

1. CONVENTION FOR THE PREVENTION AND PUNISHMENT OF TERRORISM, 19 League of Nations O.J. 23 (1938), League of Nations Doc. C.546(I).M.383(I).1937.V (1938) (16 November 1937)¹

Being desirous of making more effective the prevention and punishment of terrorism of an international character,

Who, having communicated their full powers, which were found in good and due form, have agreed upon the following provisions:

Article 1

1. The High Contracting Parties, reaffirming the principle of international law in virtue of which it is the duty of every State to refrain from any act designed to encourage terrorist activities directed against another State and to prevent the acts in which such activities take shape, undertake as hereinafter provided to prevent and punish activities of this nature and to collaborate for this purpose.
2. In the present Convention, the expression "acts of terrorism" means criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons, or a group of persons or the general public.

Article 2

Each of the High Contracting Parties shall, if this has not already been done, make the following acts committed on his own territory criminal offences if they are directed against another High Contracting Party and if they constitute acts of terrorism within the meaning of Article 1:

1. Any wilful act causing death or grievous bodily harm or loss of liberty to:
 - (a) Heads of States, persons exercising the prerogatives of the head of the State, their hereditary or designated successors;
 - (b) The wives or husbands of the above-mentioned persons;
 - (c) Persons charged with public functions or holding public positions when the act is directed against them in their public capacity.
2. Wilful destruction of, or damage to, public property or property devoted to a public purpose belonging to or subject to the authority of another High Contracting Party.
3. Any wilful act calculated to endanger the lives of members of the public.
4. Any attempt to commit an offence falling within the foregoing provisions of the present article.
5. The manufacture, obtaining, possession, or supplying of arms, ammunition, explosives or harmful substances with a view to the commission in any country whatsoever of an offence falling within the present article.

Article 3

Each of the High Contracting Parties shall make the following acts criminal

¹ (Editor's Note) This instrument never entered into force for failure to receive the necessary signatures, accessions or ratifications. Its historical relevance and significance warrants its inclusion herein.

offences when they are committed on his own territory with a view to an act of terrorism falling within Article 2 and directed against another High Contracting Party, whatever the country in which the act of terrorism is to be carried out:

1. Conspiracy to commit any such act;
2. Any incitement to any such act, if successful;
3. Direct public incitement to any act mentioned under heads (1), (2) or (3) of Article 2, whether the incitement be successful or not;
4. Wilful participation in any such act;
5. Assistance, knowingly given, towards the commission of any such act.

Article 4

Each of the offences mentioned in Article 3 shall be treated by the law as a distinct offence in all cases where this is necessary in order to prevent an offender escaping punishment.

Article 5

Subject to any special provisions of national law for the protection of the persons mentioned under head (1) of Article 2, or of the property mentioned under head (2) of Article 2, each High Contracting Party shall provide the same punishment for the acts set out in Articles 2 and 3, whether they be directed against that or another High Contracting Party.

Article 6

1. In countries where the principle of the international recognition of previous convictions is accepted, foreign convictions for any of the offences mentioned in Articles 2 and 3 will, within the conditions prescribed by domestic law, be taken into account for the purpose of establishing habitual criminality.
2. Such convictions will, further, in the case of High Contracting Parties whose law recognizes foreign convictions, be taken into account, with or without special proceedings, for the purpose of imposing, in the manner, provided by that law, incapacities, disqualifications or interdictions whether in the sphere of public or of private law.

Article 7

In so far as parties civiles are admitted under the domestic law, foreign parties civiles, including, in proper cases, a High Contracting Party shall be entitled to all rights allowed to nationals by the law of the country in which the case is tried.

Article 8

1. Without prejudice to the provisions of paragraph 4 below, the offences set out in Articles 2 and 3 shall be deemed to be included as extradition crimes in any extradition treaty which has been, or may hereafter be, concluded between any of the High Contracting Parties.
2. The High contracting Parties who do not make extradition conditional on the existence of a treaty shall henceforward, without prejudice to the provisions of paragraph 4 below and subject to reciprocity, recognize the offences set out in Articles 2 and 3 as extradition crimes as between themselves.
3. For the purposes of the present article, any offence specified in Articles 2 and 3,

if committed in the territory of the High Contracting Party against whom it is directed, shall also be deemed to be an extradition crime.

