

INTERNATIONAL CONVENTION FOR
THE SUPPRESSION OF TERRORIST BOMBINGS

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF
TERRORIST BOMBINGS, ADOPTED BY THE UNITED NATIONS
GENERAL ASSEMBLY ON DECEMBER 15, 1997, AND SIGNED ON
BEHALF OF THE UNITED STATES OF AMERICA ON JANUARY 12,
1998



SEPTEMBER 8, 1999.—Convention was read the first time, and together
with the accompanying papers, referred to the Committee on Foreign
Relations and ordered to be printed for the use of the Senate.

U.S. GOVERNMENT PRINTING OFFICE

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *September 8, 1999.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the International Convention for the Suppression of Terrorist Bombings, adopted by the United Nations General Assembly on December 15, 1997, and signed on behalf of the United States of America on January 12, 1998. The report of the Department of State with respect to the Convention is also transmitted for the information of the Senate.

In recent years, we have witnessed an unprecedented and intolerable increase in acts of terrorism involving bombings in public places in various parts of the world. The United States initiated the negotiation of this convention in the aftermath of the June 1996 bombing attack on U.S. military personnel in Dhahran, Saudi Arabia, in which 17 U.S. Air Force personnel were killed as the result of a truck bombing. That attack followed other terrorist attacks including poison gas attacks in Tokyo's subways; bombing attacks by HAMAS in Tel Aviv and Jerusalem; and a bombing attack by the IRA in Manchester, England. Last year's terrorist attacks upon United States embassies in Nairobi and Dar es Salaam are recent examples of such bombings, and no country or region is exempt from the human tragedy and immense costs that result from such criminal acts. Although the penal codes of most states contain provisions proscribing these kinds of attacks, this Convention provides, for the first time, an international framework for cooperation among states directed toward prevention of such incidents and ensuing punishment of offenders, wherever found.

In essence, the Convention imposes binding legal obligations upon States Parties either to submit for prosecution or to extradite any person within their jurisdiction who commits an offense as defined in Article 2, attempts to commit such an act, participates as an accomplice, organizes or directs others to commit such an offense, or in any other way contributes to the commission of an offense by a group of persons acting with a common purpose. A State Party is subject to these obligations without regard to the place where the alleged act covered by Article 2 took place.

Article 2 of the Convention declares that any person commits any offense within the meaning of the Convention if that person unlawfully and intentionally delivers, places, discharges or detonates an explosive or other lethal device in, into or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility, with the intent (a) to cause death or serious bodily injury or (b) cause extensive destruction of such a

IV

place, facility or system, where such destruction results in or is likely to result in major economic loss. States Parties to the Convention will also be obligated to provide one another legal assistance in investigations or criminal or extradition proceedings brought in respect of the offenses set forth in Article 2.

The recommended legislation necessary to implement the Convention will be submitted to the Congress separately.

This Convention is a vitally important new element in the campaign against the scourge of international terrorism. I hope that all states will become Parties to this Convention, and that it will be applied universally. I recommend, therefore, that the Senate give early and favorable consideration to this Convention, subject to the understandings and reservation that are described in the accompanying State Department report.

WILLIAM J. CLINTON.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, September 24, 1998.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you, with a view to its transmission to the Senate for advice and consent to ratification, subject to the understandings and reservation set forth below, the International Convention for the Suppression of Terrorist Bombings, adopted by the United Nations General Assembly on December 15, 1997, and signed on behalf of the United States of America on January 12, 1998 (the "Convention").

Pursuant to a proposal by the United States, the United Nations General Assembly established an *ad hoc* committee to draft an international convention for the suppression of terrorist bombings in Resolution 51/210 in December 1996. During drafting sessions in New York in February–March and September–October 1997, the *ad hoc* committee based its work on a draft prepared by the United States and several other countries and was largely able to complete a draft convention, which was then forwarded to the 52nd Session of the U.N. General Assembly for consideration in the Sixth (Legal) Committee. A Working Group of the Sixth Committee resolved the remaining issues in a manner which permitted consensus adoption of the Convention by the full Sixth Committee on November 21, 1997, and by the General Assembly itself on December 15, 1997. The United States initiated the negotiation of this convention in the aftermath of the June 1996 attack on U.S. military personnel in Dhahran, Saudi Arabia, in which nineteen persons, including seventeen U.S. servicemen, were killed as the result of a truck bombing. That attack followed other terrorist attacks in 1995–96 including poison gas attacks in Tokyo's subways; a bombing attack in Colombo, Sri Lanka; bombing attacks in Tel Aviv and Jerusalem; and a bombing attack in Manchester, England. The Convention fills an important gap in international law by expanding the legal framework for international cooperation in the investigation, prosecution and extradition of persons who engage in such bombings.

