ANNEX II

Working papers submitted to the Committee

A. Working paper submitted by the Federal Republic of Germany
(A/AC.188/L.3)

Preamble

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 the promotion of friendly relations and co-operation among States,

Recognizing that everyone has the right to life, liberty and security, as set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,

Considering that the taking of hostages is a matter of grave concern,

Convinced that there is an urgent need to adopt appropriate and effective measures for the prevention and punishment of the taking of hostages,

Have agreed as follows:

Article 1

1. Any person who seizes or detains another person (hereinafter referred to as "hostage") and threatens with death or severe injury or continued detention of that person in order to compel

   (a) A third person,
   (b) A body corporate under national law,
   (c) A State or
   (d) An international organization or international conference

   to do or abstain from doing anything commits an act of taking hostages, an offence within the meaning of this Convention.

2. Any person who

   (a) Attempts to commit an act of taking hostages, or
   (b) Is an accomplice of anyone who commits or attempts to commit an act of taking hostages

   also commits an offence within the meaning of this Convention.
Article 2

Contracting States shall co-operate in the prevention of the offences set forth in article 1, particularly by:

(a) Taking all practicable measures to prevent preparations in their respective territories for the commission of those offences within or outside their territories;

(b) Exchanging information and co-ordinating the taking of administrative and other measures as appropriate to prevent the commission of those offences.

Article 3

1. Each Contracting State in whose territory the offender is present with his hostage shall take such measures as it deems appropriate to ease the situation of the hostage and to secure his release.

2. After the hostage has been freed the Contracting State in whose territory he is present will facilitate his prompt departure from the country.

3. If any object which the offender has illegally acquired as a result of the taking of hostages comes into the custody of a Contracting State, that Contracting State shall return it promptly to the person entitled to possession.

Article 4

Each Contracting State shall make the offences mentioned in article 1 punishable by severe penalties.

Article 5

1. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction over any of the offences set forth in article 1.

(a) That are committed in its territory or on board a ship or aircraft registered in that State;

(b) By which that State itself or an international organization of which the State is a member is to be compelled to do or abstain from doing anything or

(c) That are committed by any of its nationals.

2. Each Contracting State shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 1 in the case where the alleged offender is present in its territory and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph 1 of this article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.
Article 6

1. Upon being satisfied that the circumstances so warrant, the Contracting State in whose territory the alleged offender is present shall take the appropriate measures under its internal law so as to ensure his presence for the purpose of prosecution or extradition. Such measures shall be notified without delay directly or through the Secretary-General of the United Nations to:

(a) The State where the offence was committed,

(b) The State against which compulsion has been directed or attempted,

(c) The State of which the person or the body corporate against whom compulsion has been directed or attempted is a national,

(d) The State of which the hostage is a national,

(e) The State of which the alleged offender is a national or, if he is a stateless person, in whose territory he permanently resides,

(f) The international organization or conference against which compulsion has been directed or attempted.

2. Any person in custody pursuant to paragraph 1 of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national.

Article 7

1. The Contracting State in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution. Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State.

2. Any person regarding whom proceedings are being carried out in connexion with any of the offences set forth in article 1 shall be guaranteed fair treatment at all stages of the proceedings.

Article 8

1. Each of the offences set forth in article 1 shall be deemed to be included as extraditable offences in any extradition treaty existing between Contracting States. Contracting States undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

2. If a Contracting State which makes extradition conditional on the existence of a treaty receives a request for extradition from another Contracting State with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offences set forth in article 1. Extradition shall be subject to the other conditions provided by the law of the requested State.
3. Contracting States which do not make extradition conditional on the
eexistence of a treaty shall recognize the offences set forth in article 1 as
extraditable offences between themselves subject to the conditions provided by the
law of the requested State.

4. The offences set forth in article 1 shall be treated, for the purpose of
extradition between Contracting States, as if they had been committed not only in
the place in which they occurred but also in the territories of the States
required to establish their jurisdiction in accordance with article 5, paragraph 1.

Article 9

1. Contracting States shall afford one another the greatest measure of
assistance in connexion with criminal proceedings brought in respect of the
offences set forth in article 1, including the supply of all evidence at their
disposal necessary for the proceedings.

2. The provisions of paragraph 1 of this article shall not affect
obligations concerning mutual judicial assistance embodied in any other treaty.

Article 10

1. This Convention shall not affect the Geneva Conventions of
12 August 1949 for the protection of war victims, the Convention of
16 December 1970 for the Suppression of Unlawful Seizure of Aircraft, the
Convention of 23 September 1971 for the Suppression of Unlawful Acts against the
Safety of Civil Aviation and the Convention of 14 December 1973 on the Prevention
and Punishment of Crimes against Internationally Protected Persons, including
Diplomatic Agents.

2. This Convention shall not apply where the offence is committed within a
single State, where the hostage, the offender, and the person or body corporate
subjected to demands are all nationals of that State and where the offender is
found in the territory of that State. This Convention shall, however, apply if a
State, an international organization or an international conference is subjected
to demands.

Article 11

Any dispute between two or more Contracting States concerning the
interpretation or application of this Convention which is not settled by
negotiation may be submitted to arbitration by any party to the dispute by means
of a written notification to any other party to the dispute. If the arrangements
necessary to permit this arbitration to proceed, including the selection of the
arbitrator or arbitrators, have not been completed within six months of the date
of receipt of the notification, any party to the dispute may submit the dispute
to the International Court of Justice for decision in accordance with the Statute
of the Court.
**Article 12**

1. This Convention shall be open for signature by all States until ............... at United Nations Headquarters in New York.

2. This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

**Article 13**

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

**Article 14**

1. Any Contracting State may denounce this Convention by written notification to the Secretary-General of the United Nations.

2. Denunciation shall take effect six months following the date on which notification is received by the Secretary-General of the United Nations.

B. Working paper submitted by Algeria, later joined by the Libyan Arab Jamahiriya (A/AC.188/L.4)

**Preamble**

The States Parties to this Convention,

Having in mind General Assembly resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, as well as all other United Nations resolutions on the subject,

Recalling General Assembly resolution 2625 (XXV) of 24 October 1970 containing the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Recalling General Assembly resolution 3314 (XXIX) of 14 December 1974 containing the Definition of Aggression,

Considering that when a population engages in violent acts against colonialist,