



บทที่ 7

สรุปและข้อสังเกต

จากที่ศึกษาและวิเคราะห์ ในรายละเอียดที่แท้จริงและประเด็นข้อกฎหมายต่าง ๆ ทำให้สามารถสรุปได้ว่า ปัญหาการก่อการร้ายระหว่างประเทศเป็นเรื่องที่คู่ขนานไปกับความขัดแย้งทางภูมิภาค โดยเฉพาะอย่างยิ่ง เพราะนอกจากจะมีลักษณะเป็นการกระทำความผิดทางอาญาแล้ว ความผิดประเภทนี้จะมีลักษณะ (CHARACTER) ระหว่างประเทศเกือบทั้งสิ้น เนื่องจากจะมี ต่างประเทศเข้ามาเกี่ยวข้องกับกลุ่มคน ไม่ใช่ทางตรงก็ตาม ซึ่งเป็นเรื่องสำคัญที่ทำให้การปราบปรามและป้องกันก่อการร้ายระหว่างประเทศที่มีประสิทธิภาพอย่างแท้จริง เป็นไปได้อย่างรวดเร็ว ไม่ถึงทาง เลขาธิการที่นานาชาติซึ่งเห็นองค์ประกอบของประชาคมระหว่างประเทศทั้งปวงไม่ร่วมมือกันอย่างจริงจัง โดยให้ถือว่าการก่อการร้ายระหว่างประเทศเป็นอาชญากรรมต่อมวลมนุษยชาติ ทั้งปวง (CRIMES AGAINST HUMANITY) ทำนองเดียวกับการกระทำอันเป็นโจรสลัด (PIRACY) ทั้งนี้เพื่อให้ถือเป็นหลักฐานที่รัฐทุกรัฐจะต้องมีอำนาจและหน้าที่ ในอันที่จะร่วมกันป้องกัน และปราบปรามอาชญากรรมประเภทนี้ โดยนอกจากจะมีมาตรการการป้องกันและปราบปรามที่จะใช้แก่รัฐซึ่งสนับสนุนหรือใช้การก่อการร้ายระหว่างประเทศอีกด้วย¹

ปัญหาในทางปฏิบัติในด้านการป้องกันและปราบปรามการก่อการร้ายระหว่างประเทศ ประการหนึ่ง ซึ่งนับว่าเป็นปัจจัยที่สำคัญมากที่สุดที่ทำให้การป้องกันและปราบปรามอาชญากรรมประเภทนี้ เป็นไปได้อย่าง เป็นผลมาจากวิวัฒนาการและความเจริญทางเทคโนโลยี ตลอดจนลักษณะของอาชญากรรมประเภทนี้เอง ซึ่งแตกต่างไปจากการกระทำอันเป็นโจรสลัดตรงที่การกระทำอันเป็นโจรสลัดจะกระจุกเฉพาะในทะเลเท่านั้นและมุ่งประสงค์ต่อผลประโยชน์ทางเศรษฐกิจเท่านั้น ในขณะที่การก่อการร้ายระหว่างประเทศ มิได้มุ่งต่อวัตถุประสงค์ทางเศรษฐกิจเป็นหลัก ความคุ้มค่าทางเศรษฐกิจจึงมิใช่ปัจจัยสำคัญ นอกจากนั้นการที่ เกิดลัทธิความคลั่ง (FANATIC) ทั้งทางด้าน

¹ United Nations General Assembly, Forty-Second Sessions Official Records, A/C. C/42/SR 28-34.

เมืองและการศาสนาขึ้นมาเกี่ยวข้องกับกาการก่อการร้ายระหว่างประเทศ² ทำให้ผู้ก่อการร้าย-
 หว่างประเทศอาจกระทำการก่อวินาศกรรมในทุกรูปแบบได้โดยไม่คำนึงถึงความน่าลยดลยของความ
 ไร้มนุษยธรรมหรือแม้แต่ชีวิตของผู้ก่อการร้ายระหว่างประเทศเองด้วย ประกอบกับการที่วิทยาการ
 และเทคโนโลยีด้านอาวุธยุทโธปกรณ์ด้านการทำลายได้ถูกพัฒนาไปอย่างมากมายจนทำให้มีอาญาภาพ
 การทำลายสูงมากและลักษณะขนาดของอาวุธ ที่ใช้ในการทำลายก็เล็กและเบาลง ทำให้ยากแก่
 การตรวจค้นและควบคุม ความแม่นยำและรัศมีทำการก็ขยายออกไปไกลมาก เช่น มีปืนยาวที่ใช้
 ระเบิดรีโมทเป็นเครื่องช่วยให้เกิดความแม่นยำให้ความเสี่ยงภัยของผู้ก่อการร้ายลดลงไปเป็น
 อย่างมากมายโดยจะเกิดความผิดพลาดได้ยากทำให้การป้องกันเกือบจะเป็นไปได้เลย ไม่ว่าจะ
 ใช้ความระมัดระวังอย่างถึงถิ่นเพียงไรก็ตาม ยิ่งกว่านั้นการที่เทคโนโลยีด้านการทำลายได้พัฒนา
 ไปถึงขนาดที่ทำให้ซ่อนเร้นและปลอมแปลงรูปแบบ (DISGUISE) ของอาวุธได้อย่างลึกลับและมิดชิด
 ชัดเจนจนดูไม่ออกว่าเป็นอาวุธ เช่น ระเบิดในรูปแบบกล่องของวิทยุ กล่องพัสดุทางไปรษณีย์ หรือ
 แม้กระทั่งของจดหมาย ทำให้พ้นจากจะยากแก่การป้องกันแล้วยังทำให้การเลี้ยงอันตรายของผู้
 ก่อการร้ายมีน้อยมากอีกด้วย เป็นเหตุให้มีผู้กล้าใช้วิธีการของอาชญากรรมระหว่างประเทศชนิดนี้
 เป็นจำนวนมากโดยขยายวงกว้างออกไปถึงการใช้อาชญากรรมธรรมดาประเภทมือปืนรับจ้าง เป็น
 เครื่องมือในการกระทำการก่อการร้ายระหว่างประเทศอีกด้วย แนวโน้มของการก่อการร้าย
 ระหว่างประเทศ ในประการสุดท้ายนี้เป็นสิ่งน่าสะพึงกลัวมากที่สุด เพราะหากการปลุกระดมกำลัง
 (MOBILIZATION) พวกบักลิ่งทางศาสนาและการเมืองไม่เพียงพอต่อความต้องการก็อาจหันมา
 ใช้อาชญากรรมธรรมดาได้โดยง่าย และไม่ต้องเสี่ยงชีวิตของผู้ร่วมอุดมการณ์ร่วมกัน ทำให้ชนกลุ่ม
 น้อยที่มีหัวรุนแรง (RADICAL) ต่างก็ใช้การก่อการร้ายระหว่างประเทศได้อย่างแพร่หลายและมี
 ประสิทธิภาพ ทั้งนี้เพราะเมื่อกลุ่มอาชญากรรับจ้าง ได้รับผลประโยชน์ตอบแทนทางการเงิน
 อย่างเพียงพอก็สามารถก่อตัวขึ้นมาในรูปแบบขององค์การ (ORGANIZATION) เพื่อฝึกผู้ก่อการร้ายรับ
 จ้างเอาไว้ให้บริการแก่ลูกค้าโดยตรงได้อย่างมีประสิทธิภาพ การก่อการร้ายระหว่างประเทศจึง
 มักจะใช้ผู้ก่อการร้ายรับจ้าง เช่น กรณีนายคาโลส เป็นต้น การป้องกันและการปราบปรามจึงยาก
 ที่จะได้ผลอย่างจริงจัง

² เรื่องเดียวกัน.

ยิ่งกว่านั้นปัจจัยสำคัญอีกประการหนึ่งที่ทำให้การปราบปรามและป้องกันการก่อการร้ายระหว่างประเทศที่มีประสิทธิผลเป็นไปได้ยากคือ กระบวนการหรือองค์การผู้ก่อการร้ายอาชีวะในระดับระหว่างประเทศ มักจะมีสายงานกระจายอยู่โดยทั่วไปในหลาย ๆ ประเทศ (ดูกลุ่มผู้ก่อการร้ายที่ปรากฏขึ้นในสังคมระหว่างประเทศ ในบทที่ 2) จึงสามารถแจ้งข้อมูลและให้การสนับสนุนต่อกันและกันได้โดยง่าย ทำให้ประเทศต่าง ๆ เกิดความหวั่นวิตกไม่กล้าจับกุมคุมขังผู้ก่อการร้ายระหว่างประเทศเอาไว้ในประเทศของตน เพราะหากผู้ก่อการร้ายในกระบวนการใดถูกจับขังอยู่ในประเทศหนึ่งบรรดามัคพรรคพวกหรือกระบวนการของผู้ก่อการร้ายนั้น ๆ ย่อมคอยหาช่องทางที่จะช่วยเหลือให้สมัครพรรคพวกของตนได้รับการปลดปล่อยจากที่คุมขังหรืออาจทำการล้างแค้นเพื่อตอบโต้ในการที่สมัครพรรคพวกของตนถูกทำร้ายหรือถูกสังหาร โดยอาจจะก่อวินาศกรรมต่อสาธารณชน หรือจี้เครื่องบินไปเพื่อบีบบังคับให้รัฐนั้น ๆ ต้องปล่อยผู้ก่อการร้ายซึ่งถูกจับกุมอยู่เสียก็ได้ ด้วยเหตุนี้การทำสนธิสัญญาว่าด้วยการส่งผู้ร้ายข้ามแดนนานาชาติจึงมักให้ถือเป็นข้อยกเว้น ที่จะให้ส่งผู้ร้ายข้ามแดนได้ในกรณีที่เป็นการก่อการร้ายระหว่างประเทศ ถึงแม้ว่าจะเป็นการก่อการร้ายเพื่อผลทางการเมืองก็ตาม³

สิ่งที่มหาชนมักจะมองข้ามเพราะไม่ตระหนักว่าเป็นปัจจัยสำคัญมากที่สุดประการหนึ่งที่ทำให้ยังมีการใช้การก่อการร้ายระหว่างประเทศเป็นเครื่องมือทางการเมืองกันอย่างค่อนข้างแพร่หลายในยุคปัจจุบัน คือ บทบาทของสื่อมวลชนซึ่งในการพยายามในการให้ข่าวสารแก่มหาชน โดยการติดตามข่าวคราวในการก่อการร้ายระหว่างประเทศโดยใกล้ชิดและต่อเนื่องกลับกลายเป็นปัจจัยสำคัญที่ทำให้การก่อการร้ายระหว่างประเทศบรรลุเป้าหมายอย่างกว้างขวางที่สุด ทั้งนี้ไม่ว่าจะเป็นเพราะสื่อมวลชนนั้นพยายามที่จะทำหน้าที่ฐานันดร 4 ของตนให้ดีที่สุด หรือจะเป็นการกระทำเพื่อหวังผลประโยชน์ทางเศรษฐกิจ กล่าวคือ เพื่อให้สามารถขายข่าวของตนเองได้มากที่สุดก็ตาม การพยายามติดตามข่าวคราวเพื่อนำเสนอ แก่สาธารณะชนซึ่งเป็นที่ถือกันในวงการผู้สื่อข่าวสารว่าหากสามารถเข้าไปทำข่าวหรือสัมภาษณ์ผู้ก่อการร้ายโดยตรง หรือแม้แต่การที่สามารถ

³ เช่นดูจากอนุสัญญาการต่อต้านการก่อการร้าย ค.ศ. 1987 ของ SAARC และอนุสัญญาอื่น ๆ ในบทที่ 3 และในภาคผนวก ข และโปรดดู ภาสกร ชุณหะวัณ. "ปัญหาเรื่องความผิดทางด้านการเมืองในการส่งผู้ร้ายข้ามแดน." วารสารนิติศาสตร์ 16 ฉ.4 (ธันวาคม 2529) :

แสดงให้เห็นภาพของการฆาตกรรมที่น่าสยดสยองให้สาธารณชนได้เห็น ในขณะที่เกิดเหตุได้นับว่าเป็นผลงานที่ชิ้นเอก หรือที่เรียกว่าผลงานชิ้นโบแดงของนักข่าวผู้นั้น (เรื่องการเผยแพร่ข่าวสารของสื่อมวลชนหาเหตุได้โดยง่ายเมื่อมีเหตุการณีก่อการร้ายเกิดขึ้น) ย่อมทำให้บรรลุปเป้าหมายและวัตถุประสงค์ของผู้ก่อการร้าย 2 ประการ คือ

ประการแรก การที่สื่อมวลชนทำให้สาธารณชนตลอดจนผู้กำหนดนโยบายของทางราชการได้เห็นความน่าสยดสยองและสพึงกลัวของการไม่ปฏิบัติตามข้อเรียกร้องของผู้ก่อการร้ายย่อมทำให้เกิดความหวาดกลัว ทำให้ต้องพยายามหาทางผ่อนปรนให้เป็นที่ไม่พอใจของผู้ก่อการร้ายมากที่สุดที่จะได้และถึงหากทางราชการไม่ยอมอ่อนข้อให้และยังยืนยันหยัดที่ท่าอยู่ก็จะถูกมติมหาชนบีบบังคับให้ต้องยอมผ่อนปรนตามความต้องการของผู้ก่อการร้ายได้

อีกประการหนึ่ง การที่มีการถ่ายทอดเสียงของการต่อรองระหว่างผู้ก่อการร้ายกับทางเจ้าหน้าที่เป็น โอกาสอันดีที่สุดสำหรับผู้ก่อการร้ายที่จะถือโอกาสโฆษณาชวนเชื่อ เรียกร้องความเห็นใจจากมหาชน ให้เกิดความรู้สึกว่าการกระทำของตนเป็นการต่อสู้ดิ้นรนแบบลัทธิสังคมนิยมหรือผู้ลี้ภัยหวังโดยชนกลุ่มน้อยที่น่าสงสาร ซึ่งถูกกดขี่อย่างไร้ความเป็นธรรมทำให้ความรู้สึกของมหาชนในทางปฏิบัติต่อผู้ก่อการร้ายผ่อนปรนและเบาลงมากจนบางครั้งถึงกับกลายเป็นการให้ความสนับสนุนตัวผู้ก่อการร้ายเสียเลยก็มี ยกตัวอย่างเช่น กรณีที่กลุ่มชาวออสเตรเลียได้ทำการประท้วงนางมากาแรต แธชเชอร์ นายกรัฐมนตรีอังกฤษ อย่างรุนแรงระหว่างการเยือนออสเตรเลียเมื่อวันที่ 3-4 สิงหาคม 2531 โดยมีการเดินขบวนตะโกนด่าว่านางแธชเชอร์^๓ ไร้มนุษยธรรมที่กระทำรุนแรงต่อกลุ่มผู้ก่อการร้ายและกลุ่มแบ่งแยกดินแดนชาวไอริช ซึ่งเรียกขบวนการของตนเองว่า ไอริช (I.R.A.) เป็นต้น นอกจากนั้นก็มียุ่จำนวนมาก ครั้งทีสื่อมวลชนหรือกลุ่มผู้ประท้วงได้แสดงความเห็นอกเห็นใจต่อขบวนการต่าง ๆ ที่ต่อต้านรัฐบาลด้วยความรุนแรง โดยใช้การก่อการร้ายด้วยและมีการแสดงความเห็นอกเห็นใจและให้การสนับสนุนทั้งอย่างเป็นทางการและไม่เป็นทางการต่อขบวนการชาวปาเลสไตน์ อันเป็นผลมาจากการสัมภาษณ์ กลุ่มขบวนการตลอดจนผู้ก่อการร้ายระหว่างประเทศ ในลักษณะที่กล่าวมาแล้วข้างต้นเป็นส่วน ใหญ่ เช่น การที่นักข่าวไปสัมภาษณ์ชั้นผู้นำของผู้นำขบวนการที่ว่าเป็นขบวนการปลดแอกประเทศชาติต่าง ๆ เป็นต้น บางครั้งก็เป็น การนำเอาคำแถลง ซึ่งบันทึกภาพและเสียงในแถบบันทึกเสียงและภาพในแถบบันทึกภาพของผู้ก่อการร้ายประเภทลี้ภัยหรือการเมืองซึ่งได้ทำเอาไว้ก่อนที่จะสละชีวิตอันบรรทุทุกขนาด โห่ผู้ที่บรรลุมติกระตุ้นคนรุ่นเข้าสู่ชนเป้าหมาย ที่ต้องการทำลายมาแพร่ภาพและเสียงให้ชาว

โลก ได้ชมทาง โทรทัศน์ (ดูเหตุการณ์การก่อการร้ายที่ปรากฏขึ้น ในประชาคมระหว่างประเทศ ใน บทที่ 2) ซึ่งรายงานว่า ได้ผลคุ้มค่าของการก่อการร้าย ได้แก่ กรณีที่ผู้ก่อการร้ายซึ่งเสียชีวิตใน ลักษณะนั้น เป็นหญิงสาวที่มีความงดงามมาก ได้นำเอาเทปบันทึกภาพและเสียงดังกล่าวมาเผยแพร่ ต่อสายตาชาวโลก ทำให้ขบวนการก่อการร้ายระหว่างประเทศนั้น ได้รับความเห็นอกเห็นใจจาก มหาชนระหว่างประเทศเป็นอย่างมาก เพราะเห็นกรรมดาของมนุษย์ที่ย่อมอดรู้สึกไม่ได้ว่าหากหญิง สาวที่หน้าตางดงาม ซึ่งปกติน่าจะมีความกล้าแรงแปลกและมีความสุข ในชีวิตอย่างมากยอมสละชีวิตที่นา อดทนเช่นนั้น ย่อมแสดงว่ากลุ่มขบวนการของหญิงสาวผู้นั้นจะต้องถูกทรมานหรือข่มขู่อย่าง ทรนทที่สุดจนทำให้หญิงสาวผู้นั้นต้อง เสียสละอย่างสูงสุดเพื่อคุ้มครองและรักษาผลประโยชน์ของชน กลุ่มน้อยฝ่ายตน

ผลกระทบหรืออิทธิพลของพฤติกรรมของสื่อมวลชน ลักษณะนั้นนับว่าเป็นอันตรายอย่าง โท่งทรวงและ เห็นใจจักษมีส่วนต่างมากที่จะต้องรับผิดชอบต่อการที่ยังมีการก่อการร้ายระหว่าง ประเทศอยู่เนือง ๆ ในปัจจุบัน โดยอิทธิพลและผลกระทบในทางลบ (NEGATIVE) ของสื่อมวลชน ในเรื่องนี้ กลับยังมีประสิทธิภาพสูงมากขึ้นอีกเมื่อการสื่อสารโทรคมนาคมระหว่างประเทศ โดยผ่าน ดาวเทียมทำให้การแพร่ภาพและข่าวไปทั่วทุกมุมโลกเป็นไปได้ด้วยความรวดเร็วและทันต่อเหตุการณ์ ี่ต่างยิ่ง ดังนั้นตราแท้ที่สื่อมวลชนยังไม่ตระหนักถึงภัยดังกล่าวหรือยังก็ยังคงมีพฤติกรรม เช่นนี้ต่อไป โดยไม่หยุดยั้งความหวังที่จะทำให้การก่อการร้ายระหว่างประเทศหมดสิ้นไปจากความลึกลับ ี่ระหว่างประเทศยอมเป็นสิ่งที่เห็นไป ได้ยากที่สุด

ปัจจัยต่าง ๆ ที่กล่าวมาข้างต้นทั้งหมดจนถึงหากพิจารณาโดยผิวเผินแล้วอาจทำให้ เกิด ความรู้สึกได้ว่าปัญหาการก่อการร้ายระหว่างประเทศเป็นปัญหาทางการเมืองกึ่งกฎหมาย (POLITICO-JURIDIQUE) หรืออีกนัยหนึ่งคือปัญหาที่นอกเหนือไปจากกฎหมาย (EXTRA-JURIDIQUE) แต่หาก จะพิจารณาและวิเคราะห์ที่นอกเหนือไปจากปัญหาจะเห็นว่าปัญหาการก่อการร้ายระหว่างประเทศมี ปัญหาข้อกฎหมาย (LEGAL ISSUE) อยู่ไม่น้อย ทั้งนี้ได้วิเคราะห์กันมาแล้ว อาทิ เรื่องความถูกต้อง โดยหลักการทางกฎหมายของการที่ถือเอาเรื่องการก่อการร้ายระหว่างประเทศเป็นข้อยกเว้น ของหลักการที่มิให้การส่งผู้ร้ายข้ามแดน ในกรณีที่เห็นความผิดทางการเมือง⁴ เป็นต้น นอกจากนี้

⁴ ไบรอน ลู ภาสกร สุขกุลโร. เรื่องเดียวกัน.

ปัญหาข้อกฎหมายระหว่างประเทศที่เกี่ยวข้องกับเรื่องนี้มีความเกี่ยวโยงไปจนถึงปัญหากฎหมายภาคสงคราม (JUS AD BELLUM) อีกด้วย โดยเฉพาะอย่างยิ่งในส่วนที่เกี่ยวกับความถูกต้องของการใช้กำลังนอกเขตแดนของรัฐ⁵ (INTERVENTION) เพื่อให้ความช่วยเหลือหรือปลดปล่อยคนชาติ (NATIONALS) ของคนที่ถูกจับยึดตัวไว้เป็นตัวประกัน (HOSTAGE) ว่าเป็นการกระทำที่ชอบด้วยกฎหมายระหว่างประเทศเพียงไร หรือไม่และยังมีปัญหาข้อกฎหมายโดยตลอดไปถึงการที่รัฐทางผ่าน (TRANSIT) ที่ยินยอมให้หน่วยจู่โจม⁶ (COMMANDO) ของประเทศที่ใช้ INTERVENTION เข้าไปปฏิบัติการดังกล่าวในประเทศซึ่งผู้ก่อการร้ายระหว่างประเทศนำตัวประกันไปกักขังอยู่นั้น ปัญหาข้อกฎหมายที่เพิ่งเกิดขึ้นใหม่ในยุคหลัง ๆ นี้ อีกประการหนึ่งซึ่งเป็นที่รู้จักกันดีในยุคปัจจุบันคือ ปัญหาหลักการขยายอำนาจของรัฐซึ่งสหรัฐและอิสราเอลเรียกว่า การขยายเขตอำนาจของการของรัฐนอกดินแดนรัฐ⁷ (LONG ARM JURISDICTION) ที่ประเทศทั้งสองใช้อยู่เนื่อง ๆ โดยสหรัฐถือว่าเป็นสิทธิของตนที่จะเข้าไปจู่โจมทำลายเป้าหมายนอกดินแดนของตนได้ในกรณีที่เป็นการจู่โจมเมื่อบุกเข้าทำลายฐานปฏิบัติการแหล่งฝึก หรือแหล่งมั่วสุมของผู้ก่อการร้ายระหว่างประเทศกับแหล่งผลิตหรือศูนย์ยาเสพติดให้โทษ แต่อิสราเอลมีกฎหมายให้อำนาจแก่รัฐในกรณีที่เป็นการจู่โจมเพื่อเป็นการทำลายกองบัญชาการหรือแหล่งมั่วสุมหรือแหล่งฝึกของผู้ก่อการร้ายระหว่างประเทศซึ่งปัจจุบันนี้ยังเป็นที่โต้แย้งกันอยู่มิใช่น้อยว่าเป็นการกระทำที่มีชอบด้วยกฎหมายโดยมีการตกลงโจมตี สหรัฐและอิสราเอลอยู่เนื่อง ๆ ในที่ประชุมระหว่างประเทศ โดยเฉพาะอย่างยิ่งในที่ประชุมของสหประชาชาติซึ่งประเทศเหล่านั้นถือว่าเป็นการละเมิดอธิปไตยของรัฐที่ถูกจู่โจมและรัฐที่ยอมให้เป็นทางผ่าน (TRANSIT STATE) ละเมิดหลักกฎหมายว่าด้วยการเป็นเพื่อนที่ดี (GOOD NEIGHBOURINESS) แต่ปัญหาข้อกฎหมายที่เกี่ยวกับกฎหมายอาญาระหว่างประเทศอย่างแท้จริงในเรื่องนี้ นอกจากจะเป็นเรื่องที่เกี่ยวกับการส่งผู้ร้ายข้ามแดนแล้ว ประเด็นที่ถือว่าเป็นการก่อการร้ายระหว่างประเทศเป็นอาชญากรรมต่อมวลมนุษยชาติ (CRIMES AGAINST HUMANITY) ซึ่งทำให้ทุก ๆ รัฐ

⁵Louise Henkins et al. International Law Case and Materials (St. Paul, Minn. : West Publishing, 1980), pp. 887-977.

⁶Ibid.

⁷Ibid.

ในโลกเกิดขึ้นกรณีตามกฎหมายอาญาระหว่างประเทศในอันที่จะต้องป้องกันและปราบปรามลงโทษ อาชญากรรมเหล่านี้ ทั้งนี้ไม่ว่าจะได้ก่ออาชญากรรมขึ้นในดินแดนของตน หรือไม่ก็ตามและไม่ว่าผู้ ก่อการร้ายหรือเหยื่อของการก่อการร้ายนั้น ๆ จะเป็นคนของรัฐนั้นด้วยหรือไม่ก็ตามเช่นกัน และ ไม่ว่าจะได้รับการร้องขอให้ลงโทษอาชญากรรมเหล่านั้นหรือไม่ก็ตาม ซึ่งทำให้ลักษณะของอาชญากรรม ประเภทนี้แตกต่างไปจากลักษณะของอาชญากรรมธรรมดาตามกฎหมายอาญาในประเทศ ซึ่งปกติ หากเป็นความผิดทางอาญาธรรมดา ศาลอาญาจะมีเขตอำนาจที่จะพิจารณาคดีสำหรับความ ผิดนั้น ๆ ได้ก็ต่อเมื่อมีส่วนเกี่ยวข้อง โดยตรงกับการกระทำความผิดนั้น ไม่ทางใดก็ทางหนึ่ง เช่น ผู้กระทำความผิดหรือเหยื่อของการกระทำความผิดนั้น หรือทั้งสองฝ่ายเป็นคนชาติของตนหรือเมื่อ ผลของการกระทำความผิด หรือการกระทำความผิดทั้งหมดหรือเพียงส่วนหนึ่งส่วนใดได้กระทำลง ไปในดินแดนของรัฐนั้นซึ่งกรณีของประเทศไทยหากเป็นความผิดที่ได้กระทำลงนอกราชอาณาจักรยัง จะต้องได้รับการร้องขอจากผู้ได้รับความเสียหายหรือจากรัฐของผู้เสียหาย^๘

ลักษณะสำคัญของประการหนึ่งของอาชญากรรมระหว่างประเทศชนิดนี้ ที่ทำให้การก่อ- การร้ายระหว่างประเทศเป็นอาชญากรรมที่เป็นอาชญากรรมระหว่างประเทศ ซึ่งแตกต่างจาก อาชญากรรมปกติตามกฎหมายอาญาในประเทศก็คือ ในขณะที่การกระทำความผิดอาญาตามปกติจะ ต้องมีอายุความเสมอ แต่อาชญากรรมต่อมนุษยชาติ ดังเช่น อาชญากรรมฐานฆ่าล้างเผ่า- พันธ์ (GENOCIDE) และการก่อการร้ายระหว่างประเทศกับอาชญากรรมสงคราม ไม่มีอายุความ ดังเห็นได้จากแนวคำพิพากษาศาลอาญาทหารระหว่างประเทศ ณ เมือง นูเรมเบิร์ก โตเกียว และ ลอนดอน^๙ เป็นต้น (มีกฎหมายในสำนักสังคมวิทยาทางกฎหมาย (SOCIOLOGY JURIDIQUE) ที่เห็นว่าหลักกฎหมายที่ศาลทหารเหล่านั้นนำมาปรับใช้กับรูปคดีมีลักษณะเป็นกฎหมาย ของฝ่ายผู้ชนะ (VICTORS LAW) กล่าวคือ เป็นหลักกฎหมายที่ผู้ชนะกำหนดขึ้นเองโดยผลการ และ ไม่มีพื้นฐานทางกฎหมายอย่างแท้จริง แต่อีกสำนักหนึ่งเห็นว่า ถือได้ว่าเป็นการก่อหวอดของ กฎหมายอาญาระหว่างประเทศที่กำลังสร้างตัวเกิดขึ้นมาเป็น LEX LATA ซึ่งหากพิจารณากันตาม

^๘ คูประมวลกฎหมายอาญามาตรา 8

^๙ โปรดดู คดี In re Meiner ค.ศ.1894 ซึ่งเป็นคำพิพากษาของประเทศอังกฤษ, คดี Nuremberg ค.ศ.1946 คำพิพากษาของศาลทหารระหว่างประเทศ และคดี Attorney General of Israel V Eichmann ค.ศ.1962 คำพิพากษาของศาลอิสราเอล.