The Convention will provide a new legal basis for international cooperation in the investigation and prosecution of crimes such as the attacks on August 7, 1998, upon United States embassies in Nairobi and Dar es Salaam.

The Convention will create a regime of universal jurisdiction over the unlawful and intentional use of explosives and other lethal devices in, into or against various defined public places with intent

to kill or cause serious bodily injury, or with intent to cause extensive destruction of the defined public place. States Parties must either submit for prosecution or extradite any person within their jurisdiction who commits an offense defined in the Convention, attempts to commit such an offense, or commits other specific ancillary offenses relating to the commission of such an offense. In creating such a legal regime, the Convention follows the precedents set by numerous terrorism conventions to which the United States is already a party, including the 1971 Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, the 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, the 1979 Convention Against the Taking of Hostages, and the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, with Related Protocol.

Articles 1 and 2 together serve to define the offenses covered by the Convention, with Article 1 incorporating several definitions of phrases used in Article 2. Paragraph 1 of Article 2 states that any person commits an offense within the meaning of the Convention if that person unlawfully and intentionally delivers, places, discharges or detonates an explosive or other lethal device in, into or against a place of public use, a State or government facility, a public transportation system, or an infrastructure facility, with the intent to cause (a) death or serious bodily injury or (b) extensive destruction of such a place, facility or system, where such destruction results in or is likely to result in major economic loss. Paragraph 2 of Article 2 provides that any person also commits an offense if that person attempts to commit an offense as set forth in paragraph 1, and Paragraph 3 provides further that any person commits an offense if that person participates as an accomplice in an offense under paragraphs 1 or 2, organizes or directs others to commit such an offense, or in any other way contributes to the commission of one or more such offenses by a group of persons acting with a common purpose. These ancillary offenses in Paragraph 3 are more comprehensive than those included in the earlier counterterrorism conventions, and it is anticipated that they will strengthen the ability of the international community to investigate, prosecute and extradite those who conspire or otherwise contribute to the commission of offenses defined in the Convention.

Article 1 defines the four categories of locations mentioned in Article 2 where an attack gives rise to offenses under the Convention, i.e., a “place of public use,” a “State or government facility,” a “public transportation system,” and an “infrastructure facility.” These categories of locations were chosen during the negotiations and defined with a view toward criminalizing attacks in locations where attacks would be of greatest concern to the general public. In addition, Paragraph 3 of Article 1 defines “explosive or other lethal device” as including not only conventional explosive or other incendiary devices, but also toxic chemicals, biological agents or toxins or similar substances, and radiation or radioactive material. Thus, the Convention addresses not only bombings using conventional explosives such as those used in the 1996 bombing attack on U.S. servicemen in Dhahran, Saudi Arabia, and the 1998 bombings on United States embassies in East Africa, but also attacks using ma-

VII

terials such as those employed in the 1995 attacks on the Tokyo subway system.

Article 3 makes most of the Convention's provisions inapplicable to bombing incidents that lack an international aspect. In generally limiting its scope of application to those cases involving elements from more than one State, the Convention follows the precedent set by the prior counterterrorism conventions such as the 1971 Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation and the 1979 Convention Against the Taking of Hostages.

Article 4 requires States Parties to make the offenses enumerated in Article 2 criminal offenses punishable by appropriate penalties that take into account their grave nature.

Article 5 requires States Parties to adopt any measures that may be necessary to ensure that criminal acts within the scope of the Convention, in particular where they are intended or calculated to create a state of terror, are not justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature, and are punished by penalties consistent with their grave nature.

Under Article 6, each State Party must establish its jurisdiction over the offenses set forth in Article 2 when the offenses are committed in its territory; on board a vessel flying its flag or an aircraft registered under its laws at the time the offense is committed; or where the offense was committed by a national of that State. Each State Party has discretion to establish jurisdiction over offenses set forth in Article 2 where the offense is committed against a national of that State; against a State or government facility of that State abroad, including an embassy or other diplomatic or consular premises of that State; by a stateless person who has his or her habitual residence in the territory of that State; in an attempt to compel that State to do or abstain from doing any act; or on board an aircraft which is operated by the Government of that State. Upon becoming a party to the Convention, a State must notify the United Nations Secretary General of the jurisdiction it has established under its domestic law.