4. The obligation to grant extradition under the present article shall be subject to any conditions and limitations recognized by the law or the practice of the country to which application is made.

Article 9

1. When the principle of the extradition of nationals is not recognized by a High Contracting Party, nationals who have returned to the territory of their own country after the commission abroad of an offence mentioned in Articles 2 or 3 shall be prosecuted and punished in the same manner as if the offence had been committed on that territory, even in a case where the offender has acquired his nationality after the commission of the offence.

2. The provisions of the present article shall not apply if, in similar circumstances, the extradition of a foreigner cannot be granted.

Article 10

Foreigners who are on the territory of a High Contracting Party and who have committed abroad any of the offences set out in Articles 2 and 3 shall be prosecuted and punished as though the offence had been committed in the territory of that High Contracting Party, if the following conditions are fulfilled - namely, that:

1. Extradition has been demanded and could not be granted for a reason not connected with the offence itself;

2. The law of the country of refuge recognizes the jurisdiction of its own courts in respect of offences committed abroad by foreigners;

3. The foreigner is a national of a country which recognizes the jurisdiction of its own courts in respect of offences committed abroad by foreigners.

Article 11

1. The provisions of Articles 9 and 10 shall also apply to offences referred in Articles 2 and 3 which have been committed in the territory of a High Contracting Party against whom they were directed.

2. As regards the application of Articles 9 and 10, the High Contracting Parties do not undertake to pass a sentence exceeding the maximum sentence provided by the law of the country where the offence was committed.

Article 12

Each High Contracting Party shall take on his own territory and within the limits of his own law and administrative organization the measures which he considers appropriate for the effective prevention of all activities contrary to the purpose of the present Convention.

Article 13

1. Without prejudice to the provisions of head (5) of Article 2, the carrying, possession and distribution of fire-arms, other than smooth-bore sporting-guns, and of ammunition shall be subjected to regulation. It shall be a punishable offence to transfer, sell or distribute such arms or munitions to any person who does not hold such licence or make such declaration as may be required by domestic legislation

concerning the possession and carrying of such articles; this shall apply also to the transfer, sale or distribution of explosives.

2. Manufacturers of fire-arms, other than smooth-bore sporting-guns, shall be required to mark each arm with a serial number or other distinctive mark permitting it to be identified; both manufacturers and retailers shall be obliged to keep a register of the names and addresses of purchasers.

Article 14

1. The following acts shall be punishable:
 - (a) Any fraudulent manufacture or alteration of passports or other equivalent documents;
 - (b) Bringing into the country, obtaining or being in possession of such forged or falsified documents knowing them to be forged or falsified;
 - (c) Obtaining such documents by means of false declarations or documents;
 - (d) Wilfully using any such documents which are forged or falsified or were made out for a person other than the bearer.
2. The wilful issue of passports, other equivalent documents, or visas by competent officials to persons known not to have the right thereto under the laws or regulations applicable, with the object of assisting any activity contrary to the purpose of the present Convention, shall also be punishable.
3. The provisions of the present article shall apply irrespective of the national or foreign character of the document.

Article 15

1. Results of the investigation of offences mentioned in Articles 2 and 3 and where there may be a connection between the offence and preparations for an act of terrorism) in Article 14 shall in each country, subject to the provisions of its law, be centralized in an appropriate service.
2. Such service shall be in close contact;
 1. With the police authorities of the country;
 2. With the corresponding services in other countries
3. It shall furthermore bring together all information calculated to facilitate the prevention and punishment of the offences mentioned in Articles 2 and 3 and where there may be a connection between the offence and preparations for an act of terrorism) in Article 14; it shall, as far as possible, keep in close contact with the judicial authorities of the country.