หลักของการนิรโทษกรรมหลักกฎหมายจารีตประเพณีระหว่างประเทศ การที่รัฐต่าง ๆ บางรัฐได้อ้างแนวคำพิพากษาเหล่านั้นเป็นพื้นฐานทางกฎหมาย ย่อมถือได้ว่ารัฐนั้น ๆ มี OPINIO JURIS ว่าหลักกฎหมายมีอยู่เช่นนั้น อนึ่งการที่นักกฎหมายอาญาระหว่างประเทศและตำรากฎหมายอาญาระหว่างประเทศ ต่างก็ยกเอาแนวคำพิพากษาเหล่านั้นขึ้นมาเป็นกรณีตัวอย่างของการดำเนินคดีอาญาระหว่างประเทศ ย่อมถือได้ว่าทฤษฎีทางกฎหมายของนักกฎหมายอาญาระหว่างประเทศ (มาตรา 38 ของธรรมนูญศาลโลกมักถือว่าเป็นแหล่งและบ่อเกิดของกฎหมายระหว่างประเทศอย่างหนึ่ง) ก็ถือว่าหลักการเหล่านั้นเป็นหลักกฎหมายอาญาระหว่างประเทศเช่นกัน)

ส่วนปัญหาข้อกฎหมายในเรื่องนี้ที่เกี่ยวกับประเทศไทยโดยตรงคือ ปัญหาที่ว่าไม่ปรากฏว่ามีบทบัญญัติใดในประมวลกฎหมายอาญาของไทยที่กำหนดฐานความผิดสำหรับการก่อการร้ายระหว่างประเทศโดยตรงเอาไว้เลย ดังนั้น การที่จะนำเอาหลักกฎหมายอาญาระหว่างประเทศในเรื่องนี้มาปรับใช้ในศาลอาญาของไทยย่อมไม่มีทางที่จะทำได้ นอกจากจะมีพระราชบัญญัติพิเศษที่ระบุถึงฐานความผิดที่เกี่ยวกับการก่อการร้ายระหว่างประเทศและมีเขตอำนาจศาล ที่ศาลไทยสามารถพิจารณาคดีได้ ไม่ว่าจะการกระทำความผิดจะเกิดขึ้นที่ใดหรือผู้กระทำความผิดจะเป็นคนสัญชาติใด หรือผู้เสียหายจะเป็นคนสัญชาติใดก็ตาม ถ้าหากไม่มีพระราชบัญญัติพิเศษประเทศไทยก็ต้องออกกฎหมายอนุวัติการให้ เป็นไปตามกฎหมายระหว่างประเทศที่เกี่ยวข้องกับการก่อการร้ายระหว่างประเทศ เพราะประเทศไทยถือหลักทวินิยม (DUALISM) กล่าวคือ ถือว่ากฎหมายระหว่างประเทศกับกฎหมายภายในประเทศเป็นกฎหมายคนละระบบกัน ดังนั้นถึงแม้จะมีกฎหมายระหว่างประเทศในรูปของกฎหมายจารีตประเพณีระหว่างประเทศและในรูปของสนธิสัญญาระหว่างประเทศ ซึ่งประเทศไทยร่วมเป็นภาคีด้วยในบางฉบับที่เกี่ยวข้องกับการก่อการร้ายระหว่างประเทศ หากไม่มีกฎหมายอนุวัติการ ศาลก็ไม่นำมาเข้ามาปรับในคดีนั้น ๆ ได้ตามหลัก NULLA PENA SETE โดยเฉพาะอย่างยิ่งเมื่อเป็นกฎหมายอาญาซึ่งมีลักษณะเป็นการตัดสิทธิ หรือลงโทษบุคคล ดังนั้นการที่จะพิจารณาคดีกับผู้ก่อการร้ายระหว่างประเทศได้จะต้องมีการออกพระราชบัญญัติพิเศษ หรือออกกฎหมายอนุวัติการให้ เป็นไปตามกฎหมายระหว่างประเทศที่เกี่ยวข้องกับการก่อการร้ายระหว่างประเทศ หากมีการออกกฎหมายในลักษณะเช่นนี้แล้ว ก็จะสามารถช่วยแก้ไขปัญหาจากกลไกทางกฎหมายของประเทศไทยได้เป็นอย่างดี

จากผลสรุปทั้งหมดที่กล่าวมาในข้างต้นนี้ จะเห็นได้ว่าปัญหาการก่อการร้ายระหว่างประเทศยังจะต้องแก้กัน ไปอีกเป็น เวลานานมิใช่น้อย เพราะเหตุที่ยังมีช่อง โท่วอยู่มากทั้งในตัวตน

กฎหมายโดยตรงและในทางปฏิบัติของนานาชาติ โดยเฉพาะอย่างยิ่งในชั้นนี้ระหว่างที่กำลังมีการใช้ การก่อการร้ายระหว่างประเทศในภูมิภาคต่าง ๆ ของโลกหลายแห่ง โดยเฉพาะอย่างยิ่งใน ตะวันออกกลาง ในประเทศลาตินอเมริกา และในยุโรป ย่อมเป็นโอกาสอันดีของสังคมระหว่าง ประเทศในอันที่จะอาศัยความเอื้อมระอาและความเกลียดชังการก่อการร้ายระหว่างประเทศเป็น สิ่งผลักดันในการประชุมสหประชาชาติให้มีการประณามการก่อการร้ายระหว่างประเทศ และ ในเมื่อแนวโน้มของการประชุมสหประชาชาติเป็นที่เห็นได้ชัดว่าการที่จะหลีกเลี่ยงมิให้มีการเปิด ประชุมเพื่อให้คำจำกัดความของการก่อการร้ายระหว่างประเทศเพื่อแสดงให้เห็นความแตกต่าง จากขบวนการปลดแอกประเทศชาติตามข้อเสนอของประเทศซีเรีย ซึ่งได้รับการสนับสนุนจากกลุ่ม ประเทศอาหรับและประเทศในกลุ่ม 77 ย่อมสมควรเป็นอย่างยิ่งที่จะอาศัยกรอบของการประชุม ดังกล่าว (FORUM) เป็นเครื่องมือทางกฎหมายในอันที่จะต่อต้านแผนการของประเทศที่ต้องการ กลบเกลื่อนหลักกฎหมายและการประณาม การก่อการร้ายในลักษณะที่จะทำให้กลุ่มประเทศเหล่านั้น ไม่สามารถบรรลุเป้าหมายนั้นได้ โดยการเสนอกร่างหลักการให้เป็นที่เห็นได้ชัดว่าขบวนการปลด- ปลดปล่อยประเทศชาติมีลักษณะและองค์ประกอบที่ไม่มีทางที่จะตีความให้คลุมถึงการก่อการร้ายระหว่าง ประเทศได้เลย หรือถึงหากจะทำให้เห็นเด่นชัดถึงขั้นนั้นไม่ได้จริง อย่างน้อยก็ควรกร่างหลัก การในลักษณะที่จำกัดกรอบของการก่อการร้ายให้แก่สิ่งที่สุกที่จะทำได้ (ปัญหาในเรื่องนี้ได้วิเคราะห์ อย่างละเอียดมาแล้วในบทที่ 6) ทั้งนี้โดยผู้เขียนมีข้อเสนอแนะที่จะสรุปปัญหาตลอดจนหาแนวทาง ออกที่ผู้แทนไทยซึ่งจะ ไปร่วมประชุมในสหประชาชาติเกี่ยวกับเรื่องนี้ น่าจะ ไปประกอบการพิจารณา กำหนดนโยบายที่จะแถลงต่อสหประชาชาติโดยสังเขปได้ดังต่อไปนี้

สรุป

จากข้อสรุปที่ได้กล่าวข้างต้นมาในบทนี้ จะเห็นได้ว่าถึงแม้ประชาคมระหว่างประเทศจะ ได้ใช้ความพยายามอย่างยิ่งยวดในอันที่จะป้องกันและขจัดการก่อการร้ายระหว่างประเทศให้หมด ลิ่น ไปดังที่เคยกระทำสำเร็จมาแล้วเกี่ยวกับการปราบปราม การกระทำอันเป็นโจรสลัดในน่านน้ำ สาภกและในการเดินเรือทะเลระหว่างประเทศ ปัญหาการก่อการร้ายระหว่างประเทศก็ยังคง เป็น ปัญหาใหญ่ซึ่งชาวโลกทั้งหลายจำเป็นต้องรับหาหนทางแก้ไข โดยรีบด่วนแต่ก็ยัง ได้ผลในทางปฏิบัติ จริง ๆ น้อยกว่าที่คาดหวังไว้เป็นอย่างมาก ซึ่งวิทยานิพนธ์ฉบับนี้พยายามมุ่งจะวิเคราะห์ให้เห็น

ตลอดมา ตั้งแต่ต้นว่าสาเหตุหลักอันเป็นหัวใจของปัญหาการก่อการร้ายระหว่างประเทศ ที่ทำให้ความพยายามของมนุษยชาติต้องประสบความล้มเหลวตลอดมาครั้งแล้วครั้งเล่า ในเรื่องนี้อยู่ที่ว่าถึงแม้ว่าปัญหาการก่อการร้ายระหว่างประเทศจะมีลักษณะ และปัจจัยตลอดจนองค์ประกอบและสาเหตุหลายประการที่เหมือนกับกรณีของการกระทำอันเป็นโจรสลัดในสมัยโบราณ โดยเฉพาะอย่างยิ่งในแง่ของความเป็นภัยคุกคามซึ่งอาจสร้างความหายนะให้แก่มนุษยชาติได้มากที่สุด และเป็นภัยร่วมกันของทุกประเทศชาติในโลก แม้แต่กับประเทศที่ใช้การก่อการร้ายระหว่างประเทศเอง สาเหตุและปัจจัยที่ทำให้การก่อการร้ายระหว่างประเทศยังคงมีอยู่อย่างกว้างขวาง ในสังคมระหว่างประเทศในปัจจุบันนี้มีความแตกต่างที่สำคัญที่สุดจากการกระทำอันเป็นโจรสลัดอยู่ที่ความก้าวหน้าทางวิชาการและเทคโนโลยีสมัยใหม่ทำให้การป้องกันและการปราบปรามการก่อการร้ายระหว่างประเทศเป็นไปได้ยากเย็นอย่างยิ่ง หรืออาจจะกล่าวได้ว่าไม่มีทางจะป้องกันการก่อการร้ายระหว่างประเทศให้ได้ผลอย่างเด็ดขาดได้เลย ไม่ว่ามนุษยชาติทั้งโลกจะใช้เทคโนโลยีสมัยใหม่ที่สูงส่ง และวิศวกรรมศาสตร์เพียงใดก็ตาม ก็ยังเป็นเหตุให้การก่อการร้ายระหว่างประเทศได้ใช้เป็นเครื่องมือและอาวุธร้ายแรงและมีประสิทธิภาพที่สุดในยุคปัจจุบัน ซึ่งทำให้ชนกลุ่มน้อยเพียงไม่กี่คนสามารถคุกคามและข่มขู่ประชากรของโลกให้ตกอยู่ในความหวาดกลัวและสภาพการขาดเสถียรภาพได้ตลอดเวลา และในทุกสถานที่ ผู้ใฝ่อำนาจและคนชั่วซึ่งมีอยู่ทั่วไปในทุกสังคมและในทุกระดับของมนุษยชาติ จึงไม่สามารถยอมละทิ้งอาชญากรรมอันโหดร้ายนี้เสียได้ ดังนั้นตราบเท่าที่ยังมีประเทศมหาอำนาจที่ดำเนินนโยบายและมีจุดมุ่งหมายที่จะครอบงำประเทศอื่น ๆ อยู่ โดยเฉพาะอย่างยิ่งเมื่อการกระทำนั้นเกิดจากความโลภโม โทสัน และความคลั่งในศาสนาอยู่ ย่อมเป็นสิ่งที่สุดวิสัยที่มนุษย์จะสามารถปราบปรามและขจัดอาชญากรรมอันชั่วร้ายและ โหดเหี้ยมเหล่านี้ให้หมดไปได้

สถานการณ์ที่เกี่ยวกับปัญหาการก่อการร้ายระหว่างประเทศ จึงแตกต่างจากปัญหาโจรสลัดในน่านน้ำสากล ซึ่งอาชญากรที่กระทำอันเป็นโจรสลัดมีจุดมุ่งหมายหลักอยู่แต่เพียงความละโมภทางด้านทรัพย์สินเท่านั้นมิใช่เป็นปัญหาจากการผลักดันและสิ่งจูงใจด้านความบ้าคลั่งทางด้านลัทธิการเมืองและทางศาสนา

อาชญากรที่มุ่งหวังแต่ผลประโยชน์ทางการเงินและทางด้านการเงินย่อมมีความมุ่งหวังที่จะสามารถนำเอาความมั่นคงทางด้านการเงินที่ได้มาจากอาชญากรรมของตนมาบำรุงบำเรอความสุขของตนเอง ในที่สุดอาชญากรเหล่านั้นจึงยอมทวงแทนชีวิตของตน ในขณะที่ผู้ก่อการร้ายระหว่างประเทศ ที่กระทำการก่อการร้ายระหว่างประเทศ เพราะความบ้าคลั่งทางลัทธิทาง

การเมืองและทางศาสนาก็จะเป็นอุปสรรคที่ว่า แม้จะต้องเสียสละชีวิตของคนที่ยอมกระทำได้ และถือว่าการสละชีวิตเพื่อบรรลุเป้าหมายทางลัทธิทางการเมืองและทางศาสนาเป็นการประกอบวีรกรรมอันสูงส่ง

ยิ่งกว่านั้นดังที่ได้ศึกษากันมาแล้ว ในวิทยานิพนธ์ฉบับนี้ ว่าวิทยาการและเทคโนโลยีสมัยใหม่ทำให้อาณาจักรประเภทนี้มีความเสี่ยงภัยน้อยที่สุด ย่อมเป็นเหตุให้พวกเหล่ามิชชันนารีและผู้มีจิตใจในความเต็มใจและซื่อสัตย์ทั้งหลายรวมทั้งยึดถือการก่อการร้ายระหว่างประเทศเป็นอาชีพอย่างจริงจัง ในขณะที่เดิมมันเป็นรับจ้างฆ่าคนซึ่งมีอยู่ตลอดมาในทุกยุคทุกสมัย เป็นเหตุให้ชนกลุ่มน้อยที่หัวรุนแรงตลอดจนชาติที่มั่นนโยบายรุกรานผู้อื่น ได้รับผลประโยชน์จากการก่อการร้ายระหว่างประเทศเป็นอย่างมาก จึงไม่ยอมให้ความร่วมมืออย่างจริงจัง ในอันที่จะปราบปรามและป้องกันการก่อการร้ายระหว่างประเทศ

อย่างไรก็ดี เท่าที่สรุปสถานการณ์และสาเหตุของความร่วมมืออย่างจริงจัง ในอันที่จะป้องกันการก่อการร้ายระหว่างประเทศทั้งหมดนี้ ได้หมายความว่า มวลมนุษยชาติทั้งหลายจะหมดทางป้องกัน โดยสิ้นเชิงเสียเลยทีเดียว ทั้งนี้เพราะทราบเท่าที่ชาวโลกส่วนใหญ่ตระหนักถึงภัยอันตรายและความหายนะ อันเป็นผลมาจากการก่อการร้ายระหว่างประเทศอยู่และร่วมกันประณาม แล้วร่วมมือร่วมใจกันหาทางแก้ไขปัญหาการก่อการร้ายระหว่างประเทศให้หมดสิ้นไปโดยเด็ดขาดได้อย่างน้อยมนุษย์ก็อาจอาศัยองค์การระหว่างประเทศ โดยเฉพาะอย่างยิ่งองค์การสหประชาชาติ เป็นเวทีที่มนุษย์สามารถร่วมกันหาหนทางบรรเทาความหายนะและอันตรายอันเกิดจากการก่อการร้ายระหว่างประเทศให้ผ่อนหนักให้เป็นเบาไปได้บ้าง ซึ่งเป็นจุดมุ่งหมายหลักของ วิทยานิพนธ์นี้ ในการให้สรุปและให้ข้อเสนอแนะดังต่อไปนี้

สรุปและข้อเสนอแนะ

1. กระบวนการของการส่งผู้ร้ายข้ามแดน ในปัจจุบันยังมีลักษณะไม่ชัดเจนและรัดกุม และจำเป็นจะต้องปรับปรุง ให้สะดวกและเหมาะสมสำหรับปัญหาการก่อการร้ายระหว่างประเทศเท่าที่เป็นอยู่ในปัจจุบัน
2. ข้อยกเว้นที่มิให้มีการส่งผู้ร้ายข้ามแดน ในกรณีที่เป็นความผิดทางการเมือง เป็นอุปสรรคสำคัญของการที่จะให้มีการป้องกัน และปราบปรามการก่อการร้ายระหว่างประเทศ อย่าง

มีประสิทธิภาพ จึงควรให้ถือเป็นทางปฏิบัติของนานาชาติที่จะให้มีการส่งผู้ร้ายข้ามแดนในกรณีที่เป็น การก่อการร้ายระหว่างประเทศ ไม่ว่าจะเป็นการกระทำเพื่อผลทางการเมืองหรือไม่ก็ตาม

3. ความร่วมมือและช่วยเหลือกัน ในกระบวนการยุติธรรมทางอาญาที่เกี่ยวข้องกับการก่อการร้ายระหว่างประเทศ ควรได้รับการปฏิบัติตามมากกว่าที่เป็นอยู่ในขณะนี้

4. บรรดาสนธิสัญญาระหว่างประเทศในเรื่องกฎหมายอาญาระหว่างประเทศที่เกี่ยวข้องกับความร่วมมือกัน ในกระบวนการยุติธรรมที่เกี่ยวข้องกับการก่อการร้ายระหว่างประเทศ ยัง มีอยู่น้อยมากและมีช่อง โหว่ที่จะต้องแก้ไขเพิ่มเติมอยู่อีกมาก

5. การปฏิบัติตามหลักกฎหมายระหว่างประเทศที่เกี่ยวข้องกับการประณามการป้องกัน การปราบปรามและการห้ามใช้หรือสนับสนุนการก่อการร้ายระหว่างประเทศเท่าที่เป็นอยู่ในปัจจุบัน ยังมีน้อยมาก

6. トラบเท่าที่นานาชาติยังไม่มีการลง โทษประเทศที่ให้การสนับสนุน หรือให้ที่ นึกถึง ตลอดจนฝึกฝนหรือให้ทุนแก่การฝึกผู้ก่อการร้ายระหว่างประเทศ โอกาสที่จะปราบปราม อาชญากรรมชนิดนี้ให้หมดสิ้น ไปย่อม เป็น ไป ได้ยากหรือแทบจะเป็น ไปไม่ได้เลย

7. ควรชี้และแสดง ให้สื่อมวลชนตระหนักถึงอันตรายของการแพร่ข่าวสารเกี่ยวกับการ ก่อการร้ายระหว่างประเทศในลักษณะที่จะแสดง ให้เห็นว่าการก่อการร้ายระหว่างประเทศ เป็น การต่อสู้กันอย่างไม่เห็นหัวของชนกลุ่มน้อยที่ถูกกดขี่ข่มเหงอย่างไม่เป็นธรรม โดยสื่อมวลชนควรที่ จะแพร่ภาพและข่าวสารให้ชาว โลกทั้งหลาย เห็นความโหดร้ายป่าเถื่อนชาตมนุษยธรรมของผู้ก่อการ ร้ายระหว่างประเทศ โดยแสดง ให้เห็นภาพของความเจ็บปวดทรมานและความเศร้าโศกเสีย ใจของครอบครัวและญาติมิตรของผู้ที่ตก เป็นเหยื่อของการก่อการร้ายระหว่างประเทศ ตลอดจน การเลิก ไปสัมพันธ์ขบวนการผู้ก่อการร้ายอันจะเป็น โอกาสให้ผู้ก่อการร้ายมีโอกาสได้โฆษณาชวน เชื่อ ทั้งนี้เพื่อแสดง ให้เห็นว่ามหาชนไม่เห็นด้วยกับการใช้วิธีการอันป่าเถื่อนชาตมนุษยธรรมเช่นนั้น จึงร่วมกันคว่ำบาตร (BOYCOTT) ในทุกวิถีทางและชี้แนะ ให้เป็นที่ทราบกันเป็นการทั่วไปว่า อาชญากรรมดังกล่าวเป็นสิ่งชั่วช้าเกินกว่าที่จะหาเหตุผลใด ๆ มาเป็นข้อแก้ตัวได้และหากมีชนกลุ่ม น้อยที่ถูกกดขี่ข่มเหงจริงก็ควรหาวิธีการ เรียกร้องความเห็นใจจากชาว โลกทั้งหลายด้วยวิธีอื่น ทั้ง นี้โดยอาจแพร่ภาพและข่าว ให้เห็นความโกรธเกลียดเคียดแค้นของมหาชนต่อการกระทำอันป่าเถื่อน นี้ แล้วร่วมกันประณามการก่อการร้ายเป็นเอกฉันท์ ซึ่งนอกจากจะทำให้การก่อการร้ายระหว่าง ประเทศไม่ได้รับผลตามความมุ่งหมายแล้วยังสร้างภาพพจน์ของการก่อการร้ายระหว่างประเทศ

ให้สังคมนระหว่างประเทศเห็นว่า เป็นสิ่งที่น่าเกลียดน่ากลัวมิใช่สร้างภาพพจน์ให้เห็นว่าผู้ก่อการร้าย เป็นวีรบุรุษผู้เสียสละ หรือเป็นผู้กล้าหาญลักษณะเดียวกับวีรชนผู้กล้าหาญในนวนิยายต่าง ๆ ดัง เช่นที่กระทำกันอยู่ทุกวันนี้

อย่างไรก็ตาม ตราบเท่าที่ผู้สื่อข่าวและสื่อมวลชนบางกลุ่มยังมีความสำนึกด้านจรรยาบรรณของฐานันดร 4 และความรู้สึกรับผิดชอบต่อมหาชนยังไม่เพียงพอแต่จะกบฏโดยผลประโยชน์ด้านการขายข่าวโดยอาศัยความสะเทือนใจเป็นเครื่องมือ โอกาสที่จะนำเอาหลักการที่เสนอแนะนี้ไปใช้ให้ได้ผลอย่างจริงจังย่อมไม่มีทางจะเป็นไปได้เลย

8. ผู้แทนไทยที่จะเข้าร่วมประชุมสหประชาชาติในเรื่องนี้ น่าจะยึดถือแนวคิดเห็นดังต่อไปนี้ในการแถลงการณ์ต่อที่ประชุมสหประชาชาติ เกี่ยวกับเรื่องการก่อการร้ายระหว่างประเทศ

8.1 ควรยืนยันหลักการว่าการก่อการร้ายระหว่างประเทศเป็นอาชญากรรมที่ไร้มนุษยธรรม และโหดเหี้ยมเกินกว่าที่จะยอมรับได้ ไม่ว่าจะเป็นการกระทำในรูปใดหรือเพื่อวัตถุประสงค์ใด ๆ ก็ตาม และสมควรให้ถือเป็นอาชญากรรมต่อมวลมนุษยชาติทั้งปวง ซึ่งทุกประเทศในโลกนี้ทั้งอำนาจและหน้าที่ ในอันที่จะต้องร่วมกันป้องกันและปราบปรามโดยไม่คำนึงถึงเชื้อชาติของผู้ก่อการร้าย หรือวัตถุประสงค์ของการก่อการร้าย

8.2 โดยที่วัตถุประสงค์หลักซึ่งกลุ่มประเทศที่เสนอให้มีการประชุมเพื่อยุติการก่อการร้ายระหว่างประเทศ เป็นที่เห็นได้ชัดว่าปรารถนาจะให้ถือว่าการก่อการร้ายระหว่างประเทศที่กระทำเพื่อปลดแอกประเทศชาติจะต้อง เป็นไปตามกฎหมายสากลสงคราม โดยเคร่งครัด ทั้งนี้เพื่อจำกัดว่าจะต้องมุ่งกระทำต่อเป้าหมายทางการทหารเท่านั้นและต้อง ไม่มีลักษณะของความเหี้ยมโหดอย่างไร้มนุษยธรรมด้วย นอกจากนั้นยังจะต้องกระทำต่อผู้ที่เข้ามายึดครองประเทศชาติของตน โดยมีขอบด้วยกฎหมายเท่านั้น ดังนั้นการปล้นเครื่องบินกีด การวางระเบิดในที่สาธารณะต่าง ๆ ก็ตั้งกระทำกันอยู่คาดคะเนในขณะนี้ โดยผู้ก่อการร้ายมักจะอ้างว่ากระทำเพื่อเรียกร้องความสนใจของชาวโลกไม่ให้ล้มปัญหาของตนยอมไม่อยู่ในข่ายที่จะถือว่าเป็นการต่อสู้ เพื่อปลดปล่อยประเทศชาติตามความหมายของข้อมติสมัชชาใหญ่สหประชาชาติที่ 40/61

8.3 ไม่ว่าจะเป็นการฆาตกรรมหรือในทีใด ก็ตามจะต้องระบุให้แน่ชัดว่าเป็นการต่อสู้เพื่อปลดแอกประเทศชาติให้พ้นจากการยึดครองของประเทศอื่น ๆ โดยมีขอบด้วยกฎหมายเท่านั้น ไม่ควรให้มีข้อความใดที่เขียนไว้อย่างกว้าง ๆ ซึ่งจะรวมถึงการก่อกวนหรือความไม่เป็นธรรมทางสังคม หรือทางศาสนา ตลอดจนจนทางเศรษฐกิจด้วย ทั้งนี้เพื่อมิให้คลุมเคลือถึงการปฏิบัติทาง

สังคม เพื่อล้มล้างระบบการปกครองหรือการแบ่งแยกดินแดนด้วย โดยอาจให้เหตุผลได้ว่าเป็นคน
ละประเด็นที่ไม่เกี่ยวกับการต่อสู้ เพื่อเหตุผลดังกล่าว ควรจะได้รับการสนับสนุนด้วย ก็ควรตัด
บทว่าเป็นเรื่องนอกประเด็นที่ไม่เกี่ยวกับปัญหาการปลดแอกประเทศชาติ จึงควรแยกออกไปพิจารณา
และอภิปรายกันในกรอบของการประชุมอื่น ๆ เช่นในเรื่องปัญหาชนกลุ่มน้อย ปัญหาการแบ่งแยก
ดินแดน เป็นต้น



ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

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ภาคผนวก ก

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

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1 เหตุการณ์การก่อการร้ายในปี ค.ศ. 1968¹

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
22 กรกฎาคม	กรุงโรม	กลุ่มผู้ก่อการร้ายชาวปาเลสไตน์ปฏิบัติ การเป็นครั้งแรกโดยการจี้เครื่องบิน ของ EIAI ซึ่งบินจากโรมจะไป เทลอาวีฟให้ไปลงที่แอลจีเรีย	ขบวนการปลดปล่อย เพื่อเสรีภาพของ ชาวปาเลสไตน์ (POPULAR FRONT FOR THE LIBERATION OF PALESTINE)
22 ธันวาคม	Athens	ผู้ก่อการร้ายชาวปาเลสไตน์ 2 คน จี้เครื่องบินสาย EIAI ด้วยอาวุธปืน และลูกระเบิดมือที่สามบนบิน มีผู้ โดยสารหนึ่งคนถูกฆ่าตาย ผู้ก่อ การร้ายทั้ง 2 คน ถูกจับและถูก จำคุก แต่ภายหลังก็ได้รับการปลด ปล่อยตัวไป	ขบวนการปลดปล่อย เพื่อเสรีภาพของ ชาวปาเลสไตน์ (POPULAR FRONT FOR THE LIBERATION OF PALESTINE)
28 ธันวาคม	กรุงเบรุต	ทหารคอมมานโดของอิสราเอลบุก โจมตีกรุงเบรุตโดยใช้เฮลิคอปเตอร์ เป็นยานพาหนะเป็นเหตุให้เครื่องบิน ในกรุงเบรุตถูกทำลาย และเสียหาย ไป 13 เครื่อง	กลุ่มทหารอิสราเอล

¹Christopher Dobson and Ronald Payne, The Terrorist. Their weapons Leaders and Tactics (New York : Fact on File), pp.204-205.

2 เหตุการณ์การก่อการร้ายในปี ค.ศ. 1969²

วัน เดือน ปี	สถานที่	เหตุการณ์ที่เกิดขึ้น	กลุ่มที่กระทำ
18 กุมภาพันธ์	ZURICH	กลุ่มผู้ก่อการร้ายชาวอาหรับใช้อาวุธปืนจู่เครื่องบินสาย EIAI ที่เตรียมตัวจะไปกรุงเทลอาวีฟ นักบินถูกฆ่าตาย ผู้โดยสาร 5 คน ได้รับบาดเจ็บ แต่กลุ่มผู้ก่อการร้ายก็ถูกจับกุมโดยหน่วยรักษาความปลอดภัยของอิสราเอล ผู้ก่อการร้าย 3 คน ที่มีชีวิตรอดถูกจำคุก แต่ภายหลังก็ได้รับการปลดปล่อยหลังจากมีการจู่เครื่องบินสวีเดนที่จะไปจอร์แดน เมื่อวันที่ 6 กันยายน 1970	ขบวนการปลดปล่อยเพื่อเสรีภาพของชาวปาเลสไตน์
18 กรกฎาคม	กรุงลอนดอน	ห้างสรรพสินค้า MARKS & SPENCER ถูกลอบวางระเบิด GEROGE HABBASH ชูกรร โขกต่อผู้เป็นเจ้าของกิจการห้างสรรพสินค้า ซึ่งเป็นของชาวยิวใน	ขบวนการปลดปล่อยเพื่อเสรีภาพของชาวปาเลสไตน์
29 สิงหาคม	ROME-TELAUJO	เครื่องบิน TWA 707 ถูกจี้บังคับให้ไปลงที่ดามัสกัส ผู้โดยสารทุก ๆ คนถูกปล่อยยกเว้น ชาวอิสราเอล 2 คน เพื่อเป็นตัวประกันแลกเปลี่ยนกับนักบินซีเรีย 2 คนที่ถูกอิสราเอลจับตัวไป และผลสุดท้ายเครื่องบินถูกทำลาย	ขบวนการปลดปล่อยเพื่อเสรีภาพของชาวปาเลสไตน์

²Christopher Dobson and Ronald Payne, op. cit., p.205.

