject to ratification. The instruments of
ratification shall be deposited with the Secretary-General of the United Nations.

Article 16

This Convention shall remain open for accession by any State. The
instruments of accession shall be deposited with the Secretary-General of the
United Nations.

Article 17

1. This Convention shall enter into force on the thirtieth day
following the date of deposit of the twenty-second instrument of ratification
or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the
deposit of the twenty-second instrument of ratification or accession, the
Convention shall enter into force on the thirtieth day after deposit by such
State of its instrument of ratification or accession.

Article 18

1. Any State Party may denounce this Convention by written notification
to the Secretary-General of the United Nations.

2. Denunciation shall take effect six months following the date on which
notification is received by the Secretary-General of the United Nations.

Article 19

The Secretary-General of the United Nations shall inform all States:

(a) of signatures to this Convention, of the deposit of instruments of
ratification or accession in accordance with articles 14, 15 and 16 and of
notifications made under article 18.

(b) of the date on which this Convention will enter into force in accordance with article 17.

Article 20

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at New York on ... /date/.

II. Decision taken by the Drafting Committee

The Drafting Committee decided to recommend to the Sixth Committee that the report to the General Assembly on item 90 of the agenda should contain the following passage:

"The Sixth Committee recommends that the General Assembly should adopt the following understanding:

'In accordance with its terms, the Convention on the Prevention and Punishment of Crimes against Diplomatic Agents and other Internationally Protected Persons will be open to participation by all States, and the Secretary-General will act as depositary. It is the understanding of the General Assembly that the Secretary-General, in discharging his functions as depositary of a convention with an "all States" clause, will follow the practice of the General Assembly in implementing such a clause and, whenever advisable, will request the opinion of the General Assembly before receiving a signature or an instrument of ratification or accession'."

148. At its 1451st meeting, on 1 December, the Sixth Committee, in a recorded vote, adopted the final clauses and the understanding reproduced above by 85 votes to none, with 4 abstentions. The voting was as follows:

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Bolivia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Chad, Chile, Colombia, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ecuador, Egypt, Ethiopia, Finland, France, Gabon, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Laos, Lebanon, Luxembourg, Madagascar, Mali, Mexico, Mongolia, Netherlands,

/...

New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Romania, Senegal, South Africa, Spain, Sri Lanka, Sweden, Thailand, Togo, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Yemen, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Burma, Cuba, Libyan Arab Republic, Sudan.

IV. FINAL PHASE OF THE WORK OF THE SIXTH COMMITTEE
ON THE DRAFT CONVENTION

A. Final review of the draft convention

149. Once the various provisions of the draft convention had been adopted separately, the Drafting Committee embarked on the co-ordination and final review of the text as a whole. It transmitted the results of its work on the preamble and articles 1 to 12 in document A/C.6/L.962 and Corr.1 (French only), Corr.2, Corr.3 and Corr.4 (English and Spanish only); with regard to article 11 bis, which became article 12 in the final numbering (article 12 thus becoming article 13), it made no change in the text adopted by the Sixth Committee as contained in document A/C.6/L.944/Add.2; lastly, with regard to articles 14 to 20, the Drafting Committee made only one change in the text adopted by the Sixth Committee in document A/C.6/L.944/Add.3, namely the insertion, in the first line of article 19, of the words "inter alia" after the words "all States". An informal working group of the Drafting Committee, composed of the representatives of Bulgaria, Mali, Mexico and Sweden, was entrusted with the task of reviewing the title of the draft convention. The title proposed by the working group (A/C.6/L.975) was adopted by the Sixth Committee at its 1458th meeting, on 7 December, subject to a minor change in the Russian text. Lastly, it was agreed that the date left blank in article 14 (see paragraphs 147 and 148 above) would be 31 December 1974. The revised text is annexed to the draft resolution which the Sixth Committee recommends to the General Assembly for adoption (see paragraph 157 below).