Thus, under the terms of Article 6, States Parties may enact a broad array of jurisdictional bases over the offenses enumerated in Article 2. Of significant interest and value to the United States, which has many government facilities outside of U.S. territory, is the Convention's recognition of jurisdiction over attacks using explosive or other lethal devices against a State or government facility of that State abroad, including an embassy or other diplomatic or consular premises of that State. This would give the United States universally recognized jurisdiction based on this Convention, for example, to prosecute in U.S. courts the perpetrators of attacks on all U.S. Government facilities abroad, including diplomatic and consular premises, as well as to U.S. military installations such as those attacked in the 1996 Al-Khobar Towers bombing in Dhahran, Saudi Arabia. Also of significant interest and value to the United States is the provision in Article 6 providing that States Parties may criminalize conduct where the offense is committed in an attempt to compel that State to do or abstain from doing any act. This provides jurisdiction for offenses under this Convention where

VIII

terrorists seek to coerce State action, even where a national or facility of that State is not the target of the attack.

In addition to the bases for jurisdiction set forth in Paragraphs 1 and 2 of Article 6, Paragraph 4 of Article 6 requires jurisdiction to be established by a State Party where the alleged offender is in its territory and is not extradited to any of the States with jurisdiction under the convention. Paragraph 5 of Article 6 makes clear that the Convention does not preclude criminal jurisdiction exercised in accordance with domestic law.

Article 7 includes certain provisions relating to offenders or alleged offenders detained for the purpose of extradition or prosecution.

In a provision of crucial importance for the Convention, Paragraph 1 of Article 8 declares that a State Party which does not extradite an alleged offender found in its territory shall “without exception whatsoever and whether or not the offense was committed on its territory” submit the case to its competent authorities for purposes of prosecution, through proceedings in accordance with the laws of that State. Those authorities are obligated to take their decision in the same manner as in the case of any other offense of a grave nature under the law of that State.

In an innovation over the prior counterterrorism conventions, the Convention includes a provision proposed by the United States in Paragraph 2 of Article 8, to the effect that the obligation in Paragraph 1 to extradite or submit for prosecution can be discharged by the temporary transfer of nationals for trial by those States Parties that could not otherwise extradite their nationals, provided both the Requesting and Requested States agree. While the United States would have preferred that the Convention include a broad universal obligation for the extradition of nationals, a number of delegations were unable to agree to such a broad provision. This provision on temporary transfer of nationals for trial is nonetheless a useful and unprecedented recognition of this practice by the international community in a binding multilateral legal instrument.

Paragraph 1 of Article 9 amends existing extradition treaties to include the offenses defined in Article 2 as extraditable offenses and provides that they shall be extraditable offenses between States which do not make extradition conditional on an extradition treaty.

Article 10 establishes general mutual legal assistance obligations between States Parties in connection with investigations or criminal or extradition proceedings brought in respect of the offenses in Article 2.

Article 11 provides that none of the offenses set forth in article 2 shall be regarded, for the purposes of extradition or mutual legal assistance, as a political offense or an offense connected with a political offense, or as an offense inspired by political motives. Accordingly, a request for extradition or mutual legal assistance may not be refused solely on such grounds. This article applies to extradition and mutual legal assistance requests involving the offenses in Article 2, and provides a useful narrowing of the political offense exception in such cases. In many modern U.S. bilateral extradition treaties there are already provisions which bar application of the

political offense exception to extradition with respect to offenses under multilateral conventions to which “prosecute or extradite” obligations apply. This provision builds on this trend by making the restriction on the invocation of the political offense exception for requests based on offenses under Article 2 a matter of general application rather than dependent on the terms of individual bilateral law enforcement treaties between the Parties.

Article 12 provides that nothing in the Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance if the requested State Party has substantial grounds for believing that the request for extradition for offenses set forth in Article 2 or for mutual legal assistance with respect to such offenses has been made for the purpose of prosecuting or punishing a person on account of that person’s race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person’s position for any of these reasons. This article is similar to provisions already included in a number of U.S. bilateral extradition and mutual legal assistance treaties, as well as the 1979 International Convention Against the Taking of Hostages.