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
12 ธันวาคม	WEST-BERLIN	มีการลอบวางระเบิดชั้นที่ใกล้ ๆ กับ สำนักงานของสายการบิน EIAI และ ตึกที่เป็นที่อยู่อาศัยของชาวอเมริกัน อีกทั้งมีการวางระเบิดถึง 3 ครั้งใน คลับซึ่งเป็นของทหารสหรัฐอเมริกา	นาเซอร์ไมนีอฟ

3 เหตุการณ์การก่อการร้ายในปี ค.ศ. 1970³

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
10 กุมภาพันธ์	มิวนิค	ผู้ก่อการร้ายใช้ระเบิดมือขว้างใส่ รถบัสนักบิน เป็นเหตุให้ผู้โดยสาร ของสายการบิน EIAI จำนวน 1 คน ถึงแก่ความตายและอีก 11 คนได้รับ บาดเจ็บซึ่งรวมทั้งแอนนา มาร์รอน ดารานักแสดงของอิสราเอลได้รับบาดเจ็บด้วย ผู้ก่อการร้าย 1 คนได้รับ บาดเจ็บ ที่เหลืออีก 3 คนถูกจับแต่ได้ รับการปล่อยตัวไปเมื่อเกิดเหตุการณ์นี้ เครื่องบินในเดือนกันยายน ค.ศ. 1970	ขบวนการปลดปล่อย เพื่ออิสรภาพของชาว ปาเลสไตน์ (EXECUTIVE COMMITTEE FOR THE LIBERATION OF PALESTINE)
21 กุมภาพันธ์	ตูริค	เครื่องบินของสวิสถูกลอบวางระเบิด เป็นเหตุให้ประชาชน 47 คนถูกฆ่าตาย และยังเกิดระเบิดขึ้นกับเครื่องบินของ ออสเตรีย ซึ่งเป็นเครื่องบินที่จะนำ	ขบวนการที่จะต้อง เผชิญหน้าเพื่ออิสรภาพ ของชาวปาเลสไตน์ (POPULAR FRONT)

³Christopher Dobson and Ronald Payne, op. cit., p.205-207.

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
		ไปรษณีย์ต่าง ๆ ไปยังกรุงเทลอาวีฟ โดยไม่ทราบสาเหตุแต่อย่างใด PIERRE ELLIOT TRUDEAN ได้ อ้างอำนาจฉุกเฉินและพยายามหยุด ยั้งการต่อสู้เพื่อเสรีภาพในคิวเบค ในที่ลุดผู้ลักพาตัว ลา บอร์เต้ ถูก ตัดสินให้จำคุกตลอดชีวิต	FOR THE LEBERATION OF PALESTINE)
1 ธันวาคม	SAN- SEBASTIAN	ลัทธิชาตินิยมของพวกชาวเขาบิระนิม ในสเปนลักพาตัว ENGENE BEIHL ซึ่งเป็นชาวอุสกีติมัคคีของเยอรมัน ตะวันตก และยังให้รัฐบาลเฟรนโค เปลี่ยน โทษที่ให้ตัดสินประหารชีวิต พวกชาตินิยม พวกชาตินิยมจำนวน 6 คน ซึ่งถูกกล่าวหาว่าฆ่ากรรม หัวหน้าตำรวจในจังหวัด	ขบวนการเพื่อเสรีภาพ ของชาวเขาในสเปน (BASQUE NATIONAL LIBERTY)

4 เหตุการณ์การก่อการร้ายในปี ค.ศ. 1971⁴

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
8 มกราคม	MONTEVIDEO	GEOFFREY JACKSON เอกอัครราชทูต ประจำอูรุกวัยถูกลักพาตัวไปและถูก ควบคุมตัวไว้เป็นเวลา 8 เดือน ผู้ลักพาตัวต้องการให้รัฐบาลปล่อย	TUPAMAROS

⁴Christopher Dobson and Ronald Payne, op. cit., p.207-209.

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
		ตัวนักโทษ 150 คน แต่รัฐบาลปฏิเสธ การเจรจา ต่อมานักโทษ 106 คน หลบหนีไปได้ และ JACKSON ก็ใช้ ความกล้าหาญอย่างเด็ดเดี่ยวจนได้ รับการปล่อยตัวออกมา	
1 มีนาคม	วอชิงตัน	มีการลักลอบวางระเบิดที่ทำการ วุฒิสมาชิกในเมืองหลวงของ สหรัฐอเมริกา ความเสียหาย เกิดขึ้นมาก	พวกขบวนการใต้ดิน
1 กันยายน	ลอนดอน- เทลอาวีฟ	มีการพยายามลอบวางระเบิดใน เครื่องบิน EIAI ในขณะที่ทำการบิน โดยผู้ก่อการร้ายลอบวางระเบิด ใส่ไว้ในกระเป๋าหนังของผู้หญิง ชาวเปรูที่ไร้เดียงสา	ขบวนการปลดปล่อย เพื่ออิสรภาพของชาว ปาเลสไตน์ที่มีอำนาจ บังคับทั่วไป
20 ตุลาคม	นิวยอร์ก	ชาวยิวผู้มีหัวรุนแรงยิงปืนไรเฟิล ใส่เข้าไปยังอพาร์ทเมนท์ ซึ่งเป็น ที่อยู่ของสมาชิกของคณะผู้แทน ไซเวียตในอเมริกา	สมาคมแห่งการต่อสู้ ของชาวยิวในอเมริกา (JEWISH DEFENSE LEAGARE)
28 ธันวาคม	โคโร	นายกรัฐมนตรียของจอร์แดนถูกลอบฆ่า ในขณะที่ก้าวไปในโรงแรมเซอรอตัน โดยมือปืนของกลุ่มกันยายนทมิฬ การ กระทำครั้งนี้เป็นการกระทำครั้งแรก ที่ประจักษ์ให้เห็นชัดว่าเป็นฝีมือของ กันยายนทมิฬ ซึ่งปฏิบัติการนี้เป็น ปฏิบัติการต่อความพยานะที่เกิดขึ้นต่อ พวกเขาในประเทศจอร์แดน	กันยายนทมิฬ

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
15 ธันวาคม	ลอนดอน	เมื่อเดือนกันยายน 1970 ขบวนการ กันยายนทมิฬก่อตั้งขึ้นหลังจากการ ปฏิบัติการครั้งแรกอย่างเลือดข้นหน้า ของขบวนการ FATAH ซึ่งปฏิบัติการ เป็นผลสำเร็จ	กันยายนทมิฬ

5 เหตุการณ์การก่อการร้ายในปี ค.ศ. 1972⁵

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
26 มกราคม	นิวยอร์ก	สำนักงานของ SOL HUROK ผู้จัดการ ด้านอุปกรณ์สำหรับการท่องเที่ยวของ ชาวอเมริกา ซึ่งเป็นรัสเซียถูกลอบ วางระเบิด	สมาคมต่อสู้ป้องกัน ของชาวยิวในอเมริกา
27 มกราคม	นิวยอร์ก	เจ้าหน้าที่ตำรวจ 2 นาย ถูกลอบ สังหาร โดยชาวผิวดำผู้มีหัวรุนแรง	กองทัพเพื่ออิสรภาพ ของชาวผิวดำ
6 กุมภาพันธ์	ROTTERDAM	เครื่องจักร โรงงาน ในการผลิตแก๊ส เกิดระเบิดขึ้น 2 แห่ง	กันยายนทมิฬ
6 กุมภาพันธ์	COLOGNE	คนงาน 5 คน ซึ่งเป็นชาวเยอรมัน และถูกกล่าวหาว่าเป็นสายลับให้กับ อิสราเอลถูกยิงถึงแก่ความตาย	กันยายนทมิฬ

⁵Dobson, op. cit., pp. 209-212.

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
8 กุมภาพันธ์	HAMBURG	มีการกระทำที่โรงงานผลิตอุปกรณ์ไฟฟ้าสำหรับอากาศยานของอิสราเอล ได้รับความเสียหายอย่างมาก	กันยายนทมิฬ
22 กุมภาพันธ์	ALDERSHOT	มีการระเบิดที่ PARACHUTE PEGIMENT ซึ่งเป็นสำนักงานใหญ่ใน ALDERSHOT ประเทศอังกฤษ แรงระเบิดเป็นเหตุให้ทหารและประชาชนถึงแก่ความตาย 9 คน	กองทัพของไอริชรีพับลิกัน (PROVISIONAL IRISH REPUBLICAN ARMY)
1 มิถุนายน	FRANKFURT	ANDREAS BAADER AND HALGER MEINS ถูกจับกุมหลังจากที่ใช้อาวุธปืนยิงต่อสู้และบุคคลทั้งสองได้รับบาดเจ็บ	BAADER-MEINHOF
15 มิถุนายน	HANOVER	ULRICKE MEINHOLF หลงกลและถูกจับกุมตัวได้	BAADER-MEINHOF
5 กันยายน	MUNICH	ในเหตุการณ์ที่มิวนิคมีการฆ่าคนเป็นจำนวนมาก ผู้ก่อการร้าย 7 คนเข้าทำการควบคุมสถานที่นักกีฬาของชาวอิสราเอลในหมู่บ้านโอลิมปิก และช่างกรีก 2 คน อีกทั้งยังจับไว้เป็นตัวประกัน 9 คน ประเทศอิสราเอลปฏิเสธตามคำขอของผู้ก่อการร้ายที่จะให้ปล่อยนักโทษ 200 คน ชาวบาเลสไตน์แต่รัฐบาลเยอรมันตะวันตก ตกลงยินยอมให้กลุ่มผู้ก่อการร้ายพร้อมทั้งตัวประกันเดินทางอย่างปลอดภัยไปยังอียิปต์ และที่สนามบิน FRUSTENFELD BRACK ในเยอรมันตะวันตกหน่วยแนวหน้าก็ได้ปฏิบัติ	กันยายนทมิฬ

วัน เดือน ปี	สถานที่	เหตุการณ์ที่เกิดขึ้น	กลุ่มที่กระทำ
8 ธันวาคม	PARIS	<p>การเปิดการยิงไล่ ซึ่งเป็นเหตุให้ตัวประกันทั้งหมดถูกยิงตาย ผู้ก่อการร้าย 5 คน และตำรวจ 1 นายถูกยิงตาย การปฏิบัติการครั้งนี้เป็นฝีมือโดยตรงของชาวปาเลสไตน์</p>	MOSSAD
10 ธันวาคม	BUENOS AIRES	<p>MAHMOUD HAMSHARI ผู้แทนขององค์การปาเลสไตน์ในปารีสถูกฆ่าตาย โดยใช้วิธีการวางระเบิดที่ล้มผู้สกับเครื่องโทรทัศน์ด้วยกระแสไฟฟ้า</p> <p>ในระยะเวลาต่อมา Wael Zwaiter ผู้แทนขบวนการ Fatah ในโรมถูกยิงนอกสถานที่พัก Hashari นับเป็นผู้ประสพเคราะห์กรรมรายแรกเพื่อการแก้แค้นตอบแทนเนื่องจากเหตุการณ์ที่มิวนิค</p> <p>DONALD GROVE ผู้อำนวยการในการจัดการบริหารของกลุ่มอุตสาหกรรม BRITISH VESTRY ถูกลักพาตัวไปเป็นเวลา 9 วัน แต่ได้รับการปล่อยตัวมาโดยไม่ได้รับบาดเจ็บหลังจากที่ต้องจ่ายเงินค่าไถ่เป็นจำนวนเงิน 1 ล้านดอลลาร์</p>	<p>กองทัพเพื่อการปฏิวัติของประชาชนในอาร์เจนตินา (PEOPLE'S REVOLUTIONARY ARMY)</p>

6 เหตุการณ์การก่อการร้ายในปี ค.ศ. 1973^c

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
26 มกราคม	MADRID	ปี ค.ศ. 1973 นี้เป็นปีที่มีการทำลายล้างของขบวนการกองทัพชั่วคราวของไอริชรีพับลิกัน มากที่สุดปีหนึ่ง กล่าวคือมีผู้เสียชีวิตในการต่อต้านรณรงค์ทางการเมืองถึง 467 คน	กันยายนทมิฬ
9 กุมภาพันธ์	AMMAN	เจ้าหน้าที่สำนักงานของอิสราเอลคือ BARUCH COHEN ถูกยิงถึงแก่ความตายที่ร้านอาหารใน GRAND UIA ซึ่งเป็น การกระทำแก้แค้นของชาวปาเลสไตน์ ในการมีส่วนที่ทำให้ HAMSHARI และ ZWAITER ต้องเสียชีวิตไป	กันยายนทมิฬ
		ชาวจอร์แดนจำนวน 17 คน ซึ่งสังกัดในขบวนการชาวปาเลสไตน์ถูกจับกุมตัวจำนวน 17 คน โดยการนำของ ABER DAUD ซึ่งเป็นหัวหน้าของขบวนการ FATAH และถูกลังมาเพื่อโจมตีสถานทูตของสหรัฐอเมริกาและสำนักงานในรัฐบาลของจอร์แดน ABU DOUND ได้กล่าวอย่างเปิดเผยว่าเป็น การกระทำครั้งแรกที่จะให้สาธารณชนยอมรับว่าขบวนการกันยายนทมิฬนั้น เป็นส่วนหนึ่งของขบวนการ FATAH	

^cDobson, op. cit., pp.212-216.

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
21 กุมภาพันธ์	SIANI	ชาวอิสราเอลยิงปืนใส่สายการบินของ ลิเบียที่บินหลงทางเข้ามาอยู่เหนือ SINAI ด้วยการที่เกรงกลัวไปว่า เครื่องบินลิเบีย จะไปทิ้งระเบิดที่กรุง TEL AVIV BRUNO KRCISKY ให้สัญญาว่าจะปฏิเสธที่ พักสำหรับชาวยิวชั่วคราวที่จะอพยพเข้า ไปในประลาท SCHONAN ต่อมาในภาย หลังกลุ่มผู้ก่อการร้ายได้แสดงตัวว่าเป็น สมาชิกของ SAIKA ซึ่งเป็นกลุ่มที่ให้การ สนับสนุน SYRIAN	ชาวอิสราเอล
6 พฤศจิกายน	OAKLAND CALIFORNIA	MARCUS PORTER เป็นชาวนิวเจอร์ซีย์ เป็นผู้อำนวยความสะดวกโรงเรียนของเมือง ถูกลอบสังหาร	กองทัพเพื่ออิสลาม ในสหรัฐอเมริกา (SLA)
6 ธันวาคม	BUENOS AIRES	VICTOR SAMUELSON ชาวอเมริกา ซึ่งเป็นผู้บริหารของ EXXON ถูก ลักพาตัวไปและได้รับการปล่อยตัว เมื่อ 29 เม.ษ.1974 โดยต้องเสียเงิน เป็นค่าไถ่ถึงจำนวน 14.2 ล้านดอลลาร์	กองทัพเพื่อการปฏิวัติ ของประชาชนใน อาร์เจนตินา (ERP)
17 ธันวาคม	ROME	ผู้ก่อการร้ายพร้อมด้วยอาวุธครบจำนวน 5 คน ได้ปฏิบัติการในเครื่องบิน PAN AM โดยใช้ระเบิดเพลิงเป็น เหตุให้ผู้โดยสาร 32 คน ถูกไฟไหม้ ถึงแก่ความตาย และได้รับบาดเจ็บ 40 คน และแล้วก็ไปจับขังสายการบิน LUFTHANSA ได้สังหารคนงานของสาย การบินและบังคับให้บินไปยัง DAMASCUS	ขบวนการเยาวชน อาหรับเพื่อการ ปลดปล่อยเลวีภาพ ของชาวปาเลสไตน์ (NAYLP)

วัน เดือน ปี	สถานที่	เหตุการณ์ที่เกิดขึ้น	กลุ่มที่กระทำ
20 ธันวาคม	PARIS	และ HUWAIT พร้อมด้วยตัวประกัน มีการก่อวินาศกรรมสำนักงานใหญ่ที่หมู่บ้านนอกกรุงปารีสซึ่งถูกค้นพบว่าเป็นการร่วมมือกันระหว่างผู้ก่อการร้ายระหว่างประเทศที่เป็นสมาชิกของขบวนการเพื่อปลดปล่อยอิสราเอลของชาวปาเลสไตน์ที่เป็น ALGERIAN และ TURKISH มีการชุกซ่อนอาวุธ การโฆษณาชวนเชื่อและการลอบวางระเบิด การถูกค้นพบในครั้งนี้เป็นกรณีร้ายของ CARLOS ในการพยายามที่จะสร้างเครือข่ายขึ้น แต่ก็เป็นการยืนยันให้เห็นได้ว่าการก่อการร้ายระหว่างประเทศเกิดขึ้นในฝรั่งเศส	ขบวนการปลดปล่อยเพื่ออิสราเอลของชาวปาเลสไตน์
20 ธันวาคม	MADRID	นายกรัฐมนตรี LUIS CARRERO BLANCO ถูกลอบสังหารโดยการลอบวางระเบิดที่รถในบริเวณโบสถ์ กองกำลังทหารของชาว BASQUE อ้างว่าเป็นการแก้แค้นตอบแทนต่อการตายของสมาชิกของพวกเขาทั้ง 9 คน	ขบวนการปลดปล่อยเพื่ออิสราเอลของชาว BASQUE ในสเปน (ETA)
31 ธันวาคม	LONDON	ผู้นำขบวนการ ZIONIST ในอังกฤษ TEDDY SIEFF ซึ่งเป็นประธานบริษัทคนสำคัญในห้างสรรพสินค้า ถูกบุกเข้าไปยิง ซึ่งในภายหลังระบุแน่ชัดว่าเป็น CARLOS แต่ SIEFF ก็รอดตายมาได้เนื่องจากอาวุธปืนที่ใช้ลอบสังหาร	CARLOS

7 เหตุการณ์การก่อการร้ายในปี ค.ศ. 1974⁷

วัน เดือน ปี	สถานที่	เหตุการณ์ที่เกิดขึ้น	กลุ่มที่กระทำ
24 มกราคม	LONDON	เป็นลักษณะการก่อการร้ายครั้งที่สอง CORLOS โดยใช้ลูกระเบิดมือที่ทำใน รัสเซียขวางเข้าไปยังธนาคาร HAMPSLIM ซึ่งเป็นธนาคารของอิสราเอล ในกรุงลอนดอน เป็นเหตุให้ผู้หญิงได้รับ บาดเจ็บ	CARLOS
31 มกราคม	SINGAPORE	ผู้ก่อการร้ายชาวปาเลสไตน์ 2 คน และชาวญี่ปุ่น 2 คน ได้โจมตีบริษัท น้ำมัน SHELL พร้อมกับยึดเรือและ จับตัวประกันไว้ 5 คนโดยควบคุมตัว ได้เป็นเวลา 1 ลัปดาห์ จนกระทั่งผู้ ก่อการร้ายอีก 5 คน ได้ปฏิบัติภารกิจที่ สถานทูตญี่ปุ่นในคูเวตแล้ว และผู้ก่อ การร้ายทั้ง 9 คนก็ได้ทำการบังคับ เครื่องบินของญี่ปุ่นให้บินไปลงที่ SOUTH YEMEN	ขบวนการปลดปล่อย เพื่ออิสรภาพของ ชาวปาเลสไตน์ และ กองทัพแดงในญี่ปุ่น
3 กุมภาพันธ์	ENGLAND	ระเบิดหนัก 50 ปอนด์ ซุกซ่อนอยู่ใน เบาะที่นั่งของรถแท็กซี่กำลังทหารและ ได้เกิดระเบิดขึ้นเป็นเหตุให้มีผู้เสียชีวิต ถึง 11 คน	กองทัพชั่วคราวของ ชาวไอริชรีพับลิกัน (PROVISIONAL IRA)

⁷Dohson. op. cit., pp.216-217.

วัน เดือน ปี	สถานที่	เหตุการณ์ที่เกิดขึ้น	กลุ่มที่กระทำ
5 กุมภาพันธ์	BERKELEY,	HEJTERS PATRICIA HEZEST CALIFORNIA ถูกลักพาตัวไป	กองทัพเพื่ออิสรภาพ ของชาว SYMBIONESE ในสหรัฐอเมริกา
15 กันยายน	PARIS	CARLOS ขวางระเบิดเข้าไปใน ร้านของ I.E เป็นเหตุให้มีผู้เสียชีวิต 20 คนและบาดเจ็บ 12 คน เพื่อเป็นการสนับสนุนให้ชาวญี่ปุ่น ได้เข้าไปปฏิบัติการในสถาน เอกอัครราชทูตของฝรั่งเศสในกรุง HAGUE	CARLOS ขบวนการ ปลดปล่อยเพื่ออิสรภาพ ของชาวปาเลสไตน์ กองทัพแดงในญี่ปุ่น
8 ตุลาคม	GREECE	สายการบิน TWA ที่เดินทางมาจาก อิสราเอล เพื่อไปยังกรีกเกิดระเบิด ขึ้น ในขณะที่บินอยู่เหนือ AEGEAN ผู้โดยสาร 88 คน เสียชีวิต	ขบวนการเยาวชน อาหรับเพื่อการ ปลดปล่อยอิสรภาพ ของชาวปาเลสไตน์ (NAYLP)
11 ตุลาคม	RABAT	โดยการนำของ ABU IYAD ผู้นำของ ขบวนการกัณยานทมิฬและผู้นำอันดับ สองของขบวนการ PLO มีการพยายาม ที่จะลอบสังหารกษัตริย์ HUSSEIN และ บรรดาผู้นำของชาวอาหรับที่ไม่นิยม ความรุนแรงในทางการเมืองในการ ประชุมสุดยอดที่ RABAT ซึ่งจัดให้มีขึ้น โดยผู้บริหารของ MOROCCAN และมี การจับกุมตัวไว้ได้ 15 คน หลังจากที	กัณยานทมิฬ

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
		อิสราเอลได้แจ้งให้มีการระงับต่อแผนการล้างอาชญากรรม	
22 ธันวาคม	DUBAI	ลายการบิน BRITISH AIRWAYS ถูกสกัดอากาศบังคับให้บินไปยัง TUNIS โดยสมาชิกของกลุ่ม ABU-NIDAL เพื่อเป็นข้อแลกเปลี่ยนให้มีการปล่อยตัวนักโทษซึ่งถูกจำคุกอยู่ที่ HOLLAND ซึ่งเคยจี้ลายการบินของอังกฤษและเพื่อให้มีการปล่อยตัวนักโทษที่ RABAT	ขบวนการเยาวชนอาหรับเพื่อการปลดปล่อยอิสราเอลของชาวปาเลสไตน์ (NAYLP)

8 เหตุการณ์การก่อการร้ายในปี ค.ศ. 1975^e

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
13 มกราคม	PARIS	สมาชิกของกลุ่ม CARLOS พยายามที่จะทำลายเครื่องบิน EIAI ที่ ORLY โดยการใช้จรวด MISSILES แต่พลาดไปถูกเครื่องบิน YUKOSLAV และตึกที่ทำการของสนามบิน	CARLOS ขบวนการเพื่ออิสราเอลของชาวปาเลสไตน์
24 มกราคม	NEW YORK	มีการลอบวางระเบิดที่ FRAUNCESE TRAVERS ใน WALL STREET เป็นเหตุให้มีผู้เสียชีวิต 4 คน และบาดเจ็บ 53 คน	ขบวนการที่ใช้อำนาจและกำลังบังคับเพื่ออิสราเอลของชาว PUERTO RICAN สหรัฐอเมริกา (FALN)

^eDobson. op. cit., pp.217-219.

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
29 มกราคม	WASHINGTON, D.C.	มีระเบิดเกิดขึ้นอย่างรุนแรง เป็นเหตุ ให้ตึกที่ทำการของรัฐได้รับอันตราย เสียหาย โดยที่ไม่ทราบสาเหตุที่เกิดขึ้น	ขบวนการใต้ดิน
27 กุมภาพันธ์	BERLIN	PETER LORENZ ซึ่งเป็นนักการเมือง ของเยอรมันถูกลักพาตัวไปเพื่อเป็น ข้อแลกเปลี่ยน ให้มีการปลดปล่อย ผู้ก่อการร้ายขบวนการ BAADER- MEINHOF 5 คน รัฐบาลเยอรมัน ยินยอมตามข้อเรียกร้อง โดยปล่อย ผู้ก่อการร้าย 5 คน พร้อมกับให้ เงินผู้ก่อการร้ายไป 20,000 DEUTSCHE MARKS	BAADER-MEINHOF
ธันวาคม	HOLLAND	SOUTH MOLUCCANS ได้ทำการยึด ขบวนการรถไฟที่ BEILEN และสถานีหยุด ใน HAGUE เพื่อจุดมุ่งหมายที่จะแยก ตัวออกจากการปกครองของอินโดนีเซีย โดยต้องการปกครองตนเอง พวกเขา สังหารบุคคลสามคนและถูกตัดสินให้รับ โทษสถานเบา	SOUTH MOLUCCANS

9 เหตุการณ์การก่อการร้ายในปี ค.ศ.1976⁹

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
8 มกราคม	IRELAND	กองกำลังย่อยเกี่ยวกับยุทธศาสตร์ ในทางอากาศของอังกฤษต้องถูก พ่นวงเหนียวไว้ใน ARMAGH อันเป็นผลจากการปฏิบัติการของ กลุ่มผู้กระทำการเยี่ยงโจร นั่นก็คือ กองทัพอากาศของชาวไอริชรีพับลิกัน	กองทัพอากาศของ ชาวไอริชรีพับลิกัน
19 กรกฎาคม	ARGENTINA	ROBERT SANTUCHO ผู้นำของกองทัพอากาศ เพื่อการปฏิวัติของประชาชนใน อาร์เจนติน่า ถูกสังหารถึงแก่ความ ตายเมื่อปะทะกับเจ้าหน้าที่ของรัฐบาล ความตายของเขาทำให้สถานะของ รัฐบาลมั่นคง	กองทัพอากาศเพื่อการปฏิวัติ ของประชาชนใน อาร์เจนติน่า
31 กรกฎาคม	DUBLIN	CHRISTOPHER EWART-BIGGS เอกอัครราชทูตอังกฤษในไอร์แลนด์ ถูกลอบสังหารโดยระเบิด	กองทัพอากาศของ ชาวไอริชรีพับลิกัน
28 ตุลาคม	BELFAST	MAIRE DRUMM ผู้นำการต่อต้าน กองทัพอากาศชาวไอริชรีพับลิกัน ถูกยิงถึงแก่ความตายในโรงพยาบาล ในขณะที่กำลังพักผ่อนภายหลังการผ่าตัด	สมาคมเพื่อการต่อสู้ใน แคว้นอัลสเตอร์และซึ่งเป็น กลุ่มที่แยกตัวออกมา

⁹Dobson, op. cit., pp.219-220.

10 เหตุการณ์การก่อการร้ายในปี ค.ศ. 1977¹⁰

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
24 มกราคม	MADRID	นักกฎหมายที่นิยมคอมมิวนิสต์จำนวน 5 คนถูกสังหาร เมื่อชาย 2 คนพร้อมด้วยปืนกลบุกเข้าไปโจมตีในที่ประชุมของสำนักงานกฎหมายที่นิยมซ้ายในกรุง MADRID	กลุ่มนักรบของผู้นับถือศาสนาคริสต์
9 กุมภาพันธ์	LONDON	ผู้ก่อการร้ายซึ่งอยู่ตามถนน BALLOMBE ได้สังหารบุคคลไปหลายคน ต่อมาถูกจับกุมตัว ได้และถูกตัดสินให้จำคุกตลอดชีวิต	กองทัพชั่วคราว ไอริชรีพับลิกัน
31 ธันวาคม	LONDON	นักการทูต 2 คนของซีเรียถูกลอบสังหาร โดยการระเบิดรถยนต์ใน MAY FIAR ซึ่งบุคคลทั้งสองเป็นสมาชิกของสำนักข่าวกรองของซีเรียด้วย มีการคิดกันว่าเหตุที่บุคคลทั้งสองถูกฆ่าตายนั้น เนื่องมาจากระเบิดที่พวกเขากำลังนำติดตัวไปเพื่อจุดมุ่งหมายของบุคคลทั้งสอง	หน่วยข่าวกรองของซีเรีย

¹⁰Dobson, op. cit., pp.220-222.

