

No. 24381

MULTILATERAL

Convention to prevent and punish the acts of terrorism taking the form of crimes against persons and related extortion that are of international significance. Concluded at Washington on 2 February 1971

Authentic texts: Spanish, English, French and Portuguese.

Registered by the Organization of American States on 23 October 1986.

MULTILATÉRAL

Convention pour la prévention ou la répression des actes de terrorisme qui prennent la forme de délits contre les personnes ainsi que de l'extorsion connexe à ces délits lorsque de tels actes ont des répercussions internationales. Conclue à Washington le 2 février 1971

Textes authentiques : espagnol, anglais, français et portugais.

Enregistrée par l'Organisation des États américains le 23 octobre 1986.

CONVENTION¹ TO PREVENT AND PUNISH THE ACTS OF TERRORISM TAKING THE FORM OF CRIMES AGAINST PERSONS AND RELATED EXTORTION THAT ARE OF INTERNATIONAL SIGNIFICANCE

Whereas:

The defense of freedom and justice and respect for the fundamental rights of the individual that are recognized by the American Declaration of the Rights and Duties of Man and the Universal Declaration of Human Rights are primary duties of states;

The General Assembly of the Organization, in Resolution 4, of June 30, 1970, strongly condemned acts of terrorism, especially the kidnapping of persons and extortion in connection with that crime, which it declared to be serious common crimes;

Criminal acts against persons entitled to special protection under international law are occurring frequently, and those acts are of international significance because of the consequences that may flow from them for relations among states;

It is advisable to adopt general standards that will progressively develop international law as regards cooperation in the prevention and punishment of such acts; and

In the application of those standards the institution of asylum should be maintained and, likewise the principle of nonintervention should not be impaired,

The Member States of the Organization of American States

Have agreed upon the following articles:

Article 1. The contracting states undertake to cooperate among themselves by taking all the measures that they may consider effective, under their own laws, and especially those established in this convention, to prevent and punish acts of terrorism, especially kidnapping, murder, and other assaults against the life or physical integrity of those persons to whom the state has the duty according to international law to give special protection, as well as extortion in connection with those crimes.

Article 2. For the purposes of this convention, kidnapping, murder, and other assaults against the life or personal integrity of those persons to whom the

¹ Came into force in respect of the following States on the date of deposit with the General Secretariat of the Organization of American States of their respective instruments of ratification, in accordance with article 12:

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>	
Costa Rica	16 October	1973
Dominican Republic	25 May	1976
El Salvador	1 May	1980
Guatemala	19 February	1980
Mexico	17 March	1975
Nicaragua	8 March	1973
United States of America	20 October	1976
Uruguay	17 March	1978
Venezuela	7 November	1973

state has the duty to give special protection according to international law, as well as extortion in connection with those crimes, shall be considered common crimes of international significance, regardless of motive.

Article 3. Persons who have been charged or convicted for any of the crimes referred to in Article 2 of this convention shall be subject to extradition under the provisions of the extradition treaties in force between the parties or, in the case of states that do not make extradition dependent on the existence of a treaty, in accordance with their own laws.

In any case, it is the exclusive responsibility of the state under whose jurisdiction or protection such persons are located to determine the nature of the acts and decide whether the standards of this convention are applicable.

Article 4. Any person deprived of his freedom through the application of this convention shall enjoy the legal guarantees of due process.

Article 5. When extradition requested for one of the crimes specified in Article 2 is not in order because the person sought is a national of the requested state, or because of some other legal or constitutional impediment, that state is obliged to submit the case to its competent authorities for prosecution, as if the act had been committed in its territory. The decision of these authorities shall be communicated to the state that requested extradition. In such proceedings, the obligation established in Article 4 shall be respected.

Article 6. None of the provisions of this convention shall be interpreted so as to impair the right of asylum.

Article 7. The contracting states undertake to include the crimes referred to in Article 2 of this convention among the punishable acts giving rise to extradition in any treaty on the subject to which they agree among themselves in the future. The contracting states that do not subject extradition to the existence of a treaty with the requesting state shall consider the crimes referred to in Article 2 of this convention as crimes giving rise to extradition, according to the conditions established by the laws of the requested state.

Article 8. To cooperate in preventing and punishing the crimes contemplated in Article 2 of this convention, the contracting states accept the following obligations:

- a. To take all measures within their power, and in conformity with their own laws, to prevent and impede the preparation in their respective territories of the crimes mentioned in Article 2 that are to be carried out in the territory of another contracting state;
- b. To exchange information and consider effective administrative measures for the purpose of protecting the persons to whom Article 2 of this convention refers;
- c. To guarantee to every person deprived of his freedom through the application of this convention every right to defend himself;
- d. To endeavor to have the criminal acts contemplated in this convention included in their penal laws, if not already so included;
- e. To comply most expeditiously with the requests for extradition concerning the criminal acts contemplated in this convention.

Article 9. This convention shall remain open for signature by the member states of the Organization of American States, as well as by any other state that is a member of the United Nations or any of its specialized agencies, or any state that is a party to the Statute of the International Court of Justice, or any other state that may be invited by the General Assembly of the Organization of American States to sign it.

Article 10. This convention shall be ratified by the signatory states in accordance with their respective constitutional procedures.

Article 11. The original instrument of this convention, the English, French, Portuguese, and Spanish texts of which are equally authentic, shall be deposited in the General Secretariat of the Organization of American States, which shall send certified copies to the signatory governments for purposes of ratification. The instruments of ratification shall be deposited in the General Secretariat of the Organization of American States, which shall notify the signatory governments of such deposit.

Article 12. This convention shall enter into force among the states that ratify it when they deposit their respective instruments of ratification.

Article 13. This convention shall remain in force indefinitely, but any of the contracting states may denounce it. The denunciation shall be transmitted to the General Secretariat of the Organization of American States, which shall notify the other contracting states thereof. One year following the denunciation, the convention shall cease to be in force for the denouncing state, but shall continue to be in force for the other contracting states.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, having presented their full powers, which have been found to be in due and proper form, sign this convention on behalf of their respective governments, at the city of Washington this second day of February of the year one thousand nine hundred seventy-one.

[For the signature pages, see p. 204 of this volume.]