Article 13 provides and establishes various conditions for the temporary transfer to one State Party, for purposes of assistance under the Convention, of a person in custody in another State Party, provided that the person in custody in another State Party, provided that the person in question consents and the competent authorities of both States agree. This provision was proposed by the United States and is similar to provisions found in virtually all of the bilateral mutual legal assistance treaties to which the United States is a party.

Article 14 discusses the rights of persons taken into custody or regarding whom any other measures are taken or proceedings are carried out pursuant to this Convention. Article 15 states that States Parties shall cooperate in several ways in the prevention of offenses set forth in Article 2. Article 16 contains a requirement to notify the U.N. Secretary General of the final outcome of criminal proceedings relating to offenders under the Convention. Article 17 states that States Parties shall carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States. Article 18 provides that nothing in the Convention entitles a State Party to undertake in the territory of another State Party the exercise of jurisdiction and performance of functions which are exclusively reserved for the authorities of that other State Party by its domestic law.

Article 19, Paragraph 1, provides that nothing in the Convention affects other rights, obligations and responsibilities of States and individuals under international law. Paragraph 2 of Article 19 contains two important exceptions from the scope of the Convention relating to activities of armed forces and military forces of a State.

Under the first exception, the Convention does not apply to the activities of “armed forces during an armed conflict,” where such activities are governed by international humanitarian law. This exception is meant to exclude from the Convention’s scope the activities of armed forces (which would include both armed forces of

States and subnational armed forces), so long as those activities are in the course of an “armed conflict” and are governed by the law of war. Given that suspected offenders may claim the benefit of this “armed conflict” exception to avoid extradition or prosecution under the Convention, it would be useful for the United States to articulate an Understanding regarding the scope of this exception. In this respect, an appropriate source of authority would be the widely accepted provision in Paragraph 2 of Article 1 of Protocol II Additional to the Geneva Conventions of August 12, 1949, concluded at Geneva on June 10, 1977, which President Reagan transmitted to the Senate on January 29, 1987, for advice and consent to ratification. Specifically, Protocol II states that “armed conflict” does not include “internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature.” Through an understanding, the United States would make clear that isolated acts of violence that include the elements of the offenses of Article 2 would be encompassed in the scope of the Convention. As a separate matter, the term “international humanitarian law” is not used by United States armed forces and could be subject to varied interpretations. It would therefore be useful for the United States to articulate in the same understanding that for purposes of this Convention this phrase has the same substantive meaning as the law of war. I therefore recommend that the following understanding to Article 19 be included in the United States instrument of ratification:

The United States of America understands that the term “armed conflict” in Article 19 does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature and that the term “international humanitarian law” has the same substantive meaning as the law of war.

The second exception in Article 19(2) exempts from the Convention’s scope of application activities undertaken by military forces of a State in the exercise of their official duties. The official activities of State military forces are already comprehensively governed by other bodies of international law, such as the international instruments relating to the law of war and the international law of state responsibility. This comprehensive exclusion of official activities of State military forces from the Convention’s scope was an important U.S. objective in the drafting of this Convention. While such an exclusion might be thought to be implicit in the context of the Convention, the Convention’s negotiators thought it best to articulate the exclusion in light of the relatively broad nature of the conduct described in Article 2 and the fact that this conduct overlaps with common and accepted activities of State military forces. Because of the importance of this provision, I recommend that the following understanding to Article 19 be included in the United States instrument of ratification:

The United States of America understands that, pursuant to Article 19, the Convention does not apply in any respect to the activities undertaken by military forces of States in the exercise of their official duties.

The conduct of certain civilians who act in support of official activities of State military forces are also exempted from the Convention's scope of application. The phrase "military forces of a State" is defined broadly in Paragraph 4 of Article 1 as meaning "the armed forces of a State which are organized, trained and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control and responsibility." In addition, because the Convention does not reach the official activities of State military forces, it similarly does not reach persons, including non-military policy-making officials of States, who might direct or organize the activities of State military forces or who might otherwise have been subject to the ancillary offenses in Article 2 if State military forces had not been excluded from the Convention's scope of application.

The Convention also provides in Article 20(1) that disputes between two or more States Parties concerning the interpretation or application of this Convention may be submitted to *ad hoc* arbitration, or, failing agreement on the organization of such arbitration, to the International Court of Justice. Article 20(2) provides that a State may make a declaration excluding this dispute-resolution obligation at the time of signature, ratification, acceptance, approval or accession. In October 1985, the United States withdrew its declaration under Article 36 of the Statute of the International Court of Justice accepting the compulsory jurisdiction of the Court. Consistent with that decision, I recommend that the following reservation to Article 20(1) be included in the United States instrument of ratification:

Pursuant to Article 20(2) of the Convention, the United States of America declares that it does not consider itself bound by Article 20(1), but reserves the right specifically to agree to follow this or any other procedure for arbitration in a particular case.