B. Adoption by the Sixth Committee of the proposals before it
and of the draft convention

150. At the 1455th meeting, on 5 December 1973, the Chairman of the Sixth Committee submitted a proposal (A/C.6/L.965) reading as follows:

"Compromise proposal of the Chairman of the Sixth Committee
based on consultations

A. DRAFT RESOLUTION

The General Assembly,

Considering that the codification and progressive development of international law contributes to the implementation of the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations,

Recalling that in response to the request made in General Assembly resolution 2780 (XXVI) of 14 December 1971, the International Law Commission, at its twenty-fourth session, studied the question of the protection and

/...

inviolability of diplomatic agents and other persons entitled to special protection under international law and prepared draft articles on the prevention and punishment of crimes against such persons,

Having considered the draft articles and also the comments and observations thereon submitted by States and by specialized agencies and intergovernmental organizations in response to the invitation made in General Assembly resolution 2926 (XXVII) of 28 November 1972,

Convinced of the importance of securing international agreement on appropriate and effective measures for the prevention and punishment of crimes against diplomatic agents and other internationally protected persons in view of the serious threat to the maintenance and promotion of friendly relations and co-operation among States created by the commission of such crimes,

Having elaborated for that purpose the provisions contained in the Convention annexed hereto,

1. Adopts the text of the Convention annexed to the present resolution;
2. Re-emphasizes the great importance of the rules of international law concerning the inviolability of and special protection to be afforded to internationally protected persons and the obligations of States in relation thereto;
3. Considers that the annexed Convention will enable States to carry out their obligations more effectively;
4. Considers also that the provisions of the annexed Convention cannot in any way prejudice the exercise of the legitimate right to self-determination and independence in accordance with the principles and purposes of the Charter of the United Nations and the Declaration on Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations by peoples struggling against colonialism, alien domination, foreign occupation, racial discrimination and apartheid;
5. Invites States to become parties to the annexed Convention;
6. Decides that the present resolution, whose provisions are related to the annexed Convention, shall be published together with it. *

* This will be explained in the report of the Sixth Committee as meaning: "published in the Treaty Series".

B. ARTICLE TO BE INCLUDED IN THE CONVENTION

"1. At the time of signature, ratification or accession, any State Party may make reservations to articles of this Convention other than articles 1, 2, 3 (former article 2A), 7 (former article 6), 9 (former article 8) and 11.

2. Any State Party making a reservation in accordance with the preceding paragraph may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations."

151. When this proposal was introduced, it was explained that operative paragraph 4 of the draft resolution constituting part A of the proposal reproduced above was proposed as a substitute for the 37-Power draft additional article (A/C.6/L.951/Rev.1) (see paragraphs 131 to 133 above).

152. At the 1457th meeting of the Sixth Committee, on 6 December 1973, the Chairman of the Drafting Committee 13/ resented, on behalf of the Drafting Committee, a revised version of document A/C.6/L.965 (A/C.6/L.965/Rev.1), which read as follows:

"Compromise proposal of the Drafting Committee

DRAFT RESOLUTION

The General Assembly,

Considering that the codification and progressive development of international law contributes to the implementation of the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations,

Recalling that in response to the request made in General Assembly resolution 2780 (XXVI) of 3 December 1971, the International Law Commission, at its twenty-fourth session, studied the question of the protection and inviolability of diplomatic agents and other persons entitled to special protection under international law and prepared draft articles on the prevention and punishment of crimes against such persons,

Having considered the draft articles and also the comments and observations thereon submitted by States and by specialized agencies and intergovernmental organizations in response to the invitation made in General Assembly resolution 2926 (XXVII) of 28 November 1972,

13/ See foot-note 1'.

Convinced of the importance of securing international agreement on appropriate and effective measures for the prevention and punishment of crimes against diplomatic agents and other internationally protected persons in view of the serious threat to the maintenance and promotion of friendly relations and co-operation among States created by the commission of such crimes,

Having elaborated for that purpose the provisions contained in the Convention annexed hereto,

1. Adopts the text of the Convention annexed to the present resolution;
2. Re-emphasizes the great importance of the rules of international law concerning the inviolability of and special protection to be afforded to internationally protected persons and the obligations of States in relation thereto;
3. Considers that the annexed Convention will enable States to carry out their obligations more effectively;
4. /States/ /Recognizes/ also that the provisions of the annexed Convention could not in any way prejudice the exercise of the legitimate right to self-determination and independence in accordance with the principles and purposes of the Charter of the United Nations and the Declaration on Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations by peoples struggling against colonialism, alien domination, foreign occupation, racial discrimination and apartheid;
5. Invites States to become parties to the annexed Convention;
6. Decides that the present resolution, whose provisions are related to the annexed Convention, shall be published together with it."

153. At the 1457th meeting of the Sixth Committee, on 6 December, part B of the compromise proposal contained in document A/C.6/L.965 was withdrawn, on the understanding that the following text would be inserted in the present report:

"Part B has been withdrawn as unnecessary since it includes articles considered to incorporate the object and purpose of the Convention."