11 เหตุการณ์การก่อการร้ายในปี ค.ศ. 1978¹¹

วัน เดือน ปี	สถานที่	เหตุการณ์ที่เกิดขึ้น	กลุ่มที่กระทำ
4 มกราคม	LONDON	SAID HAMMAMI ผู้แทนของขบวนการ PLO ในลอนดอน ถูกยิงตายในสำนักงานของเขา สาเหตุที่เขาถูกฆ่าตายนั้นมาจากข่าวคราวในวงการอาหารที่ว่า HAMMAMI ถูกใช้โดย YASSER ARAF AT ให้เป็นผู้ประสานงานในการเจรจาดำเนินการกับอิสราเอลมีการคิดกันว่า ฆาตกรนั้นเป็นสมาชิกในขบวนการที่ปฏิเสธหรือไม่นิยมการเจรจากับอิสราเอลซึ่งอาจจะเป็นขบวนการปลดปล่อยอิสราเอลของชาวปาเลสไตน์ของนาย WADI HADAD หรืออาจจะเป็นไปได้ยิ่งกว่า เป็นสมาชิกในขบวนการมิถุนายนทมิฬของ ABU NIDAL	ขบวนการปลดปล่อยเพื่ออิสราเอลของชาวปาเลสไตน์หรือมิถุนายนทมิฬ
7 สิงหาคม	LEBANON	เกิดสงครามระหว่างกลุ่มชาวอาหรับอย่างรุนแรง ในค่ายผู้อพยพระหว่างกลุ่มอาหรับกับกลุ่มผู้สนับสนุนอิรัก	
20 สิงหาคม	LONDON	พนักงานของสายการบิน EIAI ถูกโจมตีนอกโรงแรม EUROPO เป็นเหตุให้สลีจวิตเสียชีวิตและคนอื่น ๆ ได้รับบาดเจ็บ	มิถุนายนทมิฬ

¹¹Dobson, op. cit., pp.22-225.

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
6 กันยายน	DUSSELDORF	PETER STOLL เป็นผู้ที่มีหลักฐาน เชื่อว่าเป็นผู้ลักพาตัวและสังหาร HANS-MARTIN SCHLEYER ถูกฆ่า ตายเมื่อตำรวจเยอรมันตะวันตก พยายามที่จะเข้าไปจับตัวเขาใน ภัตตาคาร	Baader-Meinhof
13 กันยายน	MILAN	CORRADO ALUNNI ผู้ต้องสงสัยใน การสังหาร ALDO MORO ถูกจับกุมตัว ในอาคารที่พักพร้อมด้วยอาวุธปืน วัตถุระเบิดและเอกสารปลอม	กองพลน้อยแดง
15 กันยายน	LONDON	ASTRID PROLL ถูกจับกุมตัวในอู่ รถยนต์ ซึ่งเป็นสถานที่ที่เธอทำงานมา เป็นเวลา 10 เดือน รัฐบาลเยอรมัน ตะวันตกส่งคำขอให้ส่งผู้ร้ายข้ามแดน ในข้อหาพยายามลอบสังหารเจ้าหน้าที่ ตำรวจ 2 คน มีหลักฐานเชื่อว่า PROLL ทำงานร่วมกับ CARLOS ด้วย	BAADER-MEINHOF
24 กันยายน	DORTMUND	AUGELIKA SPEITEL AND MICHOEL KNOLL ได้รับบาดเจ็บและถูกจับกุมตัว หลังจากที่ยิงต่อสู้กับตำรวจเยอรมัน ตะวันตกในขณะที่การต่อสู้เกิดขึ้น ในป่า SPEITEL กำลังต้องการที่จะต้อง ติดต่อกับฆาตรกรผู้สังหาร SIEGFRIED BUBACK, JURGEN PONTO และ HANS-MARTIN SCHLEYER	BAADER-MEINHOF

12 เหตุการณ์การก่อการร้ายในปี ค.ศ. 1979¹²

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
22 มกราคม	BEIRUT	ALI HASSAN SALAMEH ซึ่งรู้จักกันในนาม ABU HASSAN ถูกสังหารด้วยระเบิดถยนต์ AL FATAH กล่าวให้ร้ายถึงการกระทำของหน่วยข่าวกรองอิสราเอล HASSAN ถูกกล่าวหาว่าเป็นผู้วางแผนฆ่าคนเป็นจำนวนมากที่ MUNICH ในปี 1972	MOSSAD
15 ธันวาคม	SAN SEBASTIAN สเปน	ตำรวจลับถูกยิงเสียชีวิต 1 นาย บาดเจ็บ 1 นาย	ETA (BASQUE HOMELAND AND LIBERTY)

13 เหตุการณ์การก่อการร้ายในปี ค.ศ. 1980¹³

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
30 มีนาคม	เอลซัลวาดอร์	ได้เกิดระเบิดขึ้น ณ บริเวณจัตุรัส ¹⁴ ของ โบสถ์ในกรุงเอลซัลวาดอร์ ขณะมีการบังคับอาร์มิชชอบ ออสกา โรเมโก ทำให้มีผู้เสียชีวิตและบาดเจ็บจำนวนมาก หนึ่งกลุ่มกองกำลังฝ่ายซ้ายยอมรับตนเป็นผู้ลอบวางระเบิดดังกล่าว เพื่อก่อ	กลุ่มผู้ก่อการร้าย ฝ่ายซ้ายหัวรุนแรง

¹²Dobson, op. cit., pp.225.¹³สยามจดหมายเหตุ ปีที่ 5 (กรุงเทพมหานคร : สยามบรรณ, 2523)¹⁴เรื่องเดียวกัน. หน้า 391.

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
5 พฤษภาคม	ลอนดอน อังกฤษ	ความวุ่นวายเนื่องจากได้ยื่นชิงศพได้ กองโจรอาราณีสถาน ได้บุกเข้ายึด ¹⁵ สถานทูตของอิหร่านประจำกรุงลอนดอน ประเทศอังกฤษไว้พร้อมกับจับตัว เอกอัครราชทูตและเจ้าหน้าที่ของ สถานทูตไว้เป็นตัวประกัน และได้ เรียกร้องให้ทางการอิหร่านปล่อยตัว นักโทษการเมืองจำนวน 91 คน ใน จังหวัดเฮลซิงกิออกมาเป็นอิสระ	กลุ่มกองโจรอารา ณีสถาน
2 มิถุนายน	อิสราเอล	ผู้ก่อการร้ายชาวอาหรับได้ลอบวาง ¹⁶ ระเบิดรถยนต์ของนายกเทศมนตรีชาว อาหรับที่ได้รับการแต่งตั้งจากอิสราเอล แต่ได้รับบาดเจ็บสาหัสเท่านั้น โฆษก ขององค์การ PLO ได้ประกาศว่า เพื่อ เป็นการตอบโต้ที่ชาวอาหรับหันไปรับใช้ อิสราเอล	PLO
2 สิงหาคม	อิตาลี	เกิดการลอบวางระเบิดขึ้นที่สถานี ¹⁷ รถไฟในเมืองโบโลญา อิตาลี ทำให้มีผู้ เสียชีวิตและบาดเจ็บจำนวนหนึ่ง ต่อมา ตำรวจอิตาลีได้จับกุมตัวผู้ต้องสงสัยได้ คนหนึ่ง และทำการสอบสวนตรวจค้นบ้านของ พวกฝ่ายขวาจัดที่สนับสนุนการใช้ความรุนแรง	ไม่ทราบกลุ่ม

¹⁵ เรื่องเดียวกัน. หน้า 529.

¹⁶ เรื่องเดียวกัน. หน้า 641.

¹⁷ เรื่องเดียวกัน. หน้า 892.

14 เหตุการณ์การก่อการร้ายในปี ค.ศ. 1981¹⁸

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
12 มกราคม	เปอร์โตริโก	ได้มีการลอบก่อวินาศกรรมที่ฐานทัพ ¹⁹ อากาศยาน ทำให้อากาศยานจำนวน 10 ลำได้รับความเสียหายยับเยิน แต่ ไม่มีผู้ใดได้รับบาดเจ็บหรือเสียชีวิต เหตุการณ์ครั้งนี้เจ้าหน้าที่รัฐบาลแถลงว่า เป็นการกระทำของผู้ก่อการร้ายที่ต่อสู้อัน เพื่อเอกราชของเปอร์โตริโก และ คัดค้านการคงฐานทัพสหรัฐใน เปอร์โตริโก	ผู้ก่อการร้ายชาว เปอร์โตริโกไม่ทราบ กลุ่ม
12 กุมภาพันธ์	ฟิลิปปินส์	เกิดการปะทะกันระหว่างทหารของ ²⁰ ฝ่ายรัฐบาลฟิลิปปินส์กับชนวนการกองโจร โมโร ทางตอนใต้ของฟิลิปปินส์ ทำให้ มีทหารของฝ่ายรัฐบาลเสียชีวิต 118 คน การสูญเสียครั้งนั้นของฝ่ายรัฐบาลนับว่า เป็นการสูญเสียครั้งใหญ่ที่สุดที่มีการรบ กันมา	ชนวนการโมโร
20 กุมภาพันธ์	สเปน	ผู้ก่อการร้ายแบ่งแยกดินแดนชาว ²¹ บาสก์ ได้ออกปฏิบัติการลักพาตัวกงสุล	กลุ่มแบ่งแยกดินแดน ชาวบาสก์

¹⁸ สยามจดหมายเหตุ ปีที่ 6 (กรุงเทพมหานคร : สยามบรรณ, 2524)

¹⁹ เรื่องเดียวกัน. หน้า 80.

²⁰ เรื่องเดียวกัน. หน้า 191.

²¹ เรื่องเดียวกัน. หน้า 217.

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
		3 ประเทศ คือ เอสซัลวาดอร์ อุรุกวัย และออสเตรเลียไปเป็นตัวประกันโดยยื่นเงื่อนไข 2 ข้อต่อรัฐบาลสเปนคือ 1. ให้ปล่อยตัวผู้ก่อการร้ายชาวมาสก์ที่ถูกพิจารณาคดีในข้อหาก่อการร้ายทั้งหมดจำนวน 300 คน และให้มีการปลดเจ้าหน้าที่ตำรวจที่ทำการทรมานผู้ต้องหาชาวมาสก์ด้วย	

15 เหตุการณ์การก่อการร้ายในปี ค.ศ. 1982²²

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
3 มกราคม	อิตาลี	ลมาซิกลตรีของกองพลน้อยแดง ²³ 4 คน ได้วางระเบิดกำแพงคุกหลบหนีออกไป ได้ทำให้รัฐบาลอิตาลีถูกโจมตีอย่างหนัก	กองพลน้อยแดง
16 กุมภาพันธ์	ฝรั่งเศส	แนวร่วมปลดปล่อยแห่งชาติ คอร์ซิกา ²⁴ ได้ลอบวางระเบิด 19 ลูกทั่วกรุงปารีส และพระราชวังแวร์ซายส์ เพื่อเรียกร้องให้รัฐบาลฝรั่งเศสคืนสิทธิการปกครองตนเองให้แก่ชาวเกาะคอร์ซิกา	แนวร่วมปลดปล่อยแห่งชาติคอร์ซิกา

²² ลยามจุหมายเหตุ ปีที่ 7 (กรุงเทพมหานคร : สยามบรรณ, 2525)

²³ เรื่องเดียวกัน. หน้า 23.

²⁴ เรื่องเดียวกัน. หน้า 220.

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
28 กุมภาพันธ์	สหรัฐ	โดยเร็ว อย่างไรก็ตามระเบิดดังกล่าวทำงานแค่เพียง 16 จุดเท่านั้น และทำความเสียหายเพียงเล็กน้อย แนวร่วมขบวนการชาตินิยมเปอร์ ²⁵ โตริโกลอบวางระเบิด 4 ลูก ที่ตึก ซ็อนฮายฮุน ในนครนิวยอร์ก ตลาดหุ้น อเมริกัน สำนักงานนายหน้าเมอร์ริล ลินซ์ และอาคารเซล แมนฮัตตัน เพื่อเรียกร้องให้สหรัฐคืนเอกราช ให้แก่เปอร์โตริโก แต่ไม่มีใครได้ รับบาดเจ็บ	แนวร่วมขบวนการ ชาตินิยมเปอร์โตริโก

16 เหตุการณ์การก่อการร้ายในปี ค.ศ. 1963²⁶

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
28 มกราคม	เลบานอน	ทางการตำรวจของเลบานอนเปิด ²⁷ เผยว่าได้เกิดระเบิดขึ้นในรถยนต์ของ องค์การปลดปล่อยปาเลสไตน์ (PLO) ที่เมืองซาเทรา ทางตะวันออกของกรุง เบรุต เป็นเหตุให้อาคาร 3 ชั้น พัง ลงมาโดยมีผู้เสียชีวิตทั้งสิ้น 45 คน	องค์การชาตินิยม เลบานอน

²⁵ เรื่องเดียวกัน. หน้า 246-247.

²⁶ ลยามจดหมายเหตุ ปีที่ 8 (กรุงเทพมหานคร : สยามบรรณ. 2526)

²⁷ เรื่องเดียวกัน. หน้า 133.

วัน เดือน ปี	สถานที่	เหตุการณ์ที่เกิดขึ้น	กลุ่มที่กระทำ
		และบาดเจ็บประมาณ 20 คน ซึ่งผู้เสียชีวิตประกอบด้วย ปาเลสไตน์ เลบานอน ซีเรีย อนึ่งอาคารที่ถูกระเบิดขึ้นแล้วองค์การสหประชาชาตินิยมเลบานอนลงแห่งได้ประกาศความรับผิดชอบในการทำให้เกิดระเบิดขึ้น	
31 มีนาคม	เอลชัลวาดอร์	แนวร่วมนิยมซ้าย 5 กลุ่ม ได้เข้า ²⁸ ร่วมเป็นพันธมิตรทางการทหารกันเป็นครั้งแรก และใช้ชื่อกองทัพกำลังร่วมว่า "กองพันราฟาเอล อันโตนิโอ อาร์เซ่ ซาบาลา" หลังจากนั้นก็ยกทัพบุกไปโจมตีทหารฝ่ายรัฐบาลของเอลชัลวาดอร์ ทำให้มีทหารฝ่ายรัฐบาลเสียชีวิต 75 คน บาดเจ็บอีก 45 คน	"กองทัพราฟาเอล อันโตนิโอ อาร์เซ่ ซาบาลา"
18 เมษายน	เลบานอน	เกิดการวางระเบิดสถานทูตของ ²⁹ สหรัฐในเลบานอน โดยคนร้ายได้ใช้ระเบิดหนัก 500 ปอนด์ หรือ 277 กิโลกรัมขว่อนไว้ในรถยนต์บิคอัพแล้วจอดทิ้งไว้หน้าสถานทูต ผลปรากฏว่ามีผู้เสียชีวิต 49 คน เป็นชาวอเมริกัน 17 คน และมีผู้บาดเจ็บ 100 คน และสูญหายไปกว่า 20 คน หลังจากเกิดการระเบิดขึ้นแล้ว "กลุ่มกองโจร	กลุ่มมุสลิมหัวรุนแรง นิกายชีอะฮ์

²⁸ เรื่องเดียวกัน. หน้า 387.

²⁹ เรื่องเดียวกัน. หน้า 425.

วัน เดือน ปี	สถานที่	เหตุการณ์ที่เกิดขึ้น	กลุ่มที่กระทำ
20 พฤษภาคม	สาธารณรัฐ แอฟริกาใต้	มุสลิมเคร่งศาสนานิยมอิหร่าน" หรือ จิฮาด ประกาศอ้างความรับผิดชอบใน เหตุการณ์ครั้งนี้ โดยอ้าง เพื่อขับไล่ การยึดของสหรัฐ ได้เกิดการระเบิดขึ้นที่กองบัญชาการ ³⁰ กองทัพอากาศแอฟริกาใต้ในเมือง ปวีโตเนีย เป็นเหตุให้มีผู้เสียชีวิต 17 คน ในจำนวนนั้นเป็นคนผิวดำ 7 คน และบาดเจ็บอีก 217 คน โดยฝ่าย กองโจรชาตินิยมผิวดำที่เรียกตนเองว่า "องค์การสภาแห่งชาติแอฟริกา" (ANC) ซึ่งเป็นองค์กรที่ต่อต้านการ ปกครองโดยรัฐบาลผิวขาวในแอฟริกา เป็นผู้ประกาศการรับผิดชอบในการ วางระเบิดครั้งนี้	องค์การสภาแห่งชาติ แอฟริกา
23 พฤษภาคม	เกาะคอรัซิกา	ได้มีการวางระเบิดจำนวน 43 ลูก ³¹ ในเมืองใหญ่ ๆ 7 เมืองบนเกาะ คอรัซิกา ทำความเสียหายอย่างหนัก ให้แก่อาคารบ้านเรือนและมีผู้ได้รับ บาดเจ็บ 1 คน องค์การแนวร่วมปลด แอกแห่งชาติของชาวคอรัซิกา (FLNC) อ้างว่าเป็นผู้รับผิดชอบในการวาง ระเบิดครั้งนี้ องค์การ FLNC เป็น	องค์การแนวร่วมปลด แอกแห่งชาติของชาว คอรัซิกา

³⁰ เรื่องเดียวกัน. หน้า 586.

³¹ เรื่องเดียวกัน. หน้า 641.

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
		องค์การที่เคลื่อนไหวทางการเมืองเพื่อ ให้รัฐบาลฝรั่งเศสคืนเอกราชให้แก่ เกาะคอรัซิกา	
15 กันยายน	ปารีส ฝรั่งเศส	ได้เกิดระเบิดขึ้นที่บริเวณ ³² คานต์เตอร์ของสายการบินทรูที ในท่าอากาศยานออร์ลีชายกรุงปารีส ยังผลให้มีผู้เสียชีวิต 5 คน และบาดเจ็บ อีก 56 คน หลังจากเกิดเหตุ องค์การต่อต้านเพื่ออิสรภาพ ของชาวอาเมเนี่ยน (อาสาลา) อ้างความรับผิดชอบในการกระทำ การครั้งนี้เพื่อบีบบังคับให้รัฐบาล ตุรกียอมมอบสิทธิในการปกครองตนเอง	อาสาลา

17 เหตุการณ์การก่อการร้ายในปี ค.ศ. 1984³³

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
18 มกราคม	กรุงเบรุต เลบานอน	นายมัลคาล์ม เคอร์ อธิการบดี ³⁴ ของมหาวิทยาลัยอเมริกัน ซึ่งตั้งอยู่ ในกรุงเบรุตถูกคนร้าย 2 คน ฆาป ยิงเสียชีวิตเป็นการตอบโต้และ ขับไล่อเมริกันให้ออกจากเลบานอน	กลุ่มอิสลามิก วิซคินกาย ซี อิท

³² เรื่องเดียวกัน. หน้า 809.

³³ สยามจดหมายเหตุ ปีที่ 9 (กรุงเทพมหานคร : สยามบรรณ, 2527)

³⁴ เรื่องเดียวกัน. หน้า 107.

วัน เดือน ปี	สถานที่	เหตุการณ์ที่เกิดขึ้น	กลุ่มที่กระทำ
6 กุมภาพันธ์	เมือง เบอร์มิงแฮม อังกฤษ	นายระวินทร์ มเหศวร์ รองข้าหลวง ³⁵ ใหญ่อินเดียประจำเมืองเบอร์มิงแฮม ซึ่งถูกลักพาตัวไปตั้งแต่วันที่ 3 กุมภาพันธ์ พ.ศ. 2527 หลังจากที่คนร้าย ได้เรียกร้องให้รัฐบาลอินเดียทำการ ปลดปล่อยนักโทษการเมืองชาว แคชเมียร์ทั้งหมด รวมทั้งนาย มัคบูล บุคต์ ผู้นำแนวร่วมปลดปล่อยแห่งชาติ ชาวแคชเมียร์ (KLA) ด้วย นอกจากนี้ ยังเรียกร้องเงินลด 1 ล้านปอนด์ แต่ได้รับการปฏิเสธจากรัฐบาล อินเดีย ได้ถูกคนร้ายสังหารแล้ว	กองทัพปลดปล่อย แคชเมียร์ (KLA)
20 กันยายน	กรุงเบรุต เลบานอน	ได้มีกลุ่มคนร้ายที่อ้างว่าเป็นกลุ่ม ³⁶ อิสลามิกจิฮาดจำนวน 2 คน ได้ลัก รถแวนชนิดป้ายทะเบียนปลอมของ สถานทูตเนเธอร์แลนด์ บรรทุกระเบิด T.N.T.หนัก 175 กิโลกรัม ผ่านว บ้องกันเข้าไปยังสถานทูตสหรัฐแห่งใหม่ ในกรุงเบรุต แต่ถูกทหารลี้ภัย จึงเกิด ระเบิดขึ้น ห่างจากอาคารเพียง 1 เมตร ยังผลให้อาคารได้รับความ เสียหาย และมีผู้เสียชีวิต 23 คน บาดเจ็บอีก 60 คน ในจำนวนนี้ นาย	กลุ่มอิสลามิกจิฮาด

³⁵ เรื่องเดียวกัน. หน้า 220-221.

³⁶ เรื่องเดียวกัน. หน้า 1089-1090.

วัน เดือน ปี	สถานที่	เหตุการณ์ที่เกิดขึ้น	กลุ่มที่กระทำ
4 ตุลาคม	กรุงเทพมหานคร อิน โคนีเซีย	เรจินัลด์ บาร์ โยโลมิว เอกอัครราชทูต ของสหรัฐ และนายเควิด เมียร์ เอกอัครราชทูตอังกฤษรวมอยู่ด้วย เกิดการลอบวางระเบิดที่ศูนย์การค้า ³⁷ แห่งหนึ่ง ในใจกลางกรุงเทพมหานคร เป็น เหตุให้มีผู้เสียชีวิต 2 คน และบาดเจ็บ 18 คน พลเอกเบนนี่ มูร์คานี่ ผู้บัญชา การทหารสูงสุดบอกว่าเป็นฝีมือ ผู้ก่อ การร้ายที่มุ่งก่อความกลุ่มนักธุรกิจ ผู้มั่ง คั่งชาวจีน และสังคมของอิน โคนีเซีย	กลุ่มมุสลิมหัวรุนแรง ที่จี เครื่องบิน โดยลาร มาลงที่กรุงเทพ เมื่อ พ.ศ. 2524
2 ธันวาคม	กรุงเทพฯ อิหร่าน	สลัดอากาศ 4 คน ได้จับเครื่องบิน ³⁸ ของคูเวตพร้อมด้วยผู้โดยสาร 161 คน ขณะบินไปยังปากีสถานให้ ร่อนลงที่กรุงเทพฯ เมืองหลวงของ อิหร่าน สลัดอากาศกลุ่มนี้ ได้ยื่นข้อเรียกร้อง ร้องให้รัฐบาลคูเวตปล่อยตัวนักโทษ 17 คน ที่ถูกจับกรณีลอบวางระเบิดสถานทูต สหรัฐและฝรั่งเศส เมื่อปลายเดือน ธันวาคม 2526 ต่อมาสลัดอากาศได้ สังหารตัวประกัน 4 คน เป็นชาว อเมริกัน 2 คน ชาวคูเวต 2 คน เมื่อข้อเรียกร้องของตนถูกปฏิเสธ	ผู้ก่อการร้ายชาว อิหร่าน ไม่ทราบกลุ่ม

³⁷ เรื่องเดียวกัน. หน้า 1171.

³⁸ เรื่องเดียวกัน. หน้า 1426.

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
18 ธันวาคม	เยอรมัน- ตะวันตก	ได้มีการลอบวางระเบิดหนัก ³⁹ 25 กก. ไว้ที่ท่ารถยนต์หน้าศูนย์ ฝึกอบรมเจ้าหน้าที่นาโต แต่เจ้าหน้าที่ สามารถถอนชนวนได้ทัน ต่อมาเมื่อ วันที่ 19 ธ.ค. 2527 ผู้ก่อการร้าย ฝ่ายซ้ายของเยอรมันตะวันตก หรือ บาเตอร์ ไม่นอฟ ที่เจียบท้ายไปนาน ได้ประกาศว่าเป็นผู้ลอบวางระเบิด ในครั้งนี้ เพื่อต้องการแสดงพลังให้ เห็นว่ากลุ่มเห็นด้วยกับการต่อสู้ของ นักโทษซึ่งเป็นสมาชิกของกลุ่มคน จำนวน 350 คนที่ก่อการประท้วง รัฐบาลเพื่อให้แยกตนเป็นนักโทษการเมือง ไมใช่เป็นนักโทษอาชญากรรมธรรมดา	บาเตอร์ ไม่นอฟ

18 เหตุการณ์การก่อการร้ายในปี ค.ศ. 1985⁴⁰

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
12 เมษายน	กรุงมาดริด สเปน	เกิดระเบิดขึ้นที่ภัตตาคาร นอก ⁴¹ กรุงมาดริด ใกล้ฐานทัพอากาศสหรัฐ ที่ทอร์ เรเซิน เค อาร์โคต เป็น เหตุให้ชาวสเปน 20 คน เสียชีวิต	กลุ่มอิสลามมิกจิฮาด

³⁹ เรื่องเดียวกัน. หน้า 1452-1453.

⁴⁰ ลยามจดหมายเหตุปีที่ 10 กรุงเทพมหานคร : ลยามบรรณ 2528)

⁴¹ เรื่องเดียวกัน. หน้า 445.

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
		และบาดเจ็บอีกจำนวนหนึ่ง ในจำนวน นี้ต้องการเล่นงานทหารอเมริกัน ต่อ มากลุ่มอิสลามมิกิจิฮาดเป็นผู้อ้าง ความรับผิดชอบ	
16 พฤษภาคม	เลบานอน	ผู้ก่อการร้ายมุสลิมหัวรุนแรง กลุ่ม ⁴² อิสลามมิกิจิฮาดในเลบานอนประกาศ ว่าจะสังหารตัวประกันชาวอเมริกัน และชาวฝรั่งเศส รวม 7 คน หาก คูเวตไม่ยอมปล่อยตัวผู้ก่อการร้ายที่ ถูกตัดสินให้ประหารชีวิตจากข้อหา ลอบวางระเบิดสถานทูตสหรัฐและ ฝรั่งเศสเมื่อวันที่ 12 ธ.ค. พ.ศ. 2526	กลุ่มอิสลามมิกิจิฮาด
10 มิถุนายน	กรุงเทพมหานคร ศูนย์เซีย	ลัดดาอากาศมุสลิมนิกายจีฮัด จำนวน ⁴³ 6 คน ได้จี้เครื่องบินโบอิง 727 ของ สายการบินอาเลียแห่งจอร์แดน ขณะ บินจากกรุงเบรุตไปยังกรุงอัมมัน นครหลวงของจอร์แดน นร้อมด้วย เจ้าหน้าที่และผู้โดยสารทั้งหมด 74 คน ลัดดาอากาศทั้งหกได้บังคับ ให้บินมุ่งไปยังเมืองตุนิส	หน่วยกล้าตายของ อิหร่านมุสซาฮาดร์
12 มิถุนายน	ลาร์นาคา ไซปรัส	ลัดดาอากาศชาวปาเลสไตน์หนึ่งคน ⁴⁴ ได้บุกจี้เครื่องบินมิคเอลิสต์เลบานอน	กลุ่มมุสลิมจีฮัดหัว รุนแรง

⁴² เรื่องเดียวกัน. หน้า 585.

⁴³ เรื่องเดียวกัน. หน้า 698.

⁴⁴ เรื่องเดียวกัน. หน้า 697.