This reservation would allow the United States to agree to an adjudication by a chamber of the Court in a particular case, if that were deemed desirable.

The Convention will enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification, acceptance, approval or accession. A State Party to the Convention may withdraw from the Convention on one year's notice pursuant to Article 23.

Recommended legislation necessary to implement the Convention will be submitted to the Congress.

The Department of Justice joins in recommending that this Convention be transmitted to the Senate at an early date for its advice and consent to ratification, subject to the understandings to Article 19 and reservation to Article 20(1) previously described.

Respectfully submitted,

STROBE TALBOT.

**INTERNATIONAL CONVENTION FOR THE SUPPRESSION
OF TERRORIST BOMBINGS**



UNITED NATIONS
1997

International Convention for the Suppression
of Terrorist Bombings

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 security and the promotion of good-neighbourliness and friendly relations and cooperation among States,

Deeply concerned about the worldwide escalation of acts of terrorism in all its forms and manifestations,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations of 24 October 1995,

Recalling also the Declaration on Measures to Eliminate International Terrorism, annexed to General Assembly resolution 49/60 of 9 December 1994, in which, inter alia, "the States Members of the United Nations solemnly reaffirm their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomever committed, including those which jeopardize the friendly relations among States and peoples and threaten the territorial integrity and security of States",

Noting that the Declaration also encouraged States "to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter",

Recalling further General Assembly resolution 51/210 of 17 December 1996 and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, annexed thereto,

Noting also that terrorist attacks by means of explosives or other lethal devices have become increasingly widespread,

Noting further that existing multilateral legal provisions do not adequately address these attacks,

Being convinced of the urgent need to enhance international cooperation between States in devising and adopting effective and practical measures for the prevention of such acts of terrorism, and for the prosecution and punishment of their perpetrators,

Considering that the occurrence of such acts is a matter of grave concern to the international community as a whole,

Noting that the activities of military forces of States are governed by rules of international law outside the framework of this Convention and that the exclusion of certain actions from the coverage of this Convention does not condone or make lawful otherwise unlawful acts, or preclude prosecution under other laws,

Have agreed as follows:

Article 1

For the purposes of this Convention:

1. "State or government facility" includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a State, members of Government, the legislature or the judiciary or by officials or employees of a State or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties.
2. "Infrastructure facility" means any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewage, energy, fuel or communications.
3. "Explosive or other lethal device" means:
 - (a) An explosive or incendiary weapon or device that is designed, or has the capability, to cause death, serious bodily injury or substantial material damage; or
 - (b) A weapon or device that is designed, or has the capability, to cause death, serious bodily injury or substantial material damage

through the release, dissemination or impact of toxic chemicals, biological agents or toxins or similar substances or radiation or radioactive material.

4. "Military forces of a State" means the armed forces of a State which are organized, trained and equipped under its internal law for the primary purpose of national defence or security, and persons acting in support of those armed forces who are under their formal command, control and responsibility.

5. "Place of public use" means those parts of any building, land, street, waterway or other location that are accessible or open to members of the public, whether continuously, periodically or occasionally, and encompasses any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational or similar place that is so accessible or open to the public.

6. "Public transportation system" means all facilities, conveyances and instrumentalities, whether publicly or privately owned, that are used in or for publicly available services for the transportation of persons or cargo.

Article 2

1. Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally delivers, places, discharges or detonates an explosive or other lethal device in, into or against a place of public use, a State or government facility, a public transportation system or an infrastructure facility:

(a) With the intent to cause death or serious bodily injury; or

(b) With the intent to cause extensive destruction of such a place, facility or system, where such destruction results in or is likely to result in major economic loss.

2. Any person also commits an offence if that person attempts to commit an offence as set forth in paragraph 1.

3. Any person also commits an offence if that person:

(a) Participates as an accomplice in an offence as set forth in paragraph 1 or 2; or

(b) Organizes or directs others to commit an offence as set forth in paragraph 1 or 2; or

(c) In any other way contributes to the commission of one or more offences as set forth in paragraph 1 or 2 by a group of persons acting with a common purpose; such contribution shall be intentional and either be made with the aim of furthering the general criminal activity or purpose of the group or be made in the knowledge of the intention of the group to commit the offence or offences concerned.