Article 16

Each service, so far as it considers it desirable to do so, shall notify to the services of the other countries, giving all necessary particulars;

1. Any act mentioned in Articles 2 and 3, even if it has not been carried into effect, such notification to be accompanied by descriptions, copies and photographs;
2. Any search for, any prosecution, arrest, conviction or expulsion of persons guilty of offences dealt with in the present Convention, the movements of such persons and any pertinent information with regard to them, as well as their description, fingerprints and photographs;

3. Discovery of documents, arms, appliances or other objects connected with offences mentioned in Articles 2, 3, 13 and 14.

Article 17

1. The High Contracting Parties shall be bound to execute letters of request relating to offences referred to in the present Convention in accordance with their domestic law and practice and any international conventions concluded or to be concluded by them.
2. The transmission of letters of request shall be effected:
 - (a) By direct communication between the judicial authorities;
 - (b) By direct correspondence between the Ministers of Justice of the two countries;
 - (c) By direct correspondence between the authority of the country making the request and the Minister of Justice of the country to which the request is made;
 - (d) Through the diplomatic or consular representative of the country making the request in the country to which the request is made; this representative shall send the letters of request, either directly or through the Minister for Foreign Affairs, to the competent judicial authority or to the authority indicated by the Government of the country to which the request is made and shall receive the papers constituting the execution of the letters of request from this authority either directly or through the Minister for Foreign Affairs.
3. In cases (a) and (d), a copy of the letters of request shall always be sent simultaneously to the Minister of Justice of the country to which application is made.
4. Unless otherwise agreed, the letters of request shall be drawn up in the language of the authority making the request, provided always that the country to which the request is made may require a translation in its own language, certified correct by the authority making the request.
5. Each High Contracting Party shall notify to each of the other High Contracting Parties the method or methods of transmission mentioned above which he will recognize for the letters of request of the latter High Contracting Party.
6. Until such notification is made by a High contracting Party, his existing procedure in regard to letters of request shall remain in force.
7. Execution of letters of request shall not give rise to a claim for reimbursement of charges or expenses of any nature whatever other than expenses of experts.
8. Nothing in the present article shall be construed as an undertaking on the part of the High Contracting Parties to adopt in criminal matters any form or methods of proof contrary to their laws.

Article 18

The participation of a High Contracting Party in the present Convention shall not be interpreted as affecting that Party's attitude on the general question of the limits of criminal jurisdiction as a question of international law.

Article 19

The present convention does not affect the principle that, provided the offender is not allowed to escape punishment owing to an omission in the criminal law, the

characterization of the various offences dealt with in the present Convention, the imposition of sentences, the methods of prosecution and trial, and the rules as to mitigating circumstances, pardon and amnesty are determined in each country by the provisions of domestic law.

Article 20

1. If any dispute should arise between the high Contracting Parties relating to the interpretation or application of the present Convention, and if such dispute has not been satisfactorily solved by diplomatic means, it shall be settled in conformity with the provisions in force between the parties concerning the settlement of international disputes.
2. If such provisions should not exist between the parties to the dispute, the parties shall refer the dispute to an arbitral or judicial procedure. If no agreement is reached on the choice of another court, the parties shall refer the dispute to the Permanent Court of International Justice, if they are all parties to the Protocol of 16 December 1920, relating to the Statute of that Court; and if they are not all parties to that Protocol, they shall refer the dispute to a court of arbitration constituted in accordance with the Convention of The Hague of 18 October 1907, for the Pacific settlement of International Disputes.
3. The above provisions of the present article shall not prevent High Contracting Parties, if they are Members of the League of Nations, from bringing the dispute before the Council or the assembly of the League if the Covenant gives them the power to do so.

Article 21

1. The present Convention, of which the French and English texts shall be both authentic, shall bear today's date. Until 31 May 1938, it shall be open for signature on behalf of any Member of the League of Nations and on behalf of any non-member State represented at the Conference which drew up the present Convention or to which a copy thereof is communicated for this purpose by the Council of the League of Nations.
2. The present Convention shall be ratified. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations to be deposited in the archives of the League: the Secretary-General shall notify their deposit to all the Members of the League and to the non-member States mentioned in the preceding paragraph.