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
		ที่ท่าอากาศยานลาร์นาคาในเกาะไซปรัส โดยเรียงร้องให้เครื่องบินดังกล่าวบินไปยังกรุงอัมกัน โดยยื่นข้อเรียกร้องว่าตนจะเครื่องบินนี้เพื่อตอบโต้กระทำของผู้ก่อการร้ายมุสลิมจีฮัด 6 คน ที่จี้เครื่องบินนี้เพื่อตอบโต้การกระทำของผู้ก่อการร้ายมุสลิมจีฮัด 6 คน ที่จี้เครื่องบินของสายการบินอาเลีย	

19 เหตุการณ์การก่อการร้ายในปี ค.ศ. 1986⁴⁵

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
31 มีนาคม	เวืองอาคะ ซากะญูบูน	ได้มีการลอบยิงจรวดทำเอง 3 ลูก ไปยังวังที่ประทับของราชกุมารญูบูน ซึ่งตั้งอยู่ใกล้กับโรงแรมที่ใช้ประชุมผู้นำ 7 ชาตีสหประชากรม แต่ไม่มีผู้ใดได้รับบาดเจ็บ	กลุ่มจูกากู-ฮายกลุ่ม แกนกลาง
5 เมษายน	กรุงเบอร์ลิน- ตะวันตก, เยอรมัน- ตะวันตก	เกิดระเบิดขึ้นที่ในท่ารถกลับแห่งหนึ่งในกรุงเบอร์ลินตะวันตก ซึ่งเป็นสถานที่ที่ทหารอเมริกันจะไปชุมนุมกันอยู่ประจำ เป็นเหตุให้มีผู้เสียชีวิต 2 ราย บาดเจ็บ 150 คน ภายหลังจากเหตุการณ์ดังกล่าว ได้มีโทรทัศน์ลึกลับแจ้งว่า แนวร่วมเสรี	แนวร่วมเสรีอาหรับ ต่อต้านสหรัฐ

⁴⁵ ลยามจดหมายเหตุปีที่ 11 กรุงเทพมหานคร : สยามบรรณ 2529)

⁴⁶ เรื่องเดียวกัน. หน้า 389

วัน เดือน ปี	สถานที่	เหตุการณ์ที่เกิดขึ้น	กลุ่มที่กระทำ
3 สิงหาคม	ไซปรัส	<p>อาหารบ่ต่อต้านรัฐบาลสหรัฐเป็นผู้รับผิดชอบต่อการระเบิดดังกล่าว</p> <p>ฐานทัพอากาศโรดริ และฐานทัพอากาศเคเลีย⁴⁷ ของอังกฤษเกาะไซปรัส ถูกโจมตีด้วยจรวดและปืนครก เป็นเหตุให้มีสตรีอาคารพังเสียหาย กลุ่มผู้ก่อการร้ายนิยมลิเบียในกรุงเบรุตที่เรียกตนเองว่า องค์การสหพันธ์อัลเซอรไรต์ ได้อ้างความรับผิดชอบในการโจมตีครั้งนี้ โดยระบุว่าเพื่อเป็นการแก้แค้นอังกฤษที่ยินยอมให้สหรัฐใช้นามบินในการบินไปโจมตีลิเบียเมื่อวันที่ 15 เม.ย. 1985 นอกจากนี้ฐานทัพอากาศของอังกฤษยังเคยถูกใช้ในการรุกรานหลายครั้งอีกทั้งยังใช้เป็นสถานที่คอยให้ข้อมูลแก่อิสราเอล</p>	องค์การสหภาพ บัลเซอร์ไรต์
6 กันยายน	กรุงอิสตันบูล ตุรกี	<p>ได้มีผู้ก่อการร้ายชาวอาหรับ 2 คน⁴⁸ บุกเข้าไปในสุเหร่าอันฮาลอม ซึ่งเป็นสุเหร่าที่ใหญ่ที่สุดของอิสตันบูลในกรุงอิสตันบูล นครหลวงของตุรกี และได้ปิดประตูไม่ให้ผู้คนหนีออกมาได้ จากนั้นก็กราดปืนกลยิงไล่เป็นเหตุให้มีผู้เสียชีวิตถึง 22 คน กลุ่มมุสลิมนิกายชีอะฮ์ใน</p>	กลุ่มมุสลิมนิกายชีอะฮ์

⁴⁷ เรื่องเดียวกัน. หน้า 863

⁴⁸ เรื่องเดียวกัน. หน้า 1005.

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
5 กันยายน	กรุงเทพมหานคร ปากีสถาน	เลบานอน ได้เป็นผู้อ้างความรับผิดชอบ ลัดตอากาศชาวอาหรับ 4 คน ได้บุ้ ⁴⁰ เครื่องบินโบอิง 747 ของสายการบิน แพนแอมของสหรัฐ พร้อมกับยึดตัวประ กัน 400 คน เอาไว้ขณะที่เครื่องบินลำ ดังกล่าวได้จอดแวะรับผู้โดยสารที่กรุง การาจี ซึ่งจุดหมายปลายทางของเครื่อง บินดังกล่าวอยู่ในนิวยอร์ก โดยลัดตอากาศ ได้ยื่นข้อเรียกร้องให้เครื่องบินลำดังกล่าว ไบลงที่สนามบินเกาะไซปรัส พร้อมกับให้ ไซปรัสปล่อยตัวนักโทษในคดีก่อการร้าย 3 คน แต่ทางการปากีสถานได้ส่งหน่วย คอมมานโดบุกยึดเครื่องบินทำให้ตัวประ กันตาย 18 คน และบาดเจ็บ 13 คน ลัดตอากาศเสียชีวิต 2 คน	กลุ่มจุนตุลาร์ (ทหารของพระเจ้า)

20 เหตุการณ์การก่อการร้ายในปี ค.ศ. 1987⁵⁰

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
1 มิถุนายน	กรุงเบรุต เลบานอน	ได้มีคนร้ายลอบวางระเบิดไว้ใน ⁵¹ เฮลิคอปเตอร์ซึ่งนายราชิดคารามิ นายกรัฐมนตรีเลบานอน นายอับดุลรา	ไม่ทราบกลุ่ม ผู้ปฏิบัติการ

⁴⁰ เรื่องเดียวกัน. หน้า 1034.

⁵⁰ สยามจดหมายเหตุปีที่ 12 กรุงเทพมหานคร : สยามบรรณ 2530)

⁵¹ เรื่องเดียวกัน. หน้า 663-669.

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
		ราชสีห์รัฐมนตรีมหาดไทย และคณะกำลังเดินทางจากเมืองบาคาเซฟรินมายังกรุงเบรุต แต่นักบินสามารถนำเครื่องร่อนลงฉุกเฉินได้อย่างปลอดภัย นายตารามิ เสียชีวิต ส่วนนายราชสีห์ได้รับบาดเจ็บสาหัส	
6 กรกฎาคม	รัฐบันจาบ อินเตีย	กองกำลังชาวซิกข์ ซึ่งประกาศตนว่า ⁵² เป็นหน่วยคอมมานโดกาฬิสถานประมาณ 5-7 คน ได้ใช้อาวุธปืนบุกจี้รถโดยสารประจำทางของผู้จาริกแสวงบุญชาวฮินดู บริเวณหมู่บ้านลัลรูนอกเมือง จันติการ์ ในรัฐบันจาบ นอกจากนั้นยังได้ใช้ปืนยิงกราดผู้โดยสารทำให้มีคนตาย 37 คน บาดเจ็บ 30 คน	หน่วยคอมมานโด กาฬิสถาน
19 สิงหาคม	กรุงเบรุต เลบานอน	นายชาร์ลสัน กลาสส์ ผู้สื่อข่าวของ ⁵³ สถานีโทรทัศน์ ABC ของสหรัฐได้ถูกลี้กพาตัวจากฝั่งตะวันตกของกรุงเบรุต ประเทศเลบานอน โดยผู้ก่อการร้ายชาวอาหรับ 4 คน	ไม่ทราบกลุ่ม ผู้ปฏิบัติการ
19 กันยายน	มะนิลา ฟิลิปปินส์	นายลีอัน โตร อาลจาน โตร เลขา ⁵⁴ ธิการกลุ่มแนวร่วมรักชาติฟิลิปปินส์ได้ถูกคนร้ายลอบยิงเสียชีวิต หลังจากที่	ไม่ทราบกลุ่ม ผู้ปฏิบัติการ

⁵² เรื่องเดียวกัน. หน้า 779-780.

⁵³ เรื่องเดียวกัน. หน้า 950.

⁵⁴ เรื่องเดียวกัน. หน้า 1057.

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
		เขาประกาศจะจัดการชุมนุมประท้วง รัฐบาลนางโคราซอน อาคีโน ครั้งใหญ่ ขึ้น เพื่อประท้วงคัดค้านที่รัฐบาลชุดใหม่ มีนายทหารนอกราชการกลับเข้ามาร่วมมากขึ้น	

21 เหตุการณ์การก่อการร้ายในปี ค.ศ. 1988

<u>วัน เดือน ปี</u>	<u>สถานที่</u>	<u>เหตุการณ์ที่เกิดขึ้น</u>	<u>กลุ่มที่กระทำ</u>
6 มีนาคม	ยิบรอลตาร์ ไอร์แลนด์- เหนือ	ความยุ่งยากในไอร์แลนด์เหนือ ^{๕๕} ได้เริ่มทวีขึ้นมาอีกในช่วงเดือน มีนาคม 2531 ทั้งนี้จากการที่ เจ้าหน้าที่นอกเครื่องแบบของกอง กำลังพิเศษรักษาความมั่นคง และ ต่อต้านการก่อการร้ายของอังกฤษ (SPECIAL AIR SERVICE-SAS) ซึ่งกำลังไปปฏิบัติงานค้นหาระเบิด ได้ยิงชาย 2 คน และสตรี 1 คน เสียชีวิตที่สถานีเคมน์นาร์มัน ใกล้สนามบิน ยิบรอลตาร์ อันเป็นอาณานิคมของ อังกฤษติดกับสเปน โดยเชื่อว่าบุคคล ทั้งสามเป็นผู้ก่อการร้ายลี้ภัยกองทัพ สาธารณรัฐไอร์แลนด์ (THE IRISH REPUBLICAN ARMY - IRA) จน เป็นเหตุให้เกิดเหตุการณ์ขึ้น เมื่อ	

^{๕๕} สยามจดหมายเหตุปีที่ 13 (กรุงเทพมหานคร : สยามบรรณ) 2531, หน้า 502-504.

วัน เดือน ปี	สถานที่	เหตุการณ์ที่เกิดขึ้น	กลุ่มที่กระทำ
		<p>วันที่ 19 มีนาคม 2531 ในขณะที่กำลังมีการประกอบพิธีศพผู้เสียชีวิตคนหนึ่งที่บ้านคาทอลิกนิลส์ทาวน์ ทหารอังกฤษ 2 คน ได้ขับรถหลงเข้าไปฝูงชนที่มาร่วมงานคนคิดว่าทหารทั้งสองคนเป็นเจ้าหน้าที่หน่วยต่อต้านการก่อการร้ายหรือเป็นหน่วยข่าวกรอง จึงได้บุกเข้าไปจับตัวทหารทั้งสองคนออกจากรถ และทำการรุมข่มขู่และยิงจนทหารทั้งสองคนเสียชีวิตในเวลาต่อมา</p>	
14 มีนาคม	นิวยอร์ก	<p>รัฐบาลสหรัฐได้แจ้งต่อองค์การสหประชาชาติ เมื่อวันที่ 11 มีนาคม 2530 ว่าสหรัฐได้สั่งปิดสำนักงานของคณะผู้แทนองค์การปลดปล่อยปาเลสไตน์ ที่ทำหน้าที่เป็นผู้สังเกตการณ์ประจำ UN แล้ว ภายในวันที่ 14 มีนาคม 2531 แม้ว่าความตกลงที่สหรัฐทำไว้กับ UN ในฐานะที่สหรัฐเป็นประเทศเจ้าบ้าน สหรัฐมีความจำเป็นที่จะต้องยินยอมให้คณะผู้แทนเข้าไปตั้งสำนักงานผู้แทนในสหรัฐก็ตาม</p>	
5 เมษายน	กรุงเทพฯ	เมื่อวันที่ 5 เมษายน 2531 ได้มี ^{๕๗}	

^{๕๖} เรื่องเดียวกัน. หน้า 499.

^{๕๗} เรื่องเดียวกัน. หน้า 823-824.

วัน เดือน ปีสถานที่เหตุการณ์ที่เกิดขึ้นกลุ่มที่กระทำ

กลุ่มชาวผู้ก่อการร้ายชาวอาหรับจำนวน 8 คน ใช้อาวุธปืนจู่เครื่องบินโดยสารของสายการบินคูเวตแอร์เวย์เที่ยวบิน KU 442 ซึ่งบินระหว่างกรุงเทพมหานครพร้อมทั้งผู้โดยสาร 97 คน และพนักงานประจำเครื่อง 15 คน ส่วนใหญ่เป็นชาวคูเวตและชาวอังกฤษ และมีคนไทยรวมอยู่ด้วย 9 คน โดยสลัดอากาศได้บังคับให้นักบินนำเครื่องไปลงจอดที่สนามบินมิชฮาตซึ่งอยู่ทางตะวันออกเฉียงเหนือของอิหร่าน และได้ยื่นข้อเรียกร้องให้รัฐบาลคูเวตปล่อยตัวนักโทษชาวมุสลิมในกาซชีอะด 17 คนที่ถูกกักขังอยู่ในคูเวต ในข้อหาหลบวางระเบิดสถานเอกอัครราชทูตสหรัฐและฝรั่งเศส เมื่อปี พ.ศ. 2526 มิฉะนั้นจะสังหารตัวประกันทั้งหมด เหตุการณ์อยู่ในภาวะตึงเครียดมาตลอดจนถึงวันที่ 20 เมษายน 2531 สลัดอากาศจึงได้ปล่อยตัวประกันที่เหลือทั้งหมดโดยมีตัวประกันถูกสังหารไป 3 คน อย่างไรก็ตาม ยังไม่เป็นที่ปรากฏแน่ชัดว่าอาวุธที่นำขึ้น ไปบนเครื่องบินนั้นขึ้นมาจากที่ใด และใช้วิธีการใด แต่ทางเจ้าหน้าที่ขนส่งทางอากาศระหว่างประเทศเชื่อว่า สลัดอากาศต้องนำอาวุธไปจากไทยโดยเจ้าหน้าที่ประจำสนามบินแอนนาไปซ่อน



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ไต้หวัน เครื่องให้ผู้ก่อการร้ายคนหนึ่งในเรื่องนี้ทางการทำอากาศยานแห่งประเทศไทยได้ปฏิเสธข้อสันนิษฐานตั้งกล่าว 28 เมษายน 2531 พลอากาศโทสมบุญระหงษ์ ผู้ว่าการทำอากาศยานแห่งประเทศไทย (ทอท.) ได้แถลงถึงผลการสอบสวนเบื้องต้นเกี่ยวกับกรณีการซื้อเครื่องบินของสายการบินคูเวตว่า บัดนี้ทางคณะกรรมการสอบสวนข้อเท็จจริงเบื้องต้นซึ่ง ทอท. ตั้งขึ้น ได้สอบสวนข้อเท็จจริงจากผู้ปฏิบัติงานที่เกี่ยวข้องกับเที่ยวบินนี้รวมทั้งสิ้น 97 คน เสร็จสิ้นแล้ว สรุปได้ว่าไม่มีสิ่งบอเหตุที่ผิดปกติที่ทำให้สงสัยได้ว่าอาวุธที่สลัดอากาศใช้ถูกนำขึ้นจากความพลอดภัยของทำอากาศยาน และมาตรการรักษาความปลอดภัยที่สายการบินปฏิบัติเป็นพิเศษ ล้วนแต่เป็นมาตรการที่รอบคอบและรัดกุมที่สุด และเป็นที่เชื่อถือ ได้รับการรับรองจากสายการบินทั่วโลก

พลอากาศโทสมบุญกล่าวต่อไปว่ามาตรการรักษาความปลอดภัยสำหรับเที่ยวบินนี้ เริ่มตั้งแต่ผู้โดยสารลงจากเครื่องบินที่ทำอากาศยานกรุงเทพฯ ก็จะมีเจ้าหน้าที่ของ ทอท. 2 คน เจ้าหน้าที่ของบริษัท เอ็มพีเอ ซึ่งเป็นบริษัทรักษา

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ความปลอดภัย 2 คน และมีเจ้าหน้าที่
ระดับหัวหน้าของสายการบินคูเวตอีก 1
คน ปฏิบัติหน้าที่ในการรักษาความปลอดภัย
ภัย ซึ่งมาตรการทั้งหมดนี้จะเข้มงวด
มากในการคัดเลือกเจ้าหน้าที่ที่มาปฏิบัติ
งาน ประการสำคัญคือ แต่ละคนจะไม่รู้
ตัวมาก่อนว่าจะต้องดูแลเที่ยวบินใด
และหลังจากที่ผู้โดยสารลงจากเครื่อง
บินเรียบร้อยแล้ว จะมีเจ้าหน้าที่อีก 5
ฝ่ายขึ้น ไปปฏิบัติการบนเครื่องบิน ได้แก่
เจ้าหน้าที่รักษาความสะอาด ซึ่งเป็น
เจ้าหน้าที่ของบริษัทการบินไทย

เจ้าหน้าที่เดิมน้ำมันของบริษัท
เจ้าหน้าที่ขนส่งภาระ และช่างเครื่อง
ซึ่งบุคคลเหล่านี้จะต้องผ่านการตรวจสอบ
จากเจ้าหน้าที่ที่รับผิดชอบรักษาความ
ปลอดภัยอยู่ก่อนที่จะขึ้นไปปฏิบัติงาน ดัง
นี้จึงเป็นไปไม่ได้เลยที่อาวุธจะถูกนำ
ขึ้นไปโดยเจ้าหน้าที่เหล่านี้ และการจี้
เครื่องบินครั้งนี้ เป็นไปไม่ได้ที่ลี้ลับอา
กาศจะว่าจ้างคนไทยเข้าร่วมด้วย
เพราะเป็นปฏิบัติการระดับโลกที่ผู้ก่อ
การร้ายไม่มีทางไว้ใจในบุคคลอื่นได้ และ
จะไม่ยอมเสี่ยงอย่างแน่นอน สำหรับผู้
โดยสารที่ขึ้นเครื่องบินนั้น ไม่มีโอกาสที่

วัน เดือน ปี

สถานที่

เหตุการณ์ที่เกิดขึ้น

กลุ่มที่กระทำ

จะนำอาวุธติดตัวไปได้เลย . เพราะ
 มาตรการรักษาความปลอดภัยของทาง
 ทอท. ได้มาตรฐานสากล นอกจากนี้
 พลอากาศโทสมบุญยัง ได้ให้ความเห็นว่า
 เนื่องจากในเที่ยวบินดังกล่าวมีผู้โดยสาร
 ที่มีชื่อพระวงศ์ของคูเวตร่วมโดยสาร
 ไปด้วย ฉะนั้น การก่อการร้ายใน
 ครั้งนี้จะต้องถูกวางแผนมาอย่างดี โดย
 สลัดอากาศฝีมือระดับโลก ซึ่งคงจะ
 ไม่ได้วางแผนที่กรุงเทพฯ อย่างแน่นอน
 โดยเฉพาะผู้โดยสารที่เป็นชาวตะวันออก
 ออกกลางแล้ว ทาง ทอท. จะตรวจลอบ
 อาวุธอย่างละเอียดโดยจะไม่มีภาระ
 เว้น

นาวาอากาศเอก อยู่ประคินธุ์ รองผู้
 ว่าการการทำอากาศยานแห่งประเทศไทย
 แถลงว่าทาง ทอท. จะส่งผลสรุป
 เบื้องต้น ไปยังองค์การบินพลเรือน
 ระหว่างประเทศ (ไออาร์) ได้ทราบ แต่
 ไม่จำเป็นต้องแจ้งให้ทางคูเวตทราบ
 นอกเหนือจากมาตรการรักษาความ
 ปลอดภัยตามปกติแล้ว ทอท. ยังใช้มาตรการ
 เสริมกับผู้โดยสารที่เดินทางมาลงที่
 ไทย เพื่อต่อเครื่องบินอีกลำหนึ่ง โดย
 เจ้าหน้าที่ของไทยจะตรวจค้นอย่างละเอียด
 ทุกเที่ยวบิน ฉะนั้น จึงยืนยันได้ว่า

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อาวุธดังกล่าวไม่ได้นำขึ้นจากกรุงเทพฯ
อย่างแน่นอน

4 กรกฎาคม 2531 นายราชิต อับเตส
อาซิส อัล ราฮิต รัฐมนตรีประจำสำนัก
นายกรัฐมนตรี ฝ่ายกิจการต่างประเทศ
ของคูเวต แถลงว่า ความหละหลวมของ
มาตรการรักษาความปลอดภัย ที่ท่า
อากาศยานกรุงเทพฯ ช่วยให้เกิดการจี้
เครื่องบินดังกล่าวขึ้น ถึงแม้ว่าคณะ
กรรมการสอบสวนจะไม่สามารถชี้ชัดได้
ว่า ลักลอบอากาศเหล่านั้นนำอาวุธขึ้นไป
บนเครื่องบินได้อย่างไร แต่ก็พบว่ากระ
ทรวงมหาดไทยคูเวต และบริษัทสาย
การบินคูเวต ไม่ได้จัดการให้มีการรักษา
ความปลอดภัยอย่างมีประสิทธิภาพ

16 วันจี้เครื่องบินคูเวต^{๕๑} อังคารที่ ๕
เม.ย เวลา 9.30 น. (เวลาในไทย)
เครื่องบินสายการบินคูเวตเที่ยวบินที่เคยู
422 ซึ่งบินขึ้นจากสนามบินคอนเมือง
ของไทย มุ่งหน้าสู่คูเวต ได้ถูกลักลอบอากาศ
จี้บังคับไว้โดยร่อนลงที่จุดหมายปลายทาง
แรกทีลนามินมาซาด อิหร่าน และ
ปล่อยตัวประกันชาวจอร์แดนคนแรกเป็น
อิสระ ลักลอบอากาศเรียกร้องให้ปล่อยตัว

^{๕๑}"16 วันจี้เครื่องบินคูเวต" ไทยรัฐ. 22 เมษายน 2531, หน้า2.

วัน เดือน ปีสถานที่เหตุการณ์ที่เกิดขึ้นกลุ่มที่กระทำ

นักโทษอาหรับ 17 คน ในคูเวต และ
 ชู่จะทำร้ายพระราชวงศ์คูเวต 3 คน
 บนเครื่อง

6 เม.ย. ผู้โดยสารสกัดรับบนเครื่อง บิน
 24 คน ได้รับอิสระ

7 เม.ย. สลัดอากาศปล่อยตัวผู้โดยสาร
 บนเครื่องอีก 32 คน จำนวนนี้มีคนไทย
 อยู่ด้วย จากนั้น ได้ยิงชู่เจ้าหน้าที่รักษา
 ความปลอดภัยหลังอิหร่านปฏิเสธการ
 เติมน้ำมัน

8 เม.ย. เครื่องบินมุ่งเข้าสู่เบรุต
 แต่ลงไม่ได้ เพราะกองกำลังซีเรียปฏิเสธ
 จากนั้นเครื่องร่อนลงที่สนามบินลาร์นาคา
 ในไซปรัส

9 เม.ย. สลัดอากาศยิงตัวประกันชาว
 คูเวต 1 คน หลังถูกปฏิเสธการเติมน้ำมัน
 ขณะที่ตัวประกันอีกคน ได้รับการปล่อยตัว
 เป็นอิสระ

10 เม.ย. ขบวนการมุสลิมจี้คใน
 เลบานอนชู่ล้างหารตัวประกันตะวันตกที่
 จับไว้หากมีการโจมตีเครื่องบินของสลัด
 อากาศ

11 เม.ย. ร่างอันไว้วิญญาณของชาว
 คูเวตอีกคนถูกทิ้งลงจากเครื่อง

12 เม.ย มีการปล่อยตัวประกันอีก 12
 คน แลกกับการเติมน้ำมัน และไซปรัส

วัน เดือน ปีสถานที่เหตุการณ์ที่เกิดขึ้นกลุ่มที่กระทำ

แถลงว่า ตัวประกันที่หลบหนีเครื่อง
31 คน จะได้รับการปล่อยตัวในไม่ช้า
เมื่อเครื่องบินเดินทางถึงแอลจีเรีย
13 เม.ย. รัฐมนตรีมหาดไทยแอลจีเรีย
เผยว่าลัทธิอากาศให้สัญญาจะไม่ใช่ความ
รุนแรงในแผ่นดินแอลจีเรีย พร้อมทวง
ถามข้อเรียกร้อง ขณะที่ตัวแทนรัฐบาลคู
เวต 8 คนเดินทางถึงแอลจีเรียเพื่อ
การเจรจา

14 เม.ย. นับเป็นครั้งแรกที่ลัทธิอากาศ
ยอมเคลื่อนย้ายเครื่องบินที่จอดอยู่ชั่วคราว
เปิดทางให้เครื่องบินของประธานาธิบดี
เคนเนธ คาอูนต้า แห่งแซมเบียร่อนลง
ลัทธิอากาศเริ่มใช้ตัวประกันบนเครื่องบินที่
เหลืออยู่ และตกอยู่ในอาการวิกลจริต
จากความเครียดที่ดำเนินมาเรียกร้อง
ให้รัฐบาลคูเวตปล่อยตัวนักโทษ 17 คน
เสีย มิเช่นนั้นพวกตนจะสังหารตัวประกัน

15 เม.ย. คูเวตยืนยันท่าทีเดิมไม่ทำ
ตามข้อเรียกร้อง ทั้งกล่าวว่า ลัทธิ
อากาศกำลังรอกำลังจากอิหร่าน

16 เม.ย. ระบบหมุนเวียนของน้ำเสีย
และห้องน้ำเสีย ลัทธิอากาศให้นักข่าว
3 คน ขึ้นไปบนเครื่องบินและให้เติมน้ำมัน
เพื่อบินไปยังจุดหมายปลายทางอื่น
เพราะไม่ต้องการสังหารหมู่นักบิน

วัน เดือน ปีสถานที่เหตุการณ์ที่เกิดขึ้นกลุ่มที่กระทำ

แอลจีเรีย

17 เม.ย. กษัตริย์ฮัตของซาอูดีอาระเบียคุยโทรศัพท์กับผู้นำคูเวต ลิเบีย และแอลจีเรีย ขณะที่การเจรจาให้มีการปล่อยตัวประกันดำเนินต่อไป

18 เม.ย. สลัดอากาศขอให้แอลจีเรียปล่อยตัวแทนเข้าหารือกันในตอนดึก

19 เม.ย. สลัดอากาศขอয়াแก้ห้องว่าง ขณะที่นักกีฬาฟุตบอลทีมชาติคูเวตเสนอตัวที่จะเป็นตัวประกันแก่สลัดอากาศแทน โดยที่หนังสือพิมพ์ในคูเวตรายงานว่าการเจรจาจะสิ้นสุดลงในอีก 24 ชั่วโมงข้างหน้า และจะมีการปล่อยตัวประกันทั้งหมด

สำนักข่าวคูนาของทางการคูเวต รายงานว่ามีการเจรจารอบที่สี่และห้าในวันเดียวกันนี้ ขณะที่มียารายงานว่าตัวประกันบนเครื่องบินจะได้รับการปล่อยตัวในเช้า

วันพุธ

20 เม.ย. ตัวแทนแอลจีเรียที่รู้จักกันในชื่อ "ฮาจ" ได้ขึ้นไปเจรจากับเครื่องบินอีกครั้งหนึ่ง โดยมีแพทย์ขึ้นไปด้วยหนึ่งคน จากนั้นรวมชั่วโมงครึ่งสลัดอากาศได้ออกแถลงการณ์ปล่อยตัวประกันสิ้นสุดการเจรจาเครื่องบินคูเวตครั้งนี้

วัน เดือน ปี	สถานที่	เหตุการณ์ที่เกิดขึ้น	กลุ่มที่กระทำ
16 เมษายน	กรุงตูนิส- ประเทศ ตูนีเซีย	<p>12.00 น. ตัวประกันสตรี 2 คน เดินลงจากเครื่องบิน คนหนึ่งอุ้มตุ๊กตาทามीलงมาด้วย. จากนั้นตัวประกันชุดที่สองได้เดินลงมาระยะเวลาของการปล่อยตัวห่างกันราว 15 นาที โดยสลัดอากาศได้ลงจากเครื่องบินคนตัวไว้ระยะหนึ่งและปล่อยตัวไปในที่สุด</p> <p>นายคาลิล อัล-วาซีร์ (KHALIL⁵⁰ AL WAZIR) หรืออาบูจิบาด (ABU JIHAD) ผู้นำลัทธิอันดับ 2 ขององค์การปลดปล่อยปาเลสไตน์ PALESTINE LIBERATION ORGANIZATION-FLO ถูกกลุ่มคนซึ่งเป็นชาย 7 คน หญิง 1 คน บุกเข้าล้างหารด้วยปืนกลกับเลื่อย ในขณะที่กำลังนั่งอยู่ในห้องนั่งเล่นภายในบ้านที่กรุงตูนิส เมืองหลวงของตูนีเซีย เมื่อวันที่ 16 เมษายน พ.ศ. 2531 มีรายงานว่ากลุ่มมือสังหารไล่เครื่องแบบของหน่วยรักษาการแห่งชาติตูนีเซีย (TUNISIAN NATINAL GUARDS) โดยก่อนที่จะเข้าไปล้างหารอาบูจิบาดก็ได้ทำการล้างหารผู้คุ้มกันของเขาซึ่งเป็นชาวปาเลสไตน์อีก 2 คน ก่อนหน้านั้น แล้วจึงบุกเข้ายิงอาบูจิบาด ทาง</p>	ยังไม่แน่ใจ

⁵⁰ สยามเวสต์ทนายเหตุ. เรื่องเดิม. หน้า 670-672.

