

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

At the twenty-third session of the International Law Commission, in 1971, it was suggested that the Commission should consider whether it would be possible to produce draft articles regarding such crimes as the murder, kidnapping and assaults upon diplomats and other persons entitled to special protection under international law. At the same session, the Commission decided that, if the General Assembly requested it to do so, it would prepare at its twenty-fourth session, in 1972, a set of draft articles on that subject.

By resolution 2780 (XXVI) of 3 December 1971, the General Assembly requested the Commission to study as soon as possible the question of the protection and inviolability of diplomatic agents and other persons entitled to special protection under international law with a view to preparing a set of draft articles dealing with offences committed against such agents and persons, for submission to the Assembly at the earliest date that the Commission would consider appropriate. It also requested the Secretary-General to invite comments from Member States on the issue of the protection of diplomats and to transmit them to the Commission.

At its twenty-fourth session, from 2 May to 7 July 1972, the Commission, after an initial general discussion, set up a working group to review the problem involved and to prepare a set of draft articles for submission to the Commission. At that session, the Commission had before it observations of Member States (A/CN.4/253 and Add.1-5), transmitted to the Commission in accordance with General Assembly resolution 2780 (XXVI), a working paper containing the text of a draft convention prepared by the delegation of Uruguay (A/C.6/L.822), and a working paper by a Member of the Commission (A/CN.4/L.182). This step, in contrast with the traditional procedure of appointing a Special Rapporteur to make a study of the subject and prepare draft articles, was based on the view of most of the members who participated in the general discussion that the subject was one of sufficient urgency and importance to justify the Commission adopting a more expeditious method of producing a set of draft articles for submission to the General Assembly at its twenty-seventh session.

At the conclusion of the initial stage of its work, the working group submitted to the Commission a first report (A/CN.4/L.186) containing a set of twelve draft articles on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons. Following the Commission's consideration of the draft articles, the working group revised them and referred them back to the Commission in two further reports (A/CN.4/L.188 and Add.1, and A/CN.4/L.189). The Commission considered those reports and provisionally adopted the set of twelve draft articles, which it submitted to the General Assembly as well as to Governments for comments.

The General Assembly, in resolution 2926 (XXVII) of 28 November 1972, decided to consider at its twenty-eighth session, in 1973, the 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 such a convention by the Assembly. It also invited States, specialized agencies and interested intergovernmental organizations to submit their written comments and observations on the draft articles prepared by the Commission.

At the twenty-eighth session of the General Assembly, in 1973, the provisions of the draft convention were referred to the Sixth Committee for consideration. During its discussion, the Sixth Committee had before it the draft articles on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons which had been approved by the International Law Commission at its twenty-fourth (1972) session. Also before the Committee, were comments submitted by Governments and various inter-governmental organizations, as well as the amendments to the International Law Commission's draft articles put forward in the Sixth Committee. The Committee considered the provisions of the draft convention in two stages: first, it considered all the draft articles, as well as the preamble and the final clauses, and (with the exception of article 9, which it decided to delete) referred them to a drafting committee, together with amendments submitted. Second, it considered and adopted, in their original form or in amended form, the texts of the draft articles recommended by the drafting committee. On 5 December 1973, the Sixth Committee adopted by consensus and recommended to the General Assembly the draft resolution and the annexed draft convention (A/9407).

On 14 December 1973, the General Assembly adopted the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, which was annexed to resolution 3166 (XXVIII). The Convention was opened for signature by all States at United Nations Headquarters in New York until 31 December 1974. It remains open for accession by any State. The Convention came into force on 20 February 1977.