Article 22

1. After 1 June 1938, the present Convention shall be open to accession by any Member of the League of Nations, and any of the non-member States referred to in Article 21, on whose behalf the Convention has not been signed.
2. The instruments of accession shall be transmitted to the Secretary-General of the League of Nations to be deposited in the archives of the League; the Secretary-General shall notify their receipt to all the Members of the League and to the non-member States referred to in Article 21.

Article 23

1. Any Member of the League of Nations or non-member State which is prepared to ratify the Convention under the second paragraph of Article 21, or to accede to the Convention under Article 22, but desires to be allowed to make reservations with regard to the application of the Convention, may so inform the Secretary-General of the League of Nations, who shall forthwith communicate such reservations to all the Members of the League and non-member States on whose behalf ratifications or accessions have been deposited and inquire whether they have any objection thereto. Should the reservation be formulated within three years from the entry into force of the Convention, the same inquiry shall be addressed to Members of the League and non-member States whose signature of the Convention has not yet been followed by ratification. If within six months from the date of the Secretary-General's communication, no objection to the reservation has been made, it shall be treated as accepted by the High Contracting Parties.

2. In the event of any objection being received, the Secretary-General of the League of Nations shall inform the Government which desired to make the reservation and request it to inform him whether it is prepared to ratify or accede without the reservation or whether it prefers to abstain from ratification or accession.

Article 24

Ratification of, or accession to, the present Convention by any High Contracting Party implies an assurance by him that his legislation and his administrative organization enable him to give effect to the provisions of the present Convention.

Article 25

1. Any High contracting Party may declare, at the time of signature, ratification or accession, that, in accepting the present Convention, he is not assuming any obligation in respect of all or any of his colonies, protectorates, oversea territories, territories under his suzerainty or territories in respect of which a mandate has been entrusted to him; the present Convention shall, in that case, not be applicable to the territories named in such declaration.

2. Any High Contracting Party may subsequently notify the Secretary-General of the League of Nations that he desires the present Convention to apply to all or any of the territories in respect of which the declaration provided for in the preceding paragraph has been made. In making such notification, the High Contracting Party concerned may state that the application of the Convention to any of such territories shall be subject to any reservations which have been accepted in respect of that High Contracting Party under Article 23. The Convention shall then apply, with any such reservations, to all the territories named in such notification ninety days after the receipt thereof by the Secretary-General of the League of Nations. Should it be desired as regards any such territories to make reservations other than those already made under Article 23 by the High Contracting Party concerned, the procedure set out in that article shall be followed.

3. Any High Contracting Party may at any time declare that he desires the present Convention to cease to apply to all or any of his colonies, protectorates, oversea

territories, territories under his suzerainty or territories in respect of which a mandate has been entrusted to him. The Convention shall, in that case, cease to apply to the territories named in such declaration one year after the receipt of this declaration by the Secretary-General of the League of Nations.

4. The Secretary-General of the League of Nations shall communicate to all the Members of the League of Nations and to the non-member States referred to in Article 21 the declarations and notifications received in virtue of the present Article.

Article 26

1. The present Convention shall, in accordance with the provisions of article 18 of the Covenant, be registered by the Secretary-General of the League of Nations on the ninetieth day after the receipt by the Secretary-General of the third instrument of ratification or accession.

2. The Convention shall come into force on the date of such registration.

Article 27

Each ratification or accession taking place after the deposit of the third instrument of ratification or accession shall take effect on the ninetieth day following the date on which the instrument of ratification or accession is received by the Secretary-General of the League of Nations.

Article 28

A request for the revision of the present Convention may be made at any time by any High Contracting Party by means of a notification to the Secretary-General of the League of Nations. Such notification shall be communicated by the Secretary-General to all the other High Contracting Parties and, if it is supported by at least a third of those Parties, the High Contracting Parties undertake to hold a conference for the revision of the Convention.

Article 29

The present Convention may be denounced on behalf of any High Contracting Party by a notification in writing addressed to the Secretary-General of the League of Nations, who shall inform all the Members of the League and the non-member States referred to in Article 21. Such denunciation shall take effect one year after the date of its receipt by the Secretary-General of the League of Nations, and shall be operative only in respect of the High Contracting Party on whose behalf it was made.