154. With regard to the draft resolution contained in document A/C.6/L.965/Rev.1, the Secretary of the Committee explained, in reply to a question concerning operative paragraph 6, that that paragraph meant that the United Nations Secretariat would be obliged always to publish officially the Convention together with the resolution adopting it. It was then agreed that, in operative paragraph 6, the word "always" should be inserted after the word "shall". It was further agreed that the word "Recognizes" should be used at the beginning of operative paragraph 4.

155. Lastly, it was agreed that the Committee should take a decision simultaneously on the draft resolution as thus amended and on the draft convention.

156. At the same meeting, the Sixth Committee adopted by consensus the draft resolution as amended and the draft convention (see paragraph 157 below).

V. RECOMMENDATIONS OF THE SIXTH COMMITTEE

157. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

"Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents

The General Assembly,

Considering that the codification and progressive development of international law contributes to the implementation of the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations,

Recalling that in response to the request made in General Assembly resolution 2780 (XXVI) of 3 December 1971, the International Law Commission, at its twenty-fourth session, studied the question of the protection and inviolability of diplomatic agents and other persons entitled to special protection under international law and prepared draft articles on the prevention and punishment of crimes against such persons,

Having considered the draft articles and also the comments and observations thereon submitted by States and by specialized agencies and intergovernmental organizations in response to the invitation made in General Assembly resolution 2926 (XXVII) of 28 November 1972,

Convinced of the importance of securing international agreement on appropriate and effective measures for the prevention and punishment of crimes against diplomatic agents and other internationally protected persons in view of the serious threat to the maintenance and promotion of friendly relations and co-operation among States created by the commission of such crimes,

Having elaborated for that purpose the provisions contained in the Convention annexed hereto,

1. Adopts the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, annexed to the present resolution;

2. Re-emphasizes the great importance of the rules of international law concerning the inviolability of and special protection to be afforded to internationally protected persons and the obligations of States in relation thereto;

3. Considers that the annexed Convention will enable States to carry out their obligations more effectively;

4. Recognizes also that the provisions of the annexed Convention could not in any way prejudice the exercise of the legitimate right to self-determination and independence in accordance with the purposes and principles of the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations by peoples struggling against colonialism, alien domination, foreign occupation, racial discrimination and apartheid;

5. Invites States to become parties to the annexed Convention;

6. Decides that the present resolution, whose provisions are related to the annexed Convention, shall always be published together with it.

ANNEX

Convention on the Prevention and Punishment of Crimes
against Internationally Protected Persons, including
Diplomatic Agents

The States Parties to this Convention,

Having in mind the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and the promotion of friendly relations and co-operation among States,

Considering that crimes against diplomatic agents and other internationally protected persons jeopardizing the safety of these persons create a serious threat to the maintenance of normal international relations which are necessary for co-operation among States,

Believing that the commission of such crimes is a matter of grave concern to the international community,

Convinced that there is an urgent need to adopt appropriate and effective measures for the prevention and punishment of such crimes,

Have agreed as follows:

Article 1

For the purposes of this Convention:

1. "internationally protected person" means:

(a) a Head of State, including any member of a collegial body performing the functions of a Head of State under the constitution of the State concerned, a Head of Government or a Minister for Foreign Affairs, whenever any such person is in a foreign State, as well as members of his family who accompany him;

(b) any representative or official of a State or any official or other agent of an international organization of an intergovernmental character who, at the time when and in the place where a crime against him, his official premises, his private accommodation or his means of transport is committed, is entitled pursuant to international law to special protection from any attack on his person, freedom or dignity, as well as members of his family forming part of his household;

2. "alleged offender" means a person as to whom there is sufficient evidence to determine prima facie that he has committed or participated in one or more of the crimes set forth in article 2.

Article 2

1. The intentional commission of:

(a) a murder, kidnapping or other attack upon the person or liberty of an internationally protected person;

(b) a violent attack upon the official premises, the private accommodation or the means of transport of an internationally protected person likely to endanger his person or liberty;

(c) a threat to commit any such attack;

(d) an attempt to commit any such attack; and

(e) an act constituting participation as an accomplice in any such attack

shall be made by each State Party a crime under its internal law.

2. Each State Party shall make these crimes punishable by appropriate penalties which take into account their grave nature.

3. Paragraphs 1 and 2 of this article in no way derogate from the obligations of States Parties under international law to take all appropriate measures to prevent other attacks on the person, freedom or dignity of an internationally protected person.