Article 3

This Convention shall not apply where the offence is committed within a single State, the alleged offender and the victims are nationals of that State, the alleged offender is found in the territory of that State and no other State has a basis under article 6, paragraph 1, or article 6, paragraph 2, of this Convention to exercise jurisdiction, except that the provisions of articles 10 to 15 shall, as appropriate, apply in those cases.

Article 4

Each State Party shall adopt such measures as may be necessary:

(a) To establish as criminal offences under its domestic law the offences set forth in article 2 of this Convention;

(b) To make those offences punishable by appropriate penalties which take into account the grave nature of those offences.

Article 5

Each State Party shall adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention, in particular where they are intended or calculated to provoke a state of terror in the general public or in a group of persons or particular persons, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature.

Article 6

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

- (a) The offence is committed in the territory of that State; or
- (b) The offence is committed on board a vessel flying the flag of that State or an aircraft which is registered under the laws of that State at the time the offence is committed; or
- (c) The offence is committed by a national of that State.

2. A State Party may also establish its jurisdiction over any such offence when:

- (a) The offence is committed against a national of that State; or
- (b) The offence is committed against a State or government facility of that State abroad, including an embassy or other diplomatic or consular premises of that State; or
- (c) The offence is committed by a stateless person who has his or her habitual residence in the territory of that State; or
- (d) The offence is committed in an attempt to compel that State to do or abstain from doing any act; or

(e) The offence is committed on board an aircraft which is operated by the Government of that State.

3. Upon ratifying, accepting, approving or acceding to this Convention, each State Party shall notify the Secretary-General of the United Nations of the jurisdiction it has established in accordance with paragraph 2 under its domestic law. Should any change take place, the State Party concerned shall immediately notify the Secretary-General.

4. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 in cases where the alleged offender is present in its territory and it does not extradite that person to any of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2.

5. This Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.

Article 7

1. Upon receiving information that a person who has committed or who is alleged to have committed an offence as set forth in article 2 may be present in its territory, the State Party concerned shall take such measures as may be necessary under its domestic law to investigate the facts contained in the information.

2. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the offender or alleged offender is present shall take the appropriate measures under its domestic law so as to ensure that person's presence for the purpose of prosecution or extradition.

3. Any person regarding whom the measures referred to in paragraph 2 are being taken shall be entitled to:

(a) Communicate without delay with the nearest appropriate representative of the State of which that person is a national or which

is otherwise entitled to protect that person's rights or, if that person is a stateless person, the State in the territory of which that person habitually resides;

(b) Be visited by a representative of that State;

(c) Be informed of that person's rights under subparagraphs (a) and (b);

4. The rights referred to in paragraph 3 shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

5. The provisions of paragraphs 3 and 4 shall be without prejudice to the right of any State Party having a claim to jurisdiction in accordance with article 6, subparagraph 1 (c) or 2 (c), to invite the International Committee of the Red Cross to communicate with and visit the alleged offender.

6. When a State Party, pursuant to this article, has taken a person into custody, it shall immediately notify, directly or through the Secretary-General of the United Nations, the States Parties which have established jurisdiction in accordance with article 6, paragraphs 1 and 2, and, if it considers it advisable, any other interested States Parties, of the fact that such person is in custody and of the circumstances which warrant that person's detention. The State which makes the investigation contemplated in paragraph 1 shall promptly inform the said States Parties of its findings and shall indicate whether it intends to exercise jurisdiction.

Article 8

1. The State Party in the territory of which the alleged offender is present shall, in cases to which article 6 applies, if it does not extradite that person, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the

case without undue delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

2. Whenever a State Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State to serve the sentence imposed as a result of the trial or proceeding for which the extradition or surrender of the person was sought, and this State and the State seeking the extradition of the person agree with this option and other terms they may deem appropriate, such a conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 1.

Article 9

1. The offences set forth in article 2 shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the States Parties before the entry into force of this Convention. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be subsequently concluded between them.

2. When 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, the requested State Party may, at its option, consider this Convention as a legal basis for extradition in respect of the offences set forth in article 2. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 2 as extraditable offences between themselves, subject to the conditions provided by the law of the requested State.

