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**CONVENTION FOR THE PREVENTION AND  
PUNISHMENT OF CRIMES AGAINST  
INTERNATIONALLY PROTECTED PERSONS,  
INCLUDING DIPLOMATIC AGENTS**

**Opened for Signature:** 14 December 1973.

**Entered into Force:** 20 February 1977.

**Duration:** The convention does not set any limits on its duration.

**Number of Parties:** 173.

**Signatories that have not ratified:** 0.

**Depositary:** United Nations Secretary-General.

**Treaty Text**

**Background:** On 5 May 1970, the Permanent Representative of the Netherlands addressed a letter expressing concerns to the president of the [United Nations Security Council \(SC\)](#) about the increasing numbers of attacks on diplomats in various parts of the world. This letter was transmitted to the president of the International Court of Justice (ICJ) and the chair of the International Law Commission (ILC). The reply from the ILC chair drew attention to previous occasions on which the commission had taken up such questions, namely in connection with its draft articles on diplomatic intercourse and immunities that formed the basis of the 1961 Vienna Convention on Diplomatic Relations, and its draft articles on special missions which were the basis for the 1969 Convention on Special Missions. The chair noted that the ILC had the matter under consideration once again.

In 1971, the commission set up a working group to prepare a set of draft articles. The working group submitted three reports containing draft articles applying to crimes committed against diplomatic agents and other persons entitled to special protection under international law. In November 1972, the Sixth Committee of the [UN General Assembly \(UNGA\)](#) considered these articles and, in Resolution 2926, invited states, specialized agencies, and interested inter-governmental organizations to submit their written comments concerning the prevention and punishment of crimes against diplomatic agents and other protected persons.

On 14 December 1973, the UNGA adopted Resolution 3166 by consensus, thereby adopting the Con-

vention on the Prevention of Crimes against Internationally Protected Persons, including diplomatic agents. The UNGA adopted the convention through the adoption of this resolution, rather than adopting the convention itself. In addition, there was a stipulation that the resolution would always be published and simultaneously voted on together with the convention.

**Obligations:** This convention defines an internationally protected person as a Head of State, a Head of Government or a Minister of Foreign Affairs, and accompanying family members—whenever in a foreign state. Also included are any representatives or officials of a state or international organization of an inter-governmental character who is entitled to special protection under international law.

States Parties are obligated to consider a number of offenses against internationally protected persons as crimes under their internal laws. These offenses are murder, kidnapping, or other attack on the person or his liberty; a violent attack on the official premises, private accommodation, or the means of transport; a threat to commit such attacks; an attempt to commit an attack; or participation as an accomplice to such an attack.

**Compliance and Enforcement:** States are called on to make these crimes punishable by appropriate penalties in light of their grave nature.

The jurisdiction of a State Party may be established when the crime is committed in the territory of that state or on board a ship or aircraft registered in that state; the alleged offender is a national of that state; the crime is committed against an internationally protected person representing that state; or where the alleged offender is present in its territory and it does not extradite him.

When such crimes are not listed as extraditable offenses in any extradition treaty existing between States Parties, they shall be deemed to be included as such. In addition, States Parties shall undertake to include those crimes as extraditable offenses in every

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future extradition treaty to be concluded between them.

States are further requested to afford one another the greatest measure of assistance in connection to criminal proceedings and to cooperate to prevent such offenses from occurring.

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; but a State Party may not invoke those treaties with respect to a State Party that is not a party to those treaties.

**Reservations or Withdrawals:** Under Article 13 paragraph 1, disputes between two or more states concerning the interpretation or application of the convention will be submitted to arbitration at the request of one of the states if the matter cannot be settled through negotiation. However, at the time of signing, ratification or accession, a state may make a reservation that it does not consider itself bound by this paragraph, in which case other States Parties shall not be bound to it with respect to any State Party that has made such a declaration.

In addition, States Parties may denounce this convention by written notification to the Secretary-General of the United Nations. In such a case, denunciation will take effect six months following the date on which notification is received.

Several States Parties, including Cuba, Algeria, Argentina, Belarus, Peru, Korea, Congo (DRC), Ecuador, El Salvador, Ghana, India, Iraq, Israel, Jamaica, Jordan, Kuwait, Malawi, Mongolia, Pakistan, Romania, Russia, Saint Vincent and the Grenadines, Syria, Trinidad and Tobago, Tunisia, Ukraine, and Yemen, have made reservations pursuant to Article 13.

Kuwait, Iraq, Syria, and Yemen made reservations against recognizing or entering into a treaty with Israel.

Iraq also submitted a reservation that representatives of the national liberation movements recognized by the League of Arab States or the Organization of African Unity shall also be considered internationally protected persons. This reservation met with objections from Germany, Israel, Italy, and the United Kingdom.

In regard to the provisions on extradition, Portugal submitted a reservation that it does not extradite anyone for crimes subject to the death penalty or life imprisonment under the law of the requesting state, nor does it extradite anyone for violations that carry security measures for life. Also in this connection, Finland reserved the right to apply the provision of Article 8, paragraph 3 in such a way that extradition

shall be restricted to offenses that under Finnish Law are punishable by a penalty more severe than imprisonment for one year, and provided also that other conditions in the Finnish legislation for extradition are fulfilled.

### Developments:

**2004:** Since 1988, the Sixth Committee of the General Assembly has biannually adopted the resolution “Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives.”

**2002:** At its 57th session, the General Assembly requested the secretary-general to submit to the assembly at its 59th session a report containing (a) information on the state of ratification of, and accessions to, the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives; and (b) a summary of the reports on serious violations involving diplomatic and consular missions and representatives and actions taken against offenders, received from states, as well as of the views of states with respect to any measures needed to enhance the protection, security and safety of diplomatic and consular missions and representatives (resolution 57/15).

**1989:** On 4 December, the UNGA adopted Resolution 44/29 on measures to prevent international terrorism and to convene a conference under UN auspices to define terrorism. The resolution recalled existing international conventions on terrorism relating to various aspects of the problem and urged the cooperation of states to bring an end to this global trend.

**1988:** The General Assembly considered the item “Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives” annually at its 36th to 43rd sessions.

The resolution strongly condemns acts of violence against diplomatic and consular missions and representatives as well as against missions and representatives to international intergovernmental organizations and officials of such organizations. The resolution also urges states to observe and to implement the principles and rules of international law governing diplomatic and consular relations.

**1980:** At the request of Denmark, Finland, Iceland, Norway, and Sweden, item “Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives” was included in the agenda of the 35th session of the General Assembly.