Article 3

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set forth in article 2 in the following cases:

(a) when the crime is committed in the territory of that State or on board a ship or aircraft registered in that State;

(b) when the alleged offender is a national of that State;

(c) when the crime is committed against an internationally protected person as defined in article 1 who enjoys his status as such by virtue of functions which he exercises on behalf of that State.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over these crimes in cases where the alleged offender is present in its territory and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph 1 of this article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 4

States Parties shall co-operate in the prevention of the crimes set forth in article 2, particularly by:

(a) taking all practicable measures to prevent preparations in their respective territories for the commission of those crimes within or outside their territories;

(b) exchanging information and co-ordinating the taking of administrative and other measures as appropriate to prevent the commission of those crimes.

Article 5

1. The State Party in which any of the crimes set forth in article 2 has been committed shall, if it has reason to believe that an alleged offender has fled from its territory, communicate to all other States concerned, directly or through the Secretary-General of the United Nations, all the pertinent facts regarding the crime committed and all available information regarding the identity of the alleged offender.

2. Whenever any of the crimes set forth in article 2 has been committed against an internationally protected person, any State Party which has information concerning the victim and the circumstances of the crime shall endeavour to transmit it, under the conditions provided for in its internal law, fully and promptly to the State Party on whose behalf he was exercising his functions.

Article 6

1. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take the appropriate measures under its internal law so as to ensure his presence for the purpose of prosecution or extradition. Such measures shall be notified without delay directly or through the Secretary-General of the United Nations to:

(a) the State where the crime was committed;

(b) the State or States of which the alleged offender is a national or, if he is a stateless person, in whose territory he permanently resides;

(c) the State or States of which the internationally protected person concerned is a national or on whose behalf he was exercising his functions;

(d) all other States concerned; and

(e) the international organization of which the internationally protected person concerned is an official or an agent.

2. Any person regarding whom the measures referred to in paragraph 1 of this article are being taken shall be entitled:

(a) to communicate without delay with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to protect his rights or, if he is a stateless person, which he requests and which is willing to protect his rights; and

(b) to be visited by a representative of that State.

Article 7

The State Party in whose territory the alleged offender is present shall, if it does not extradite him, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State.

Article 8

1. To the extent that the crimes set forth in article 2 are not listed as extraditable offences in any extradition treaty existing between States Parties, they shall be deemed to be included as such therein. States Parties undertake to include those crimes as extraditable offences in every future extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may, if it decides to extradite, consider this Convention as the legal basis for extradition in respect of those crimes. Extradition shall be subject to the procedural provisions and the other conditions of the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize those crimes as extraditable offences between themselves subject to the procedural provisions and the other conditions of the law of the requested State.

4. Each of the crimes shall be treated, for the purpose of extradition between States Parties, as if it had been committed not only in the place in which it occurred but also in the territories of the States required to establish their jurisdiction in accordance with paragraph 1 of article 3.

Article 9

Any person regarding whom proceedings are being carried out in connexion with any of the crimes set forth in article 2 shall be guaranteed fair treatment at all stages of the proceedings.

Article 10

1. States Parties shall afford one another the greatest measure of assistance in connexion with criminal proceedings brought in respect of the crimes set forth in article 2, including the supply of all evidence at their disposal necessary for the proceedings.

2. The provisions of paragraph 1 of this article shall not affect obligations concerning mutual judicial assistance embodied in any other treaty.

Article 11

The State Party where an alleged offender is prosecuted shall communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to the other States Parties.

Article 12

The provisions of this Convention shall not affect the application of the Treaties on Asylum, in force at the date of the adoption of this Convention, as between the States which are parties to those Treaties; but a State Party to this Convention may not invoke those Treaties with respect to another State Party to this Convention which is not a party to those Treaties.

Article 13

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 14

This Convention shall be open for signature by all States, until 31 December 1974 at United Nations Headquarters in New York.

Article 15

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 16

This Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 17

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article 18

1. Any State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.

2. Denunciation shall take effect six months following the date on which notification is received by the Secretary-General of the United Nations.

Article 19

The Secretary-General of the United Nations shall inform all States, inter alia:

(a) of signatures to this Convention, of the deposit of instruments of ratification or accession in accordance with articles 14, 15 and 16 and of notifications made under article 18.

(b) of the date on which this Convention will enter into force in accordance with article 17.

/...

Article 20

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at New York on ... /date/.

158. The Sixth Committee further recommends to the General Assembly the adoption of the following understanding:

"In accordance with its terms, the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, will be open to participation by all States and the Secretary-General will act as depositary. It is the understanding of the General Assembly that the Secretary-General, in discharging his functions as depositary of a convention with an 'all States' clause, will follow the practice of the General Assembly in implementing such a clause and, whenever advisable, will request the opinion of the General Assembly before receiving a signature or an instrument of ratification or accession."