4. If necessary, the offences set forth in article 2 shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territory of the States that have established jurisdiction in accordance with article 6, paragraphs 1 and 2.

5. The provisions of all extradition treaties and arrangements between States Parties with regard to offences set forth in article 2 shall be deemed to be modified as between State Parties to the extent that they are incompatible with this Convention.

Article 10

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 2, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law.

Article 11

None of the offences set forth in article 2 shall be regarded, for the purposes of extradition or mutual legal assistance, as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

Article 12

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance, if the requested State Party has substantial grounds for believing that the request for extradition for offences set forth in article 2 or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

Article 13

1. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of testimony, identification or otherwise providing assistance in obtaining evidence for the investigation or prosecution of offences under this Convention may be transferred if the following conditions are met:

- (a) The person freely gives his or her informed consent; and
- (b) The competent authorities of both States agree, subject to such conditions as those States may deem appropriate.

2. For the purposes of this article:

- (a) The State to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State from which the person was transferred;
- (b) The State to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States;

(c) The State to which the person is transferred shall not require the State from which the person was transferred to initiate extradition proceedings for the return of the person;

(d) The person transferred shall receive credit for service of the sentence being served in the State from which he was transferred for time spent in the custody of the State to which he was transferred.

3. Unless the State Party from which a person is to be transferred in accordance with this article so agrees, that person, whatever his or her nationality, shall not be prosecuted or detained or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts or convictions anterior to his or her departure from the territory of the State from which such person was transferred.

Article 14

Any person who is taken into custody or regarding whom any other measures are taken or proceedings are carried out pursuant to this Convention shall be guaranteed fair treatment, including enjoyment of all rights and guarantees in conformity with the law of the State in the territory of which that person is present and applicable provisions of international law, including international law of human rights.

Article 15

States Parties shall cooperate in the prevention of the offences set forth in article 2, particularly:

(a) By taking all practicable measures, including, if necessary, adapting their domestic legislation, to prevent and counter preparations in their respective territories for the commission of those offences within or outside their territories, including measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize, knowingly finance or engage in the perpetration of offences as set forth in article 2;

(b) By exchanging accurate and verified information in accordance with their national law, and coordinating administrative and other measures taken as appropriate to prevent the commission of offences as set forth in article 2;

(c) Where appropriate, through research and development regarding methods of detection of explosives and other harmful substances that can cause death or bodily injury, consultations on the development of standards for marking explosives in order to identify their origin in post-blast investigations, exchange of information on preventive measures, cooperation and transfer of technology, equipment and related materials.

Article 16

The State Party where the alleged offender is prosecuted shall, in accordance with its domestic law or applicable procedures, 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 17

The States Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

Article 18

Nothing in this Convention entitles a State Party to undertake in the territory of another State Party the exercise of jurisdiction and performance of functions which are exclusively reserved for the authorities of that other State Party by its domestic law.

Article 19

1. Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes and principles of the Charter of the United Nations and international humanitarian law.

2. The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law, are not governed by this Convention, and the activities undertaken by military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention.

Article 20

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time 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 application, in conformity with the Statute of the Court.

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

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

Article 21

1. This Convention shall be open for signature by all States from 12 January 1998 until 31 December 1999 at United Nations Headquarters in New York.
2. This Convention is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.
3. This Convention shall be open to accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 22

1. This Convention shall enter into force on the thirtieth day following the date of the deposit of the twenty-second instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.
2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 23

1. Any State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.
2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

Article 24

The original of this Convention, of which the Arabic, 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.

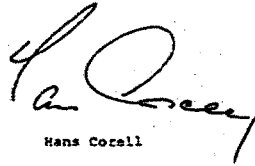
IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at New York on 12 January 1998.

I hereby certify that the foregoing text is a true copy of the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997, the original of which is deposited with the Secretary-General of the United Nations.

Je certifie que le texte qui précède est une copie conforme de la Convention internationale pour la répression des attentats terroristes à l'explosif, adoptée par l'Assemblée générale des Nations Unies le 15 décembre 1997, dont l'original est déposé auprès du Secrétaire général de l'Organisation des Nations Unies.

For the Secretary-General
The Legal Counsel
(Under-Secretary-General
for Legal Affairs)

Pour le Secrétaire général
Le Conseiller juridique
(Secrétaire général adjoint
aux affaires juridiques)


Hans Corell

United Nations, New York
12 January 1998

Organisation des Nations Unies
New York, le 12 janvier 1998