วัน เดือน ปีสถานที่เหตุการณ์ที่เกิดขึ้นกลุ่มที่กระทำ

ตุนีเซียอ้างตัวว่า กลุ่มมือสังหาร ได้ใช้
 วิธีการบงกชคลื่น ไทโรคิงที่อยู่รอบ ๆ
 บริเวณบ้านของอาบูจิดด้วย



ศูนย์วิทยทรัพยากร
 จุฬาลงกรณ์มหาวิทยาลัย



ภาคผนวก ข

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

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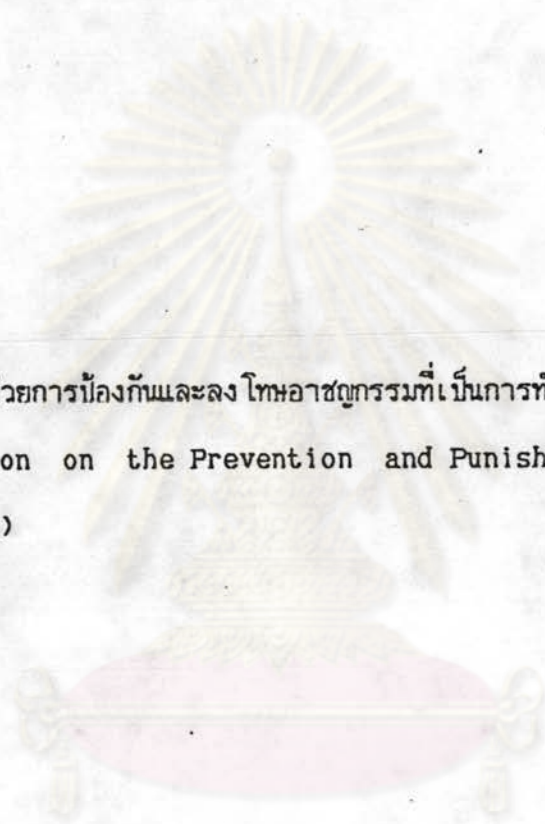
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1. อนุสัญญาว่าด้วยการป้องกันและลงโทษอาชญากรรมที่เป็นการทำลายล้างเผ่าพันธุ์ ค.ศ.1948
(Convention on the Prevention and Punishment of the Crime of Genocide)

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

NEW ZEALAND

Treaty Series 1978, No. 17



convention

on the prevention and punishment of the
CRIME OF GENOCIDE

New York, 9 December 1948

[in force 12 January 1951]

New Zealand Instrument of Ratification deposited 28 December 1978

[in force for New Zealand 28 March 1979]

CONVENTION ON THE PREVENTION AND PUNISHMENT OF
THE CRIME OF GENOCIDE

The Contracting Parties

Having considered the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world ;

Recognizing that at all periods of history genocide has inflicted great losses on humanity ; and

BEING CONVINCED that, in order to liberate mankind from such an odious scourge, international co-operation is required,

ARTICLE I

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish

ARTICLE II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such :

- (a) Killing members of the group
- (b) Causing serious bodily or mental harm to members of group ;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part ;
- (d) Imposing measures intended to prevent births within the group ;
- (e) Forcibly transferring children of the group to another group.

ARTICLE III

The following acts shall be punishable :

- (a) Genocide ;
- (b) Conspiracy to commit genocide ;
- (c) Direct and public incitement to commit genocide ;
- (d) Attempt to commit genocide ;
- (e) Complicity in genocide .

ARTICLE IV

Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals

ARTICLE V

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation

to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or of any of the other acts enumerated in article III.

ARTICLE VI

Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

ARTICLE VII

Genocide and the other acts enumerated in article III shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

ARTICLE VIII

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III.

ARTICLE IX

Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

ARTICLE X

The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 9 December 1948.

ARTICLE XI

The present Convention shall be open until 31 December 1949 for signature on behalf of any Member of the United Nations and of any nonmember State to which an invitation to sign has been addressed by the General Assembly.

The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

After 1 January 1950 the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE XII

Any Contracting Party may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that Contracting Party is responsible.

ARTICLE XIII

On the day when the first twenty instruments of ratification or accession have been deposited, the Secretary-General shall draw up a proces-verbal and transmit a copy thereof to each Member of the United Nations and to each of the non-member States contemplated in article XI

The present Convention shall come into force on the nineteenth day following the date of deposit of the twentieth instrument of ratification or accession.

Any ratification or accession effected subsequent to the latter date shall become effective on the nineteenth day following the deposit of the instrument of ratification or accession.

ARTICLE XIV

The present Convention shall remain in effect for a period of ten years as from the date of its coming into force.

It shall there after remain in force for successive periods of five years for such Contracting Parties as have not denounced it at least six months before the expiration of the current period.

Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations.

ARTICLE XV

If, as a result of denunciations, the number of Parties to the present Convention should become less than sixteen, the Convention shall cease to be in force as from the date on which the last of these denunciations shall become effective.

ARTICLE XVI

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General.

The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

ARTICLE XVII

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in article XI of the following :

- (a) Signatures, ratifications and accessions received in accordance with article XI ;
- (b) Notifications received in accordance with article XII ;
- (c) The date upon which the present Convention comes into force in accordance with article XIII
- (d) Denunciations received in accordance with article XIV ;
- (e) The abrogation of the Convention in accordance with article XV ;
- (f) Notifications received in accordance with article XVI.

ARTICLE XVIII

The original of the present Convention shall be deposited in the archives of the United Nations.

A certified copy of the Convention shall be transmitted to each Member of the United Nations and to each of the non-member States contemplated in article XI.

ARTICLE XIX

The present Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

ประเทศภาคีตามอนุสัญญาฉบับนี้ประกอบไปด้วยประเทศดังต่อไปนี้

<u>ประเทศภาคี</u>	<u>วันที่ลงนาม</u>	<u>วันที่มอบสัตยาบันสารหรือภาคยานุวัติลา</u>
1. อัฟกานิสถาน		22 มีนาคม 1956 (ก)
2. แอลมาเนีย		12 พฤษภาคม 1955 (ก)
3. แอลจีเรีย		31 ตุลาคม 1963 (ก)
4. ออสเตรเลีย	11 ธันวาคม 1948	8 กรกฎาคม 1949
5. อาร์เจนตินา		5 มิถุนายน 1956 (ก)
6. ออสเตรีย		19 มีนาคม 1958 (ก)

<u>ประเทศภาคี</u>	<u>วันที่ลงนาม</u>	<u>วันที่มอบสัตยาบันสารหรือภาคยานุวัติสาร</u>
7. บารามัส		5 สิงหาคม 1975 (ล)
8. บาร์บาโดส		14 มกราคม 1980 (ภ)
9. เบลเยียม	12 ธันวาคม 1949	5 กันยายน 1951
10. โบลิเวีย	11 ธันวาคม 1948	
11. บราซิล	11 ธันวาคม 1948	15 เมษายน 1952
12. บัลแกเรีย		21 กรกฎาคม 1950 (ภ)
13. เบอร์กินา ฟาโซ		14 กันยายน 1965 (ภ)
14. บม่า	30 ธันวาคม 1949	14 มีนาคม 1956
15. โบลิเวีย	16 ธันวาคม 1949	11 สิงหาคม 1954
16. แคนาดา	28 พฤศจิกายน 1949	3 กันยายน 1952
17. ชิลี	11 ธันวาคม 1948	3 มิถุนายน 1953
18. จีน	20 กรกฎาคม 1949	18 เมษายน 1983
19. โคลัมเบีย	12 สิงหาคม 1949	27 ตุลาคม 1959
20. คอสตาริกา		14 ตุลาคม 1950 (ภ)
21. คิวบา	28 ธันวาคม 1949	4 มีนาคม 1953
22. ไชปรัส		29 มีนาคม 1982 (ภ)
23. เชคโกสโลวาเกีย	28 ธันวาคม 1949	21 ธันวาคม 1950
24. กัมพูชาประชาธิปไตย		14 ตุลาคม 1950 (ภ)
25. เดนมาร์ก	28 กันยายน 1949	15 มิถุนายน 1951
26. สาธารณรัฐโดมินิกัน	11 ธันวาคม 1948	
27. เอกวาดอร์	11 ธันวาคม 1948	21 ธันวาคม 1949
28. อียิปต์	12 ธันวาคม 1948	8 กุมภาพันธ์ 1952
29. เอลซัลวาดอร์	27 สิงหาคม 1949	28 กันยายน 1950
30. เอธิโอเปีย	11 ธันวาคม 1948	1 กรกฎาคม 1949
31. ฟิจิ		11 มกราคม 1973 (ล)

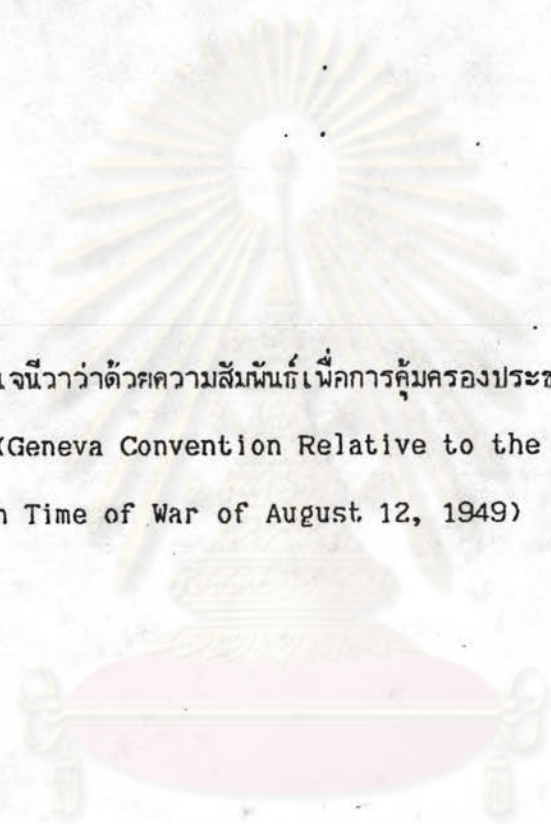
<u>ประเทศภาคี</u>	<u>วันที่ลงนาม</u>	<u>วันที่มอบสัตยาบันสารหรือภาคยานุวัติลา</u>
32. ฟินแลนด์		18 ธันวาคม 1959 (ก)
33. ฝรั่งเศส	11 ธันวาคม 1948	14 ตุลาคม 1950
34. กาบอง		21 มกราคม 1983 (ก)
35. แคมเบีย		29 ธันวาคม 1978 (ก)
36. สาธารณรัฐประชาธิปไตยเยอรมัน		27 มีนาคม 1973 (ก)
37. สหพันธ์สาธารณรัฐเยอรมัน		24 พฤศจิกายน 1954 (ก)
38. กาน่า		24 ธันวาคม 1958 (ก)
39. กรีซ	29 ธันวาคม 1949	8 ธันวาคม 1954
40. กัวเตมาลา	22 มิถุนายน 1949	13 มกราคม 1950
41. ไฮติ	11 ธันวาคม 1948	14 ตุลาคม 1950
42. ฮอนดูรัส	22 สิงหาคม 1949	5 มีนาคม 1952
43. อินเดีย	29 พฤศจิกายน 1949	27 สิงหาคม 1959
44. อิหร่าน	8 ธันวาคม 1949	14 สิงหาคม 1956
45. ไออร์แลนด์		22 มิถุนายน 1976 (ก)
46. อิตาลี		7 มกราคม 1952 (ก)
47. ไอร์แลนด์	14 เมษายน 1949	29 สิงหาคม 1949
48. อิรัก		20 มกราคม 1959 (ก)
49. อิสราเอล	17 สิงหาคม 1949	9 มีนาคม 1950
50. อิตาลี		4 มิถุนายน 1952 (ก)
51. จาไมกา		23 กันยายน 1968 (ก)
52. จอร์แดน		3 สิงหาคม 1950 (ก)
53. สาธารณรัฐประชาธิปไตยประชาชนลาว		8 ธันวาคม 1950 (ก)
54. เลบานอน	30 ธันวาคม 1949	17 ธันวาคม 1953

<u>ประเทศภาคี</u>	<u>วันที่ลงนาม</u>	<u>วันที่มอบสัตยาบันลาหรือภาคยานุวัติสาร</u>
55. เลโซโท		29 พฤศจิกายน 1974 (ก)
56. ลิเบีย	11 ธันวาคม 1948	9 มิถุนายน 1950
57. ลักซิมเบิร์ก		7 ตุลาคม 1981 (ก)
58. มัลดีเวส		24 สิงหาคม 1984 (ก)
59. มาลี		16 กรกฎาคม 1974 (ก)
60. เม็กซิโก	14 ธันวาคม 1948	22 กรกฎาคม 1952
61. โมร็อกโก		30 มีนาคม 1950 (ก)
62. มองโกเลีย		5 มกราคม 1967 (ก)
63. มอริออคโค		24 มกราคม 1958 (ก)
64. โมซัมบิก		18 สิงหาคม 1983 (ก)
65. เนปาล		17 มกราคม 1969 (ก)
66. เนเธอร์แลนด์		20 มิถุนายน 1966 (ก)
67. นิวซีแลนด์	25 พฤศจิกายน 1949	28 ธันวาคม 1978
68. นิกارا กัว		29 มกราคม 1952 (ก)
69. นอร์เวย์	11 ธันวาคม 1948	22 กรกฎาคม 1942
70. ปากีสถาน	11 ธันวาคม 1948	12 ตุลาคม 1957
71. ปานามา	11 ธันวาคม 1948	11 มกราคม 1950
72. ปาปัวนิวกินี		27 มกราคม 1982 (ก)
73. บารากวัย	11 ธันวาคม 1948	
74. เปรู	11 ธันวาคม 1948	24 กุมภาพันธ์ 1960
75. ฟิลิปปีนส์	11 ธันวาคม 1948	7 กรกฎาคม 1950
76. โปแลนด์		14 พฤศจิกายน 1950 (ก)
77. สาธารณรัฐเกาหลี		14 ตุลาคม 1950 (ก)
78. โรมาเนีย		2 พฤศจิกายน 1950 (ก)
79. ราชอาณาจักร		16 สิงหาคม 1975 (ก)

<u>ประเทศภาคี</u>	<u>วันที่ลงนาม</u>	<u>วันที่มีผลแล้วต่ายานสำรวจหรืออากาศยานวัดลิวาร์</u>
80. เซนต์วินเซนต์และ กรินาดีน		9 พฤศจิกายน 1981 (ก)
81. ซาอุดีอาระเบีย		13 กรกฎาคม 1950 (ก)
82. เซนีกัล		4 สิงหาคม 1983 (ก)
83. ลเบอน		13 กันยายน 1968 (ก)
84. ศรีลังกา		12 ตุลาคม 1950 (ก)
85. ลวีเคน	30 ธันวาคม 1949	27 พฤษภาคม 1952
86. สาธารณรัฐอาหรับ ซีเรีย		25 มิถุนายน 1965 (ก)
87. โตโก		24 พฤษภาคม 1984 (ก)
88. โตนกา		16 กุมภาพันธ์ 1972 (ก)
88. ตูนิเซีย		29 พฤศจิกายน 1956 (ก)
90. ตุรกี		31 กรกฎาคม 1950 (ก)
91. ยูเครนเนี่ยน	16 ธันวาคม 1949	15 พฤศจิกายน 1954
92. สหภาพสาธารณรัฐ สังคมนิยมไซบีเรีย	16 ธันวาคม 1949	3 พฤศจิกายน 1954
93. สหราชอาณาจักร		30 มกราคม 1970 (ก)

รวมประเทศภาคีสมาชิก 93 ประเทศ

ศูนย์วิทยุโทรคมนาคม
จุฬาลงกรณ์มหาวิทยาลัย

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2. กุญสัญญากรุงเจนีวาว่าด้วยความสัมพันธ์เพื่อการคุ้มครองประชาชนในยามสงคราม
ค.ศ.1949 (Geneva Convention Relative to the Protection of Civilian
Persons in Time of War of August 12, 1949)

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

CONVENTION DE GENEVE
RELATIVE A LA PROTECTION
DES PERSONNES CIVILES
EN TEMPS DE GUERRE
DU 12 AOUT 1949

GENEVA CONVENTION
RELATIVE TO THE PROTECTION
OF CIVILIAN PERSONS
IN TIME OF WAR
OF AUGUST 12, 1949

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of establishing a Convention for the Protection of Civilian Persons in Time of War, have agreed as follows:

PART I

GENERAL PROVISIONS

ARTICLE I

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

ARTICLE 2

In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

ARTICLE 3

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

- (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited, at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

ARTICLE 4

Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.

Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are.

The provisions of Part II are, however, wider in application, as defined in Article 13.

Persons protected by the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949,¹ or by the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949,² or by the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949,³ shall not be considered as protected persons within the meaning of the present Convention.

ARTICLE 5

Where, in the territory of a Party to the conflict, the latter is satisfied that an individual protected person is definitely suspected of or engaged in activities hostile to the security of the State, such individual person shall not be entitled to claim such

¹ See p. 31. — ² See p. 85 — ³ See p. 135.

rights and privileges under the present Convention as would, if exercised in the favour of such individual person, be prejudicial to the security of such State.

Where in occupied territory an individual protected person is detained as a spy or saboteur, or as a person under definite suspicion of activity hostile to the security of the Occupying Power, such person shall, in those cases where absolute military security so requires, be regarded as having forfeited rights of communication under the present Convention.

In each case, such persons shall nevertheless be treated with humanity, and in case of trial, shall not be deprived of the rights of fair and regular trial prescribed by the present Convention. They shall also be granted the full rights and privileges of a protected person under the present Convention at the earliest date consistent with the security of the State or Occupying Power, as the case may be.

ARTICLE 6

The present Convention shall apply from the outset of any conflict or occupation mentioned in Article 2.

In the territory of Parties to the conflict, the application of the present Convention shall cease on the general close of military operations.

In the case of occupied territory, the application of the present Convention shall cease one year after the general close of military operations; however, the Occupying Power shall be bound, for the duration of the occupation, to the extent that such Power exercises the functions of government in such territory, by the provisions of the following Articles of the present Convention: 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77, 143.

Protected persons whose release, repatriation or re-establishment may take place after such dates shall meanwhile continue to benefit by the present Convention.

ARTICLE 7

In addition to the agreements expressly provided for in Articles 11, 14, 15, 17, 36, 108, 109, 132, 133 and 149, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of protected persons, as defined by the present Convention, nor restrict the rights which it confers upon them.

Protected persons shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

ARTICLE 8

Protected persons may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

ARTICLE 9

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties.

ARTICLE 10

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of civilian persons and for their relief.

ARTICLE 11

The High Contracting Parties may at any time agree to entrust to an organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

When persons protected by the present Convention do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

its Any neutral Power, or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever in the present Convention mention is made of a Protecting Power, such mention applies to substitute organizations in the sense of the present Article.

The provisions of this Article shall extend and be adapted to cases of nationals of a neutral State who are in occupied territory or who find themselves in the territory of a belligerent State in which the State of which they are nationals has not normal diplomatic representation.

ARTICLE 12

In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for protected persons, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Power may, if necessary, propose for approval by the Parties to the conflict, a person belonging to a neutral Power or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

PART II

GENERAL PROTECTION OF POPULATIONS AGAINST CERTAIN CONSEQUENCES OF WAR

ARTICLE 13

The provisions of Part II cover the whole of the populations of the countries in conflict, without any adverse distinction based, in particular, on race, nationality,

religion or political opinion, and are intended to alleviate the sufferings caused by war.

ARTICLE 14

In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own territory and, if the need arises, in occupied areas, hospital and safety zones and localities so organized as to protect from the effects of war, wounded, sick and aged persons, children under fifteen, expectant-mothers and mothers of children under seven.

Upon the outbreak and during the course of hostilities, the Parties concerned may conclude agreements on mutual recognition of the zones and localities they have created. They may for this purpose implement the provisions of the Draft Agreement annexed to the present Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross are invited to lend their good offices in order to facilitate the institution and recognition of these hospital and safety zones and localities.

ARTICLE 15

Any Party to the conflict may, either direct or through a neutral State or some humanitarian organization, propose to the adverse Party to establish, in the regions where fighting is taking place, neutralized zones intended to shelter from the effects of war the following persons, without distinction:

- (a) wounded and sick combatants or non-combatants;
- (b) civilian persons who take no part in hostilities, and who, while they reside in the zones, perform no work of a military character.

When the Parties concerned have agreed upon the geographical position, administration, food supply and supervision of the proposed neutralized zone, a written agreement shall be concluded and signed by the representatives of the Parties to the conflict. The agreement shall fix the beginning and the duration of the neutralization of the zone.

ARTICLE 16

The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect.

As far as military considerations allow, each Party to the conflict shall facilitate the steps taken to search for the killed and wounded, to assist the shipwrecked and other persons exposed to grave danger, and to protect them against pillage and ill-treatment.

ARTICLE 17

The Parties to the conflict shall endeavour to conclude local agreements for the removal from besieged or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases, and for the passage of ministers of all religions, medical personnel and medical equipment on their way to such areas.

ARTICLE 18

Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack, but shall at all times be respected and protected by the Parties to the conflict.

States which are Parties to a conflict shall provide all civilian hospitals with certificates showing that they are civilian hospitals and that the buildings which they occupy are not used for any purpose which would deprive these hospitals of protection in accordance with Article 19.

Civilian hospitals shall be marked by means of the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949,¹ but only if so authorized by the State.

The Parties to the conflict shall, in so far as military considerations permit, take the necessary steps to make the distinctive emblems indicating civilian hospitals clearly visible to the enemy land, air and naval forces in order to obviate the possibility of any hostile action.

In view of the dangers to which hospitals may be exposed by being close to military objectives, it is recommended that such hospitals be situated as far as possible from such objectives.

ARTICLE 19

The protection to which civilian hospitals are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after due warning has been given, naming, in all appropriate cases, a reasonable time limit, and after such warning has remained unheeded.

The fact that sick or wounded members of the armed forces are nursed in these hospitals, or the presence of small arms and ammunition taken from such combatants and not yet handed to the proper service, shall not be considered to be acts harmful to the enemy.

ARTICLE 20

Persons regularly and solely engaged in the operation and administration of civilian hospitals, including the personnel engaged in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases, shall be respected and protected.

¹ See p. 31.

In occupied territory and in zones of military operations, the above personnel shall be recognizable by means of an identity card certifying their status, bearing the photograph of the holder and embossed with the stamp of the responsible authority, and also by means of a stamped, water-resistant armlet which they shall wear on the left arm while carrying out their duties. This armlet shall be issued by the State and shall bear the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.¹

Other personnel who are engaged in the operation and administration of civilian hospitals shall be entitled to respect and protection and to wear the armlet, as provided in and under the conditions prescribed in this Article, while they are employed on such duties. The identity card shall state the duties on which they are employed.

The management of each hospital shall at all times hold at the disposal of the competent national or occupying authorities an up-to-date list of such personnel.

ARTICLE 21

Convoys of vehicles or hospital trains on land or specially provided vessels on sea, conveying wounded and sick civilians, the infirm and maternity cases, shall be respected and protected in the same manner as the hospitals provided for in Article 18, and shall be marked, with the consent of the State, by the display of the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.¹

ARTICLE 22

Aircraft exclusively employed for the removal of wounded and sick civilians, the infirm and maternity cases, or for the transport of medical personnel and equipment, shall not be attacked, but shall be respected while flying at heights, times and on routes specifically agreed upon between all the Parties to the conflict concerned.

They may be marked with the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.¹

Unless agreed otherwise, flights over enemy or enemy-occupied territory are prohibited.

Such aircraft shall obey every summons to land. In the event of a landing thus imposed, the aircraft with its occupants may continue its flight after examination, if any.

ARTICLE 23

Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only

for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases. The obligation of a High Contracting Party to allow the free passage of the consignments indicated in the preceding paragraph is subject to the condition that this Party is satisfied that there are no serious reasons for fearing:

- (a) that the consignments may be diverted from their destination,
- (b) that the control may not be effective, or
- (c) that a definite advantage may accrue to the military efforts or economy of the enemy through the substitution of the above-mentioned consignments for goods which would otherwise be provided or produced by the enemy or through the release of such material, services or facilities as would otherwise be required for the production of such goods.

The Power which allows the passage of the consignments indicated in the first paragraph of this Article may make such permission conditional on the distribution to the persons benefited thereby being made under the local supervision of the Protecting Powers.

Such consignments shall be forwarded as rapidly as possible, and the Power which permits their free passage shall have the right to prescribe the technical arrangements under which such passage is allowed.

ARTICLE 24

The Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition.

The Parties to the conflict shall facilitate the reception of such children in a neutral country for the duration of the conflict with the consent of the Protecting Power, if any, and under due safeguards for the observance of the principles stated in the first paragraph.

They shall, furthermore, endeavour to arrange for all children under twelve to be identified by the wearing of identity discs, or by some other means.

ARTICLE 25

All persons in the territory of a Party to the conflict, or in a territory occupied by it, shall be enabled to give news of a strictly personal nature to members of their families, wherever they may be, and to receive news from them. This correspondence shall be forwarded speedily and without undue delay.

If, as a result of circumstances, it becomes difficult or impossible to exchange family correspondence by the ordinary post, the Parties to the conflict concerned shall apply to a neutral intermediary, such as the Central Agency provided for in Article 140, and shall decide in consultation with it how to ensure the fulfilment of their obligations under the best possible conditions, in particular with the cooperation of the National Red Cross (Red Crescent, Red Lion and Sun) Societies.

If the Parties to the conflict deem it necessary to restrict family correspondence, such restrictions shall be confined to the compulsory use of standard forms containing twenty-five freely chosen words, and to the limitation of the number of these forms despatched to one each month.

ARTICLE 26

Each Party to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting, if possible. It shall encourage, in particular, the work of organizations engaged on this task provided they are acceptable to it and conform to its security regulations.

PART III

STATUS AND TREATMENT OF PROTECTED PERSONS

SECTION I

PROVISIONS COMMON TO THE TERRITORIES OF THE PARTIES TO THE CONFLICT AND TO OCCUPIED TERRITORIES

ARTICLE 27

Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion.

However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war.

ARTICLE 28

The presence of a protected person may not be used to render certain points or areas immune from military operations.

ARTICLE 29

The Party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.

ARTICLE 30

Protected persons shall have every facility for making application to the Protecting Powers, the International Committee of the Red Cross, the National Red Cross (Red Crescent, Red Lion and Sun) Society of the country where they may be, as well as to any organization that might assist them.

These several organizations shall be granted all facilities for that purpose by the authorities, within the bounds set by military or security considerations.

Apart from the visits of the delegates of the Protecting Powers and of the International Committee of the Red Cross, provided for by Article 143, the Detaining or Occupying Powers shall facilitate as much as possible visits to protected persons by the representatives of other organizations whose object is to give spiritual aid or material relief to such persons.

ARTICLE 31

No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

ARTICLE 32

The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents.

ARTICLE 33

No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.

Pillage is prohibited.

Reprisals against protected persons and their property are prohibited.

ARTICLE 34

The taking of hostages is prohibited.

SECTION II

ALIENS IN THE TERRITORY OF A PARTY TO THE CONFLICT

ARTICLE 35

All protected persons who may desire to leave the territory at the outset of, or during a conflict, shall be entitled to do so, unless their departure is contrary to the national interests of the State. The applications of such persons to leave shall be decided in accordance with regularly established procedures and the decision shall be taken as rapidly as possible. Those persons permitted to leave may provide themselves with the necessary funds for their journey and take with them a reasonable amount of their effects and articles of personal use.

If any such person is refused permission to leave the territory, he shall be entitled to have such refusal reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose.

Upon request, representatives of the Protecting Power shall, unless reasons of security prevent it, or the persons concerned object, be furnished with the reasons for refusal of any request for permission to leave the territory and be given, as expeditiously as possible, the names of all persons who have been denied permission to leave.

ARTICLE 36

Departures permitted under the foregoing Article shall be carried out in satisfactory conditions as regards safety, hygiene, sanitation and food. All costs in connection therewith, from the point of exit in the territory of the Detaining Power, shall be borne by the country of destination, or, in the case of accommodation in a neutral country, by the Power whose nationals are benefited. The practical details of such movements may, if necessary, be settled by special agreements between the Powers concerned.

The foregoing shall not prejudice such special agreements as may be concluded between Parties to the conflict concerning the exchange and repatriation of their nationals in enemy hands.

ARTICLE 37

Protected persons who are confined pending proceedings or serving a sentence involving loss of liberty, shall during their confinement be humanely treated.

As soon as they are released, they may ask to leave the territory in conformity with the foregoing Articles.

ARTICLE 38

With the exception of special measures authorized by the present Convention, in particular by Articles 27 and 41 thereof, the situation of protected persons shall continue to be regulated, in principle, by the provisions concerning aliens in time of peace. In any case, the following rights shall be granted to them:

- (1) They shall be enabled to receive the individual or collective relief that may be sent to them.
- (2) They shall, if their state of health so requires, receive medical attention and hospital treatment to the same extent as the nationals of the State concerned.
- (3) They shall be allowed to practise their religion and to receive spiritual assistance from ministers of their faith.
- (4) If they reside in an area particularly exposed to the dangers of war, they shall be authorised to move from that area to the same extent as the nationals of the State concerned.
- (5) Children under fifteen years, pregnant women and mothers of children under seven years shall benefit by any preferential treatment to the same extent as the nationals of the State concerned.

ARTICLE 39

Protected persons who, as a result of the war, have lost their gainful employment, shall be granted the opportunity to find paid employment. That opportunity shall, subject to security considerations and to the provisions of Article 40, be equal to that enjoyed by the nationals of the Power in whose territory they are.

Where a Party to the conflict applies to a protected person methods of control which result in his being unable to support himself, and especially if such a person is prevented for reasons of security from finding paid employment on reasonable conditions, the said Party shall ensure his support and that of his dependents.

Protected persons may in any case receive allowances from their home country, the Protecting Power, or the relief societies referred to in Article 30.

ARTICLE 40

Protected persons may be compelled to work only to the same extent as nationals of the Party to the conflict in whose territory they are.

If protected persons are of enemy nationality, they may only be compelled to do

work which is normally necessary to ensure the feeding, sheltering, clothing, transport and health of human beings and which is not directly related to the conduct of military operations.

In the cases mentioned in the two preceding paragraphs, protected persons compelled to work shall have the benefit of the same working conditions and of the same safeguards as national workers, in particular as regards wages, hours of labour, clothing and equipment, previous training and compensation for occupational accidents and diseases.

If the above provisions are infringed, protected persons shall be allowed to exercise their right of complaint in accordance with Article 30.

ARTICLE 41

Should the Power in whose hands protected persons may be consider the measures of control mentioned in the present Convention to be inadequate, it may not have recourse to any other measure of control more severe than that of assigned residence or internment, in accordance with the provisions of Articles 42 and 43.

In applying the provisions of Article 39, second paragraph, to the cases of persons required to leave their usual places of residence by virtue of a decision placing them in assigned residence elsewhere, the Detaining Power shall be guided as closely as possible by the standards of welfare set forth in Part III, Section IV of this Convention.

ARTICLE 42

The internment or placing in assigned residence of protected persons may be ordered only if the security of the Detaining Power makes it absolutely necessary.

If any person, acting through the representatives of the Protecting Power, voluntarily demands internment, and if his situation renders this step necessary, he shall be interned by the Power in whose hands he may be.

ARTICLE 43

Any protected person who has been interned or placed in assigned residence shall be entitled to have such action reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose. If the internment or placing in assigned residence is maintained, the court or administrative board shall periodically, and at least twice yearly, give consideration to his or her case with a view to the favourable amendment of the initial decision, if circumstances permit.

Unless the protected persons concerned object, the Detaining Power shall, as

rapidly as possible, give the Protecting Power the names of any protected persons who have been interned or subjected to assigned residence, or who have been released from internment or assigned residence. The decisions of the courts or boards mentioned in the first paragraph of the present Article shall also, subject to the same conditions, be notified as rapidly as possible to the Protecting Power.

ARTICLE 44

In applying the measures of control mentioned in the present Convention, the Detaining Power shall not treat as enemy aliens exclusively on the basis of their nationality *de jure* of an enemy State, refugees who do not, in fact, enjoy the protection of any government.

ARTICLE 45

Protected persons shall not be transferred to a Power which is not a party to the Convention.

This provision shall in no way constitute an obstacle to the repatriation of protected persons, or to their return to their country of residence after the cessation of hostilities.

Protected persons may be transferred by the Detaining Power only to a Power which is a party to the present Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the present Convention. If protected persons are transferred under such circumstances, responsibility for the application of the present Convention rests on the Power accepting them, while they are in its custody. Nevertheless, if that Power fails to carry out the provisions of the present Convention in any important respect, the Power by which the protected persons were transferred shall, upon being so notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the protected persons. Such request must be complied with.

In no circumstances shall a protected person be transferred to a country where he or she may have reason to fear persecution for his or her political opinions or religious beliefs.

The provisions of this Article do not constitute an obstacle to the extradition, in pursuance of extradition treaties concluded before the outbreak of hostilities, of protected persons accused of offences against ordinary criminal law.

ARTICLE 46

In so far as they have not been previously withdrawn, restrictive measures taken regarding protected persons shall be cancelled as soon as possible after the close of hostilities.

Restrictive measures affecting their property shall be cancelled, in accordance with the law of the Detaining Power, as soon as possible after the close of hostilities.

SECTION III
OCCUPIED TERRITORIES

ARTICLE 47

Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.

ARTICLE 48

Protected persons who are not nationals of the Power whose territory is occupied, may avail themselves of the right to leave the territory subject to the provisions of Article 35, and decisions thereon shall be taken according to the procedure which the Occupying Power shall establish in accordance with the said Article.

ARTICLE 49

Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.

The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.

The Protecting Power shall be informed of any transfers and evacuations as soon as they have taken place.

The Occupying Power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand.

The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

ARTICLE 50

The Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children.

The Occupying Power shall take all necessary steps to facilitate the identification of children and the registration of their parentage. It may not, in any case, change their personal status, nor enlist them in formations or organizations subordinate to it.

Should the local institutions be inadequate for the purpose, the Occupying Power shall make arrangements for the maintenance and education, if possible by persons of their own nationality, language and religion, of children who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend.

A special section of the Bureau set up in accordance with Article 136 shall be responsible for taking all necessary steps to identify children whose identity is in doubt. Particulars of their parents or other near relatives should always be recorded if available.

The Occupying Power shall not hinder the application of any preferential measures in regard to food, medical care and protection against the effects of war, which may have been adopted prior to the occupation in favour of children under fifteen years, expectant mothers, and mothers of children under seven years.

ARTICLE 51

The Occupying Power may not compel protected persons to serve in its armed or auxiliary forces. No pressure or propaganda which aims at securing voluntary enlistment is permitted.

The Occupying Power may not compel protected persons to work unless they are over eighteen years of age, and then only on work which is necessary either for the needs of the army of occupation, or for the public utility services, or for the feeding, sheltering, clothing, transportation or health of the population of the occupied country. Protected persons may not be compelled to undertake any work which would involve them in the obligation of taking part in military operations. The Occupying Power may not compel protected persons to employ forcible means to ensure the security of the installations where they are performing compulsory labour.

The work shall be carried out only in the occupied territory where the persons whose services have been requisitioned are. Every such person shall, so far as possible, be kept in his usual place of employment. Workers shall be paid a fair wage and the work shall be proportionate to their physical and intellectual capacities. The legislation in force in the occupied country concerning working conditions, and safeguards as regards, in particular, such matters as wages, hours of work, equipment, preliminary training and

compensation for occupational accidents and diseases, shall be applicable to the protected persons assigned to the work referred to in this Article.

In no case shall requisition of labour lead to a mobilization of workers in an organization of a military or semi-military character.

ARTICLE 52

No contract, agreement or regulation shall impair the right of any worker, whether voluntary or not and wherever he may be, to apply to the representatives of the Protecting Power in order to request the said Power's intervention.

All measures aiming at creating unemployment or at restricting the opportunities offered to workers in an occupied territory, in order to induce them to work for the Occupying Power, are prohibited.

ARTICLE 53

Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.

ARTICLE 54

The Occupying Power may not alter the status of public officials or judges in the occupied territories, or in any way apply sanctions to or take any measures of coercion or discrimination against them, should they abstain from fulfilling their functions for reasons of conscience.

This prohibition does not prejudice the application of the second paragraph of Article 51. It does not affect the right of the Occupying Power to remove public officials from their posts.

ARTICLE 55

To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate.

The Occupying Power may not requisition foodstuffs, articles or medical supplies available in the occupied territory, except for use by the occupation forces and administration personnel, and then only if the requirements of the civilian population have been taken into account. Subject to the provisions of other international Conventions,

the Occupying Power shall make arrangements to ensure that fair value is paid for any requisitioned goods.

The Protecting Power shall, at any time, be at liberty to verify the state of the food and medical supplies in occupied territories, except where temporary restrictions are made necessary by imperative military requirements.

ARTICLE 56

To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the cooperation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics. Medical personnel of all categories shall be allowed to carry out their duties.

If new hospitals are set up in occupied territory and if the competent organs of the occupied State are not operating there, the occupying authorities shall, if necessary, grant them the recognition provided for in Article 18. In similar circumstances, the occupying authorities shall also grant recognition to hospital personnel and transport vehicles under the provisions of Articles 20 and 21.

In adopting measures of health and hygiene and in their implementation, the Occupying Power shall take into consideration the moral and ethical susceptibilities of the population of the occupied territory.

ARTICLE 57

The Occupying Power may requisition civilian hospitals only temporarily and only in cases of urgent necessity for the care of military wounded and sick, and then on condition that suitable arrangements are made in due time for the care and treatment of the patients and for the needs of the civilian population for hospital accommodation.

The material and stores of civilian hospitals cannot be requisitioned so long as they are necessary for the needs of the civilian population.

ARTICLE 58

The Occupying Power shall permit ministers of religion to give spiritual assistance to the members of their religious communities.

The Occupying Power shall also accept consignments of books and articles required for religious needs and shall facilitate their distribution in occupied territory.

ARTICLE 59

If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal.

Such schemes, which may be undertaken either by States or by impartial humanitarian organizations such as the International Committee of the Red Cross, shall consist, in particular, of the provision of consignments of foodstuffs, medical supplies and clothing.

All Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection.

A Power granting free passage to consignments on their way to territory occupied by an adverse Party to the conflict shall, however, have the right to search the consignments, to regulate their passage according to prescribed times and routes, and to be reasonably satisfied through the Protecting Power that these consignments are to be used for the relief of the needy population and are not to be used for the benefit of the Occupying Power.

ARTICLE 60

Relief consignments shall in no way relieve the Occupying Power of any of its responsibilities under Articles 55, 56 and 59. The Occupying Power shall in no way whatsoever divert relief consignments from the purpose for which they are intended, except in cases of urgent necessity, in the interests of the population of the occupied territory and with the consent of the Protecting Power.

ARTICLE 61

The distribution of the relief consignments referred to in the foregoing Articles shall be carried out with the cooperation and under the supervision of the Protecting Power. This duty may also be delegated, by agreement between the Occupying Power and the Protecting Power, to a neutral Power, to the International Committee of the Red Cross or to any other impartial humanitarian body.

Such consignments shall be exempt in occupied territory from all charges, taxes or customs duties unless these are necessary in the interests of the economy of the territory. The Occupying Power shall facilitate the rapid distribution of these consignments.

All Contracting Parties shall endeavour to permit the transit and transport, free of charge, of such relief consignments on their way to occupied territories.

ARTICLE 62

Subject to imperative reasons of security, protected persons in occupied territories shall be permitted to receive the individual relief consignments sent to them.

ARTICLE 63

Subject to temporary and exceptional measures imposed for urgent reasons of security by the Occupying Power:

- (a) recognized National Red Cross (Red Crescent, Red Lion and Sun) Societies shall be able to pursue their activities in accordance with Red Cross principles, as defined by the International Red Cross Conferences. Other relief societies shall be permitted to continue their humanitarian activities under similar conditions;
- (b) the Occupying Power may not require any changes in the personnel or structure of these societies, which would prejudice the aforesaid activities.

The same principles shall apply to the activities and personnel of special organizations of a non-military character, which already exist or which may be established, for the purpose of ensuring the living conditions of the civilian population by the maintenance of the essential public utility services, by the distribution of relief and by the organization of rescues.

ARTICLE 64

The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention. Subject to the latter consideration and to the necessity for ensuring the effective administration of justice, the tribunals of the occupied territory shall continue to function in respect of all offences covered by the said laws.

The Occupying Power may, however, subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfil its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the Occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them.

ARTICLE 65

The penal provisions enacted by the Occupying Power shall not come into force before they have been published and brought to the knowledge of the inhabitants in their own language. The effect of these penal provisions shall not be retroactive.

ARTICLE 66

In case of a breach of the penal provisions promulgated by it by virtue of the second paragraph of Article 64, the Occupying Power may hand over the accused to its properly constituted, non-political military courts, on condition that the said

courts sit in the occupied country. Courts of appeal shall preferably sit in the occupied country.

ARTICLE 67

The courts shall apply only those provisions of law which were applicable prior to the offence, and which are in accordance with general principles of law, in particular the principle that the penalty shall be proportionate to the offence. They shall take into consideration the fact that the accused is not a national of the Occupying Power.

ARTICLE 68

Protected persons who commit an offence which is solely intended to harm the Occupying Power, but which does not constitute an attempt on the life or limb of members of the occupying forces or administration, nor a grave collective danger, nor seriously damage the property of the occupying forces or administration or the installations used by them, shall be liable to internment or simple imprisonment, provided the duration of such internment or imprisonment is proportionate to the offence committed. Furthermore, internment or imprisonment shall, for such offences, be the only measure adopted for depriving protected persons of liberty. The courts provided for under Article 66 of the present Convention may at their discretion convert a sentence of imprisonment to one of internment for the same period.

The penal provisions promulgated by the Occupying Power in accordance with Articles 64 and 65 may impose the death penalty on a protected person only in cases where the person is guilty of espionage, of serious acts of sabotage against the military installations of the Occupying Power or of intentional offences which have caused the death of one or more persons, provided that such offences were punishable by death under the law of the occupied territory in force before the occupation began.

The death penalty may not be pronounced against a protected person unless the attention of the court has been particularly called to the fact that since the accused is not a national of the Occupying Power, he is not bound to it by any duty of allegiance.

In any case, the death penalty may not be pronounced against a protected person who was under eighteen years of age at the time of the offence.

ARTICLE 69

In all cases, the duration of the period during which a protected person accused of an offence is under arrest awaiting trial or punishment shall be deducted from any period of imprisonment awarded.



ARTICLE 70

Protected persons shall not be arrested, prosecuted or convicted by the Occupying Power for acts committed or for opinions expressed before the occupation, or during a temporary interruption thereof, with the exception of breaches of the laws and customs of war.

Nationals of the occupying Power who, before the outbreak of hostilities, have sought refuge in the territory of the occupied State, shall not be arrested, prosecuted, convicted or deported from the occupied territory, except for offences committed after the outbreak of hostilities, or for offences under common law committed before the outbreak of hostilities which, according to the law of the occupied State, would have justified extradition in time of peace.

ARTICLE 71

No sentence shall be pronounced by the competent courts of the Occupying Power except after a regular trial.

Accused persons who are prosecuted by the Occupying Power shall be promptly informed, in writing, in a language which they understand, of the particulars of the charges preferred against them, and shall be brought to trial as rapidly as possible. The Protecting Power shall be informed of all proceedings instituted by the Occupying Power against protected persons in respect of charges involving the death penalty or imprisonment for two years or more; it shall be enabled, at any time, to obtain information regarding the state of such proceedings. Furthermore, the Protecting Power shall be entitled, on request, to be furnished with all particulars of these and of any other proceedings instituted by the Occupying Power against protected persons.

The notification to the Protecting Power, as provided for in the second paragraph above, shall be sent immediately, and shall in any case reach the Protecting Power three weeks before the date of the first hearing. Unless, at the opening of the trial, evidence is submitted that the provisions of this Article are fully complied with, the trial shall not proceed. The notification shall include the following particulars:

- (a) description of the accused;
- (b) place of residence or detention;
- (c) specification of the charge or charges (with mention of the penal provisions under which it is brought);
- (d) designation of the court which will hear the case;
- (e) place and date of the first hearing.

ARTICLE 72

Accused persons shall have the right to present evidence necessary to their defence and may, in particular, call witnesses. They shall have the right to be assisted by a

qualified advocate or counsel of their own choice, who shall be able to visit them freely and shall enjoy the necessary facilities for preparing the defence.

Failing a choice by the accused, the Protecting Power may provide him with an advocate or counsel. When an accused person has to meet a serious charge and the Protecting Power is not functioning, the Occupying Power, subject to the consent of the accused, shall provide an advocate or counsel.

Accused persons shall, unless they freely waive such assistance, be aided by an interpreter, both during preliminary investigation and during the hearing in court. They shall have the right at any time to object to the interpreter and to ask for his replacement.

ARTICLE 73

A convicted person shall have the right of appeal provided for by the laws applied by the court. He shall be fully informed of his right to appeal or petition and of the time limit within which he may do so.

The penal procedure provided in the present Section shall apply, as far as it is applicable, to appeals. Where the laws applied by the Court make no provision for appeals, the convicted person shall have the right to petition against the finding and sentence to the competent authority of the Occupying Power.

ARTICLE 74

Representatives of the Protecting Power shall have the right to attend the trial of any protected person, unless the hearing has, as an exceptional measure, to be held *in camera* in the interests of the security of the Occupying Power, which shall then notify the Protecting Power. A notification in respect of the date and place of trial shall be sent to the Protecting Power.

Any judgment involving a sentence of death, or imprisonment for two years or more, shall be communicated, with the relevant grounds, as rapidly as possible to the Protecting Power. The notification shall contain a reference to the notification made under Article 71, and, in the case of sentences of imprisonment, the name of the place where the sentence is to be served. A record of judgments other than those referred to above shall be kept by the court and shall be open to inspection by representatives of the Protecting Power. Any period allowed for appeal in the case of sentences involving the death penalty, or imprisonment of two years or more, shall not run until notification of judgment has been received by the Protecting Power.

ARTICLE 75

In no case shall persons condemned to death be deprived of the right of petition for pardon or reprieve.

No death sentence shall be carried out before the expiration of a period of at least six months from the date of receipt by the Protecting Power of the notification of the final judgment confirming such death sentence, or of an order denying pardon or reprieve.

The six months period of suspension of the death sentence herein prescribed may be reduced in individual cases in circumstances of grave emergency involving an organized threat to the security of the Occupying Power or its forces, provided always that the Protecting Power is notified of such reduction and is given reasonable time and opportunity to make representations to the competent occupying authorities in respect of such death sentences.

ARTICLE 76

Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. They shall, if possible, be separated from other detainees and shall enjoy conditions of food and hygiene which will be sufficient to keep them in good health, and which will be at least equal to those obtaining in prisons in the occupied country.

They shall receive the medical attention required by their state of health.

They shall also have the right to receive any spiritual assistance which they may require.

Women shall be confined in separate quarters and shall be under the direct supervision of women.

Proper regard shall be paid to the special treatment due to minors.

Protected persons who are detained shall have the right to be visited by delegates of the Protecting Power and of the International Committee of the Red Cross, in accordance with the provisions of Article 143.

Such persons shall have the right to receive at least one relief parcel monthly.

ARTICLE 77

Protected persons who have been accused of offences or convicted by the courts in occupied territory, shall be handed over at the close of occupation, with the relevant records, to the authorities of the liberated territory.

ARTICLE 78

If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment.

Decisions regarding such assigned residence or internment shall be made according to a regular procedure to be prescribed by the Occupying Power in accordance with the provisions of the present Convention. This procedure shall include the right of

appeal for the parties concerned. Appeals shall be decided with the least possible delay. In the event of the decision being upheld, it shall be subject to periodical review, if possible every six months, by a competent body set up by the said Power.

Protected persons made subject to assigned residence and thus required to leave their homes shall enjoy the full benefit of Article 39 of the present Convention.

SECTION IV

REGULATIONS FOR THE TREATMENT OF INTERNEES

CHAPTER I

GENERAL PROVISIONS

ARTICLE 79

The Parties to the conflict shall not intern protected persons, except in accordance with the provisions of Articles 41, 42, 43, 68 and 78.

ARTICLE 80

Internees shall retain their full civil capacity and shall exercise such attendant rights as may be compatible with their status.

ARTICLE 81

Parties to the conflict who intern protected persons shall be bound to provide free of charge for their maintenance, and to grant them also the medical attention required by their state of health.

No deduction from the allowances, salaries or credits due to the internees shall be made for the repayment of these costs.

The Detaining Power shall provide for the support of those dependent on the internees, if such dependents are without adequate means of support or are unable to earn a living.

ARTICLE 82

The Detaining Power shall, as far as possible, accommodate the internees according to their nationality, language and customs. Internees who are nationals of the same country shall not be separated merely because they have different languages.

Throughout the duration of their internment, members of the same family, and in particular parents and children, shall be lodged together in the same place of internment, except when separation of a temporary nature is necessitated for reasons of employment or health or for the purposes of enforcement of the provisions of Chapter IX of the present Section. Internees may request that their children who are left at liberty without parental care shall be interned with them.

Wherever possible, interned members of the same family shall be housed in the same premises and given separate accommodation from other internees, together with facilities for leading a proper family life.

CHAPTER II

PLACES OF INTERNMENT

ARTICLE 83

The Detaining Power shall not set up places of internment in areas particularly exposed to the dangers of war.

The Detaining Power shall give the enemy Powers, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of places of internment.

Whenever military considerations permit, internment camps shall be indicated by the letters IC, placed so as to be clearly visible in the daytime from the air. The Powers concerned may, however, agree upon any other system of marking. No place other than an internment camp shall be marked as such.

ARTICLE 84

Internees shall be accommodated and administered separately from prisoners of war and from persons deprived of liberty for any other reason.

ARTICLE 85

The Detaining Power is bound to take all necessary and possible measures to ensure that protected persons shall, from the outset of their internment, be accommodated in buildings or quarters which afford every possible safeguard as regards hygiene and health, and provide efficient protection against the rigours of the climate and the effects of the war. In no case shall permanent places of internment be situated in unhealthy areas, or in districts the climate of which is injurious to the internees. In all cases where the district, in which a protected person is temporarily interned, is in an unhealthy area or

has a climate which is harmful to his health, he shall be removed to a more suitable place of internment as rapidly as circumstances permit.

The premises shall be fully protected from dampness, adequately heated and lighted, in particular between dusk and lights out. The sleeping quarters shall be sufficiently spacious and well ventilated, and the internees shall have suitable bedding and sufficient blankets, account being taken of the climate, and the age, sex, and state of health of the internees.

Internees shall have for their use, day and night, sanitary conveniences which conform to the rules of hygiene and are constantly maintained in a state of cleanliness. They shall be provided with sufficient water and soap for their daily personal toilet and for washing their personal laundry; installations and facilities necessary for this purpose shall be granted to them. Showers or baths shall also be available. The necessary time shall be set aside for washing and for cleaning.

Whenever it is necessary, as an exceptional and temporary measure, to accommodate women internees who are not members of a family unit in the same place of internment as men, the provision of separate sleeping quarters and sanitary conveniences for the use of such women internees shall be obligatory.

ARTICLE 86

The Detaining Power shall place at the disposal of interned persons, of whatever denomination, premises suitable for the holding of their religious services.

ARTICLE 87

Canteens shall be installed in every place of internment, except where other suitable facilities are available. Their purpose shall be to enable internees to make purchases, at prices not higher than local market prices, of foodstuffs and articles of everyday use, including soap and tobacco, such as would increase their personal well-being and comfort.

Profits made by canteens shall be credited to a welfare fund to be set up for each place of internment, and administered for the benefit of the internees attached to such place of internment. The Internee Committee provided for in Article 102 shall have the right to check the management of the canteen and of the said fund.

When a place of internment is closed down, the balance of the welfare fund shall be transferred to the welfare fund of a place of internment for internees of the same nationality, or, if such a place does not exist, to a central welfare fund which shall be administered for the benefit of all internees remaining in the custody of the Detaining Power. In case of a general release, the said profits shall be kept by the Detaining Power, subject to any agreement to the contrary between the Powers concerned.

ARTICLE 88

In all places of internment exposed to air raids and other hazards of war, shelters adequate in number and structure to ensure the necessary protection shall be installed. In case of alarms, the internees shall be free to enter such shelters as quickly as possible, excepting those who remain for the protection of their quarters against the aforesaid hazards. Any protective measures taken in favour of the population shall also apply to them.

All due precautions must be taken in places of internment against the danger of fire.

CHAPTER III

FOOD AND CLOTHING

ARTICLE 89

Daily food rations for internees shall be sufficient in quantity, quality and variety to keep internees in a good state of health and prevent the development of nutritional deficiencies. Account shall also be taken of the customary diet of the internees.

Internees shall also be given the means by which they can prepare for themselves any additional food in their possession.

Sufficient drinking water shall be supplied to internees. The use of tobacco shall be permitted.

Internees who work shall receive additional rations in proportion to the kind of labour which they perform.

Expectant and nursing mothers, and children under fifteen years of age, shall be given additional food, in proportion to their physiological needs.

ARTICLE 90

When taken into custody, internees shall be given all facilities to provide themselves with the necessary clothing, footwear and change of underwear, and later on, to procure further supplies if required. Should any internees not have sufficient clothing, account being taken of the climate, and be unable to procure any, it shall be provided free of charge to them by the Detaining Power.

The clothing supplied by the Detaining Power to internees and the outward markings placed on their own clothes shall not be ignominious nor expose them to ridicule.

Workers shall receive suitable working outfits, including protective clothing, whenever the nature of their work so requires.

CHAPTER IV

HYGIENE AND MEDICAL ATTENTION

ARTICLE 91

Every place of internment shall have an adequate infirmary, under the direction of a qualified doctor, where internees may have the attention they require, as well as an appropriate diet. Isolation wards shall be set aside for cases of contagious or mental diseases.

Maternity cases and internees suffering from serious diseases, or whose condition requires special treatment, a surgical operation or hospital care, must be admitted to any institution where adequate treatment can be given and shall receive care not inferior to that provided for the general population.

Internees shall, for preference, have the attention of medical personnel of their own nationality.

Internees may not be prevented from presenting themselves to the medical authorities for examination. The medical authorities of the Detaining Power shall, upon request, issue to every internee who has undergone treatment an official certificate showing the nature of his illness or injury, and the duration and nature of the treatment given. A duplicate of this certificate shall be forwarded to the Central Agency provided for in Article 140.

Treatment, including the provision of any apparatus necessary for the maintenance of internees in good health, particularly dentures and other artificial appliances and spectacles, shall be free of charge to the internee.

ARTICLE 92

Medical inspections of internees shall be made at least once a month. Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of internees, and to detect contagious diseases, especially tuberculosis, malaria, and venereal diseases. Such inspections shall include, in particular, the checking of weight of each internee and, at least once a year, radioscopic examination.

CHAPTER V

RELIGIOUS, INTELLECTUAL AND PHYSICAL ACTIVITIES

ARTICLE 93

Internees shall enjoy complete latitude in the exercise of their religious duties, including attendance at the services of their faith, on condition that they comply with the disciplinary routine prescribed by the detaining authorities.

Ministers of religion who are interned shall be allowed to minister freely to the members of their community. For this purpose, the Detaining Power shall ensure their equitable allocation amongst the various places of internment in which there are internees speaking the same language and belonging to the same religion. Should such ministers be too few in number, the Detaining Power shall provide them with the necessary facilities, including means of transport, for moving from one place to another, and they shall be authorized to visit any internees who are in hospital. Ministers of religion shall be at liberty to correspond on matters concerning their ministry with the religious authorities in the country of detention and, as far as possible, with the international religious organizations of their faith. Such correspondence shall not be considered as forming a part of the quota mentioned in Article 107. It shall, however, be subject to the provisions of Article 112.

When internees do not have at their disposal the assistance of ministers of their faith, or should these latter be too few in number, the local religious authorities of the same faith may appoint, in agreement with the Detaining Power, a minister of the internees' faith or, if such a course is feasible from a denominational point of view, a minister of similar religion or a qualified layman. The latter shall enjoy the facilities granted to the ministry he has assumed. Persons so appointed shall comply with all regulations laid down by the Detaining Power in the interests of discipline and security.

ARTICLE 94

The Detaining Power shall encourage intellectual, educational and recreational pursuits, sports and games amongst internees, whilst leaving them free to take part in them or not. It shall take all practicable measures to ensure the exercise thereof, in particular by providing suitable premises.

All possible facilities shall be granted to internees to continue their studies or to take up new subjects. The education of children and young people shall be ensured; they shall be allowed to attend schools either within the place of internment or outside.

Internees shall be given opportunities for physical exercise, sports and outdoor games. For this purpose, sufficient open spaces shall be set aside in all places of internment. Special playgrounds shall be reserved for children and young people.

ARTICLE 95

The Detaining Power shall not employ internees as workers, unless they so desire. Employment which, if undertaken under compulsion by a protected person not in internment, would involve a breach of Articles 40 or 51 of the present Convention, and employment on work which is of a degrading or humiliating character are in any case prohibited.

After a working period of six weeks, internees shall be free to give up work at any moment, subject to eight days' notice.

These provisions constitute no obstacle to the right of the Detaining Power to employ interned doctors, dentists and other medical personnel in their professional capacity on behalf of their fellow internees, or to employ internees for administrative and maintenance work in places of internment and to detail such persons for work in the kitchens or for other domestic tasks, or to require such persons to undertake duties connected with the protection of internees against aerial bombardment or other war risks. No internee may, however, be required to perform tasks for which he is, in the opinion of a medical officer, physically unsuited.

The Detaining Power shall take entire responsibility for all working conditions, for medical attention, for the payment of wages, and for ensuring that all employed internees receive compensation for occupational accidents and diseases. The standards prescribed for the said working conditions and for compensation shall be in accordance with the national laws and regulations, and with the existing practice; they shall in no case be inferior to those obtaining for work of the same nature in the same district. Wages for work done shall be determined on an equitable basis by special agreements between the internees, the Detaining Power, and, if the case arises, employers other than the Detaining Power, due regard being paid to the obligation of the Detaining Power to provide for free maintenance of internees and for the medical attention which their state of health may require. Internees permanently detailed for categories of work mentioned in the third paragraph of this Article, shall be paid fair wages by the Detaining Power. The working conditions and the scale of compensation for occupational accidents and diseases to internees thus detailed, shall not be inferior to those applicable to work of the same nature in the same district.

ARTICLE 96

All labour detachments shall remain part of and dependent upon a place of internment. The competent authorities of the Detaining Power and the commandant of a place of internment shall be responsible for the observance in a labour detachment of the provisions of the present Convention. The commandant shall keep an up-to-date list of the labour detachments subordinate to him and shall communicate it to the delegates of the Protecting Power, of the International Committee of the Red Cross and of other humanitarian organizations who may visit the places of internment.

CHAPTER VI

PERSONAL PROPERTY AND FINANCIAL RESOURCES

ARTICLE 97

Internees shall be permitted to retain articles of personal use. Monies, cheques, bonds, etc., and valuables in their possession may not be taken from them except in accordance with established procedure. Detailed receipts shall be given therefor.

The amounts shall be paid into the account of every internee as provided for in Article 98. Such amounts may not be converted into any other currency unless legislation in force in the territory in which the owner is interned so requires or the internee gives his consent.

Articles which have above all a personal or sentimental value may not be taken away.

A woman internee shall not be searched except by a woman.

On release or repatriation, internees shall be given all articles, monies or other valuables taken from them during internment and shall receive in currency the balance of any credit to their accounts kept in accordance with Article 98, with the exception of any articles or amounts withheld by the Detaining Power by virtue of its legislation in force. If the property of an internee is so withheld, the owner shall receive a detailed receipt.

Family or identity documents in the possession of internees may not be taken away without a receipt being given. At no time shall internees be left without identity documents. If they have none, they shall be issued with special documents drawn up by the detaining authorities, which will serve as their identity papers until the end of their internment.

Internees may keep on their persons a certain amount of money, in cash or in the shape of purchase coupons, to enable them to make purchases.

ARTICLE 98

All internees shall receive regular allowances, sufficient to enable them to purchase goods and articles, such as tobacco, toilet requisites, etc. Such allowances may take the form of credits or purchase coupons.

Furthermore, internees may receive allowances from the Power to which they owe allegiance, the Protecting Powers, the organizations which may assist them, or their families, as well as the income on their property in accordance with the law of the Detaining Power. The amount of allowances granted by the Power to which they owe allegiance shall be the same for each category of internees (infirm, sick, pregnant women, etc.), but may not be allocated by that Power or distributed by the Detaining

Power on the basis of discriminations between internees which are prohibited by Article 27 of the present Convention.

The Detaining Power shall open a regular account for every internee, to which shall be credited the allowances named in the present Article, the wages earned and the remittances received, together with such sums taken from him as may be available under the legislation in force in the territory in which he is interned. Internees shall be granted all facilities consistent with the legislation in force in such territory to make remittances to their families and to other dependants. They may draw from their accounts the amounts necessary for their personal expenses, within the limits fixed by the Detaining Power. They shall at all times be afforded reasonable facilities for consulting and obtaining copies of their accounts. A statement of accounts shall be furnished to the Protecting Power on request, and shall accompany the internee in case of transfer.

CHAPTER VII

ADMINISTRATION AND DISCIPLINE

ARTICLE 99

Every place of internment shall be put under the authority of a responsible officer, chosen from the regular military forces or the regular civil administration of the Detaining Power. The officer in charge of the place of internment must have in his possession a copy of the present Convention in the official language, or one of the official languages, of his country and shall be responsible for its application. The staff in control of internees shall be instructed in the provisions of the present Convention and of the administrative measures adopted to ensure its application.

The text of the present Convention and the texts of special agreements concluded under the said Convention shall be posted inside the place of internment, in a language which the internees understand, or shall be in the possession of the Internee Committee.

Regulations, orders, notices and publications of every kind shall be communicated to the internees and posted inside the places of internment, in a language which they understand.

Every order and command addressed to internees individually, must likewise, be given in a language which they understand.

ARTICLE 100

The disciplinary regime in places of internment shall be consistent with humanitarian principles, and shall in no circumstances include regulations imposing on internees any

physical exertion dangerous to their health or involving physical or moral victimization. Identification by tattooing or imprinting signs or markings on the body, is prohibited.

In particular, prolonged standing and roll-calls, punishment drill, military drill and manoeuvres, or the reduction of food rations, are prohibited.

ARTICLE 101

Internees shall have the right to present to the authorities in whose power they are, any petition with regard to the conditions of internment to which they are subjected.

They shall also have the right to apply without restriction through the Internee Committee or, if they consider it necessary, direct to the representatives of the Protecting Power, in order to indicate to them any points on which they may have complaints to make with regard to the conditions of internment.

Such petitions and complaints shall be transmitted forthwith and without alteration and even if the latter are recognized to be unfounded, they may not occasion any punishment.

Periodic reports on the situation in places of internment and as to the needs of the internees, may be sent by the Internee Committees to the representatives of the Protecting Powers.

ARTICLE 102

In every place of internment, the internees shall freely elect by secret ballot every six months, the members of a Committee empowered to represent them before the Detaining and the Protecting Powers, the International Committee of the Red Cross and any other organization which may assist them. The members of the Committee shall be eligible for re-election.

Internees so elected shall enter upon their duties after their election has been approved by the detaining authorities. The reasons for any refusals or dismissals shall be communicated to the Protecting Powers concerned.

ARTICLE 103

The Internee Committees shall further the physical, spiritual and intellectual well-being of the internees.

In case the internees decide, in particular, to organize a system of mutual assistance amongst themselves, this organization would be within the competence of the Committees in addition to the special duties entrusted to them under other provisions of the present Convention.

ARTICLE 104

Members of Internee Committees shall not be required to perform any other work, if the accomplishment of their duties is rendered more difficult thereby.

Members of Internee Committees may appoint from amongst the internees such assistants as they may require. All material facilities shall be granted to them, particularly a certain freedom of movement necessary for the accomplishment of their duties (visits to labour detachments, receipt of supplies, etc.).

All facilities shall likewise be accorded to members of Internee Committees for communication by post and telegraph with the detaining authorities, the Protecting Powers, the International Committee of the Red Cross and their delegates, and with the organizations which give assistance to internees. Committee members in labour detachments shall enjoy similar facilities for communication with their Internee Committee in the principal place of internment. Such communications shall not be limited, nor considered as forming a part of the quota mentioned in Article 107.

Members of Internee Committees who are transferred shall be allowed a reasonable time to acquaint their successors with current affairs.

CHAPTER VIII

RELATIONS WITH THE EXTERIOR

ARTICLE 105

Immediately upon interning protected persons, the Detaining Powers shall inform them, the Power to which they owe allegiance and their Protecting Power of the measures taken for executing the provisions of the present Chapter. The Detaining Powers shall likewise inform the Parties concerned of any subsequent modifications of such measures.

ARTICLE 106

As soon as he is interned, or at the latest not more than one week after his arrival in a place of internment, and likewise in cases of sickness or transfer to another place of internment or to a hospital, every internee shall be enabled to send direct to his family, on the one hand, and to the Central Agency provided for by Article 140, on the other, an internment card similar, if possible, to the model annexed to the present Convention, informing his relatives of his detention, address and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any way.

ARTICLE 107

Internees shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each internee,

the said number shall not be less than two letters and four cards monthly; these shall be drawn up so as to conform as closely as possible to the models annexed to the present Convention. If limitations must be placed on the correspondence addressed to internees they may be ordered only by the Power to which such internees owe allegiance, possibly at the request of the Detaining Power. Such letters and cards must be conveyed with reasonable despatch; they may not be delayed or retained for disciplinary reasons.

Internees who have been a long time without news, or who find it impossible to receive news from their relatives, or to give them news by the ordinary postal route, as well as those who are at a considerable distance from their homes, shall be allowed to send telegrams, the charges being paid by them in the currency at their disposal. They shall likewise benefit by this provision in cases which are recognized to be urgent.

As a rule, internees' mail shall be written in their own language. The Parties to the conflict may authorize correspondence in other languages.

ARTICLE 108

Internees shall be allowed to receive, by post or by any other means, individual parcels or collective shipments containing in particular foodstuffs, clothing, medical supplies, as well as books and objects of a devotional, educational or recreational character which may meet their needs. Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present Convention.

Should military necessity require the quantity of such shipments to be limited, due notice thereof shall be given to the Protecting Power and to the International Committee of the Red Cross, or to any other organization giving assistance to the internees and responsible for the forwarding of such shipments.

The conditions for the sending of individual parcels and collective shipments shall, if necessary, be the subject of special agreements between the Powers concerned, which may in no case delay the receipt by the internees of relief supplies. Parcels of clothing and foodstuffs may not include books. Medical relief supplies shall, as a rule, be sent in collective parcels.

ARTICLE 109

In the absence of special agreements between Parties to the conflict regarding the conditions for the receipt and distribution of collective relief shipments, the regulations concerning collective relief which are annexed to the present Convention shall be applied.

The special agreements provided for above shall in no case restrict the right of Internee Committees to take possession of collective relief shipments intended for



internees, to undertake their distribution and to dispose of them in the interests of the recipients.

Nor shall such agreements restrict the right of representatives of the Protecting Powers, the International Committee of the Red Cross, or any other organization giving assistance to internees and responsible for the forwarding of collective shipments, to supervise their distribution to the recipients.

ARTICLE IIO

All relief shipments for internees shall be exempt from import, customs and other dues.

All matter sent by mail, including relief parcels sent by parcel post and remittance of money, addressed from other countries to internees or despatched by them through the post office, either direct or through the Information Bureaux provided for in Article 136 and the Central Information Agency provided for in Article 140, shall be exempt from all postal dues both in the countries of origin and destination and in intermediate countries. To this end, in particular, the exemption provided by the Universal Postal Convention of 1947 and by the agreements of the Universal Postal Union in favour of civilians of enemy nationality detained in camps or civilian prisons, shall be extended to the other interned persons protected by the present Convention. The countries not signatory to the above-mentioned agreements shall be bound to grant freedom from charges in the same circumstances.

The cost of transporting relief shipments which are intended for internees and which by reason of their weight or any other cause, cannot be sent through the post office shall be borne by the Detaining Power in all the territories under its control. Other Powers which are Parties to the present Convention shall bear the cost of transport in their respective territories.

Costs connected with the transport of such shipments, which are not covered by the above paragraphs, shall be charged to the senders.

The High Contracting Parties shall endeavour to reduce, so far as possible, the charges for telegrams sent by internees, or addressed to them.

ARTICLE III

Should military operations prevent the Powers concerned from fulfilling their obligation to ensure the conveyance of the mail and relief shipments provided for in Article 106, 107, 108 and 113, the Protecting Powers concerned, the International Committee of the Red Cross or any other organization duly approved by the Parties to the conflict may undertake the conveyance of such shipments by suitable means (rail, motor vehicles, vessels or aircraft, etc.). For this purpose, the High Contracting Parties shall endeavour to supply them with such transport, and to allow its circulation, especially by granting the necessary safe-conducts.

Such transport may also be used to convey:

- (a) correspondence, lists and reports exchanged between the Central Information Agency referred to in Article 140 and the National Bureaux referred to in Article 136;
- (b) correspondence and reports relating to internees which the Protecting Powers, the International Committee of the Red Cross or any other organization assisting the internees exchange either with their own delegates or with the Parties to the conflict.

These provisions in no way detract from the right of any Party to the conflict to arrange other means of transport if it should so prefer, nor preclude the granting of safe-conducts, under mutually agreed conditions, to such means of transport.

The costs occasioned by the use of such means of transport shall be borne, in proportion to the importance of the shipments, by the Parties to the conflict whose nationals are benefited thereby.

ARTICLE 112

The censoring of correspondence addressed to internees or despatched by them shall be done as quickly as possible.

The examination of consignments intended for internees shall not be carried out under conditions that will expose the goods contained in them to deterioration. It shall be done in the presence of the addressee, or of a fellow-internee duly delegated by him. The delivery to internees of individual or collective consignments shall not be delayed under the pretext of difficulties of censorship.

Any prohibition of correspondence ordered by the Parties to the conflict either for military or political reasons, shall be only temporary and its duration shall be as short as possible.

ARTICLE 113

The Detaining Powers shall provide all reasonable facilities for the transmission, through the Protecting Power or the Central Agency provided for in Article 140, or as otherwise required, of wills, powers of attorney, letters of authority, or any other documents intended for internees or despatched by them.

In all cases the Detaining Powers shall facilitate the execution and authentication in due legal form of such documents on behalf of internees, in particular by allowing them to consult a lawyer.

ARTICLE 114

The Detaining Power shall afford internees all facilities to enable them to manage their property, provided this is not incompatible with the conditions of internment and the law which is applicable. For this purpose, the said Power may give them permission to leave the place of internment in urgent cases and if circumstances allow.

ARTICLE II5

In all cases where an internee is a party to proceedings in any court, the Detaining Power shall, if he so requests, cause the court to be informed of his detention and shall, within legal limits, ensure that all necessary steps are taken to prevent him from being in any way prejudiced, by reason of his internment, as regards the preparation and conduct of his case or as regards the execution of any judgment of the court.

ARTICLE II6

Every internee shall be allowed to receive visitors, especially near relatives, at regular intervals and as frequently as possible.

As far as is possible, internees shall be permitted to visit their homes in urgent cases, particularly in cases of death or serious illness of relatives.

CHAPTER IX

PENAL AND DISCIPLINARY SANCTIONS

ARTICLE II7

Subject to the provisions of the present Chapter, the laws in force in the territory in which they are detained will continue to apply to internees who commit offences during internment.

If general laws, regulations or orders declare acts committed by internees to be punishable, whereas the same acts are not punishable when committed by persons who are not internees, such acts shall entail disciplinary punishments only.

No internee may be punished more than once for the same act, or on the same count.

ARTICLE II8

The courts or authorities shall in passing sentence take as far as possible into account the fact that the defendant is not a national of the Detaining Power. They shall be free to reduce the penalty prescribed for the offence with which the internee is charged and shall not be obliged, to this end, to apply the minimum sentence prescribed.

Imprisonment in premises without daylight and, in general, all forms of cruelty without exception are forbidden.

Internees who have served disciplinary or judicial sentences shall not be treated differently from other internees.

The duration of preventive detention undergone by an internee shall be deducted from any disciplinary or judicial penalty involving confinement to which he may be sentenced.

Internee Committees shall be informed of all judicial proceedings instituted against internees whom they represent, and of their result.

ARTICLE 119

The disciplinary punishments applicable to internees shall be the following:

- (1) A fine which shall not exceed 50 per cent of the wages which the internee would otherwise receive under the provisions of Article 95 during a period of not more than thirty days.
- (2) Discontinuance of privileges granted over and above the treatment provided for by the present Convention.
- (3) Fatigue duties, not exceeding two hours daily, in connection with the maintenance of the place of internment.
- (4) Confinement.

In no case shall disciplinary penalties be inhuman, brutal or dangerous for the health of internees. Account shall be taken of the internee's age, sex and state of health.

The duration of any single punishment shall in no case exceed a maximum of thirty consecutive days, even if the internee is answerable for several breaches of discipline when his case is dealt with, whether such breaches are connected or not.

ARTICLE 120

Internees who are recaptured after having escaped or when attempting to escape, shall be liable only to disciplinary punishment in respect of this act, even if it is a repeated offence.

Article 118, paragraph 3, notwithstanding, internees punished as a result of escape or attempt to escape, may be subjected to special surveillance, on condition that such surveillance does not affect the state of their health, that it is exercised in a place of internment and that it does not entail the abolition of any of the safeguards granted by the present Convention.

Internees who aid and abet an escape or attempt to escape, shall be liable on this count to disciplinary punishment only.

ARTICLE 121

Escape, or attempt to escape, even if it is a repeated offence, shall not be deemed an aggravating circumstance in cases where an internee is prosecuted for offences committed during his escape.

The Parties to the conflict shall ensure that the competent authorities exercise leniency in deciding whether punishment inflicted for an offence shall be of a disciplinary or judicial nature, especially in respect of acts committed in connection with an escape, whether successful or not.

ARTICLE 122

Acts which constitute offences against discipline shall be investigated immediately. This rule shall be applied, in particular, in cases of escape or attempt to escape. Recaptured internees shall be handed over to the competent authorities as soon as possible.

In case of offences against discipline, confinement awaiting trial shall be reduced to an absolute minimum for all internees, and shall not exceed fourteen days. Its duration shall in any case be deducted from any sentence of confinement.

The provisions of Articles 124 and 125 shall apply to internees who are in confinement awaiting trial for offences against discipline.

ARTICLE 123

Without prejudice to the competence of courts and higher authorities, disciplinary punishment may be ordered only by the commandant of the place of internment, or by a responsible officer or official who replaces him, or to whom he has delegated his disciplinary powers.

Before any disciplinary punishment is awarded, the accused internee shall be given precise information regarding the offences of which he is accused, and given an opportunity of explaining his conduct and of defending himself. He shall be permitted, in particular, to call witnesses and to have recourse, if necessary, to the services of a qualified interpreter. The decision shall be announced in the presence of the accused and of a member of the Internee Committee.

The period elapsing between the time of award of a disciplinary punishment and its execution shall not exceed one month.

When an internee is awarded a further disciplinary punishment, a period of at least three days shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

A record of disciplinary punishments shall be maintained by the commandant of the place of internment and shall be open to inspection by representatives of the Protecting Power.

ARTICLE 124

Internees shall not in any case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) to undergo disciplinary punishment therein.

The premises in which disciplinary punishments are undergone shall conform to sanitary requirements; they shall in particular be provided with adequate bedding.

Internees undergoing punishment shall be enabled to keep themselves in a state of cleanliness.

Women internees undergoing disciplinary punishment shall be confined in separate quarters from male internees and shall be under the immediate supervision of women.

ARTICLE 125

Internees awarded disciplinary punishment shall be allowed to exercise and to stay in the open air at least two hours daily.

They shall be allowed, if they so request, to be present at the daily medical inspections. They shall receive the attention which their state of health requires and, if necessary, shall be removed to the infirmary of the place of internment or to a hospital.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money, however, may be withheld from them until the completion of their punishment; such consignments shall meanwhile be entrusted to the Internee Committee, who will hand over to the infirmary the perishable goods contained in the parcels.

No internee given a disciplinary punishment may be deprived of the benefit of the provisions of Articles 107 and 143 of the present Convention.

ARTICLE 126

The provisions of Articles 71 to 76 inclusive shall apply, by analogy, to proceedings against internees who are in the national territory of the Detaining Power.

CHAPTER X

TRANSFERS OF INTERNEES

ARTICLE 127

The transfer of internees shall always be effected humanely. As a general rule, it shall be carried out by rail or other means of transport, and under conditions at least equal to those obtaining for the forces of the Detaining Power in their changes of station. If, as an exceptional measure, such removals have to be effected on foot, they may not take place unless the internees are in a fit state of health, and may not in any case expose them to excessive fatigue.

The Detaining Power shall supply internees during transfer with drinking water and food sufficient in quantity, quality and variety to maintain them in good health, and also with the necessary clothing, adequate shelter and the necessary medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during transfer, and shall establish before their departure a complete list of all internees transferred.

Sick, wounded or infirm internees and maternity cases shall not be transferred if the journey would be seriously detrimental to them, unless their safety imperatively so demands.

If the combat zone draws close to a place of internment, the internees in the said place shall not be transferred unless their removal can be carried out in adequate conditions of safety, or unless they are exposed to greater risks by remaining on the spot than by being transferred.

When making decisions regarding the transfer of internees, the Detaining Power shall take their interests into account and, in particular, shall not do anything to increase the difficulties of repatriating them or returning them to their own homes.

ARTICLE 128

In the event of transfer, internees shall be officially advised of their departure and of their new postal address. Such notification shall be given in time for them to pack their luggage and inform their next of kin.

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight of such baggage may be limited if the conditions of transfer so require, but in no case to less than twenty-five kilograms per internee.

Mails and parcels addressed to their former place of internment shall be forwarded to them without delay.

The commandant of the place of internment shall take, in agreement with the Internee Committee, any measures needed to ensure the transport of the internees' community property and of the luggage the internees are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph.

CHAPTER XI

DEATHS

ARTICLE 129

The wills of internees shall be received for safe-keeping by the responsible authorities; and in the event of the death of an internee his will shall be transmitted without delay to a person whom he has previously designated.

Deaths of internees shall be certified in every case by a doctor, and a death certificate shall be made out, showing the causes of death and the conditions under which it occurred.

An official record of the death, duly registered, shall be drawn up in accordance with the procedure relating thereto in force in the territory where the place of internment is situated, and a duly certified copy of such record shall be transmitted without delay to the Protecting Power as well as to the Central Agency referred to in Article 140.

ARTICLE 130

The detaining authorities shall ensure that internees who die while interned are honourably buried, if possible according to the rites of the religion to which they belonged, and that their graves are respected, properly maintained, and marked in such a way that they can always be recognized.

Deceased internees shall be buried in individual graves unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, on account of the religion of the deceased or in accordance with his expressed wish to this effect. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased. The ashes shall be retained for safe-keeping by the detaining authorities and shall be transferred as soon as possible to the next of kin on their request.

As soon as circumstances permit, and not later than the close of hostilities, the Detaining Power shall forward lists of graves of deceased internees to the Powers on whom the deceased internees depended, through the Information Bureaux provided for in Article 130. Such lists shall include all particulars necessary for the identification of the deceased internees, as well as the exact location of their graves.

ARTICLE 131

Every death or serious injury of an internee, caused or suspected to have been caused by a sentry, another internee or any other person, as well as any death the cause of which is unknown, shall be immediately followed by an official enquiry by the Detaining Power.

A communication on this subject shall be sent immediately to the Protecting Power. The evidence of any witnesses shall be taken, and a report including such evidence shall be prepared and forwarded to the said Protecting Power.

If the enquiry indicates the guilt of one or more persons, the Detaining Power shall take all necessary steps to ensure the prosecution of the person or persons responsible.

CHAPTER XII

RELEASE, REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES

ARTICLE 132

Each interned person shall be released by the Detaining Power as soon as the reasons which necessitated his internment no longer exist.

The Parties to the conflict shall, moreover, endeavour during the course of hostilities, to conclude agreements for the release, the repatriation, the return to places of residence

or the accommodation in a neutral country of certain classes of internees, in particular children, pregnant women and mothers with infants and young children, wounded and sick, and internees who have been detained for a long time.

ARTICLE 133

Internment shall cease as soon as possible after the close of hostilities.

Internees in the territory of a Party to the conflict against whom penal proceedings are pending for offences not exclusively subject to disciplinary penalties, may be detained until the close of such proceedings and, if circumstances require, until the completion of the penalty. The same shall apply to internees who have been previously sentenced to a punishment depriving them of liberty.

By agreement between the Detaining Power and the Powers concerned, committees may be set up after the close of hostilities, or of the occupation of territories, to search for dispersed internees.

ARTICLE 134

The High Contracting Parties shall endeavour, upon the close of hostilities or occupation, to ensure the return of all internees to their last place of residence, or to facilitate their repatriation.

ARTICLE 135

The Detaining Power shall bear the expense of returning released internees to the places where they were residing when interned, or, if it took them into custody while they were in transit or on the high seas, the cost of completing their journey or of their return to their point of departure.

Where a Detaining Power refuses permission to reside in its territory to a released internee who previously had his permanent domicile therein, such Detaining Power shall pay the cost of the said internee's repatriation. If, however, the internee elects to return to his country on his own responsibility or in obedience to the Government of the Power to which he owes allegiance, the Detaining Power need not pay the expenses of his journey beyond the point of his departure from its territory. The Detaining Power need not pay the costs of repatriation of an internee who was interned at his own request.

If internees are transferred in accordance with Article 45, the transferring and receiving Powers shall agree on the portion of the above costs to be borne by each.

The foregoing shall not prejudice such special agreements as may be concluded between Parties to the conflict concerning the exchange and repatriation of their nationals in enemy hands.

SECTION V

INFORMATION BUREAUX AND CENTRAL AGENCY

ARTICLE 136

Upon the outbreak of a conflict and in all cases of occupation, each of the Parties to the conflict shall establish an official Information Bureau responsible for receiving and transmitting information in respect of the protected persons who are in its power.

Each of the Parties to the conflict shall, within the shortest possible period, give its Bureau information of any measure taken by it concerning any protected persons who are kept in custody for more than two weeks, who are subjected to assigned residence or who are interned. It shall, furthermore, require its various departments concerned with such matters to provide the aforesaid Bureau promptly with information concerning all changes pertaining to these protected persons, as, for example, transfers, releases, repatriations, escapes, admittances to hospitals, births and deaths.

ARTICLE 137

Each national Bureau shall immediately forward information concerning protected persons by the most rapid means to the Powers of whom the aforesaid persons are nationals, or to Powers in whose territory they resided, through the intermediary of the Protecting Powers and likewise through the Central Agency provided for in Article 140. The Bureaux shall also reply to all enquiries which may be received regarding protected persons.

Information Bureaux shall transmit information concerning a protected person unless its transmission might be detrimental to the person concerned or to his or her relatives. Even in such a case, the information may not be withheld from the Central Agency which, upon being notified of the circumstances, will take the necessary precautions indicated in Article 140.

All communications in writing made by any Bureau shall be authenticated by a signature or a seal.

ARTICLE 138

The information received by the national Bureau and transmitted by it shall be of such a character as to make it possible to identify the protected person exactly and to advise his next of kin quickly. The information in respect of each person shall include at least his surname, first names, place and date of birth, nationality, last residence and distinguishing characteristics, the first name of the father and the maiden name of the mother, the date, place and nature of the action taken with regard to the individual, the address at which correspondence may be sent to him and the name and address of the person to be informed.

Likewise, information regarding the state of health of internees who are seriously ill or seriously wounded shall be supplied regularly and if possible every week.

ARTICLE 139

Each national Information Bureau shall, furthermore, be responsible for collecting all personal valuables left by protected persons mentioned in Article 136, in particular those who have been repatriated or released, or who have escaped or died; it shall forward the said valuables to those concerned, either direct, or, if necessary, through the Central Agency. Such articles shall be sent by the Bureau in sealed packets which shall be accompanied by statements giving clear and full identity particulars of the person to whom the articles belonged, and by a complete list of the contents of the parcel. Detailed records shall be maintained of the receipt and despatch of all such valuables.

ARTICLE 140

A Central Information Agency for protected persons, in particular for internees, shall be created in a neutral country. The International Committee of the Red Cross shall, if it deems necessary, propose to the Powers concerned the organization of such an Agency, which may be the same as that provided for in Article 123 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.¹

The function of the Agency shall be to collect all information of the type set forth in Article 136 which it may obtain through official or private channels and to transmit it as rapidly as possible to the countries of origin or of residence of the persons concerned, except in cases where such transmissions might be detrimental to the persons whom the said information concerns, or to their relatives. It shall receive from the Parties to the conflict all reasonable facilities for effecting such transmissions.

The High Contracting Parties, and in particular those whose nationals benefit by the services of the Central Agency, are requested to give the said Agency the financial aid it may require.

The foregoing provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross and of the relief societies described in Article 142.

ARTICLE 141

The national Information Bureaux and the Central Information Agency shall enjoy free postage for all mail, likewise the exemptions provided for in Article 110, and further, so far as possible, exemption from telegraphic charges or, at least, greatly reduced rates.

PART IV

EXECUTION OF THE CONVENTION

SECTION I

GENERAL PROVISIONS

ARTICLE 142

Subject to the measures which the Detaining Powers may consider essential to ensure their security or to meet any other reasonable need, the representatives of religious organizations, relief societies, or any other organizations assisting the protected persons, shall receive from these Powers, for themselves or their duly accredited agents, all facilities for visiting the protected persons, for distributing relief supplies and material from any source, intended for educational, recreational or religious purposes, or for assisting them in organizing their leisure time within the places of internment. Such societies or organizations may be constituted in the territory of the Detaining Power, or in any other country, or they may have an international character.

The Detaining Power may limit the number of societies and organizations whose delegates are allowed to carry out their activities in its territory and under its supervision, on condition, however, that such limitation shall not hinder the supply of effective and adequate relief to all protected persons.

The special position of the International Committee of the Red Cross in this field shall be recognized and respected at all times.

ARTICLE 143

Representatives or delegates of the Protecting Powers shall have permission to go to all places where protected persons are, particularly to places of internment, detention and work.

They shall have access to all premises occupied by protected persons and shall be able to interview the latter without witnesses, personally or through an interpreter.

Such visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure. Their duration and frequency shall not be restricted.

Such representatives and delegates shall have full liberty to select the places they wish to visit. The Detaining or Occupying Power, the Protecting Power and when occasion arises the Power of origin of the persons to be visited, may agree that compatriots of the internees shall be permitted to participate in the visits.

The delegates of the International Committee of the Red Cross shall also enjoy

the above prerogatives. The appointment of such delegates shall be submitted to the approval of the Power governing the territories where they will carry out their duties.

ARTICLE 144

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population.

Any civilian, military, police or other authorities, who in time of war assume responsibilities in respect of protected persons, must possess the text of the Convention and be specially instructed as to its provisions.

ARTICLE 145

The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

ARTICLE 146

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.¹

ARTICLE 147

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

ARTICLE 148

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

ARTICLE 149

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

SECTION II

FINAL PROVISIONS

ARTICLE 150

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

ARTICLE 151

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949.

ARTICLE 152

The present Convention shall be ratified as soon as possible and the ratifications shall be deposited at Berne.

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 153

The present Convention shall come into force six months after not less than two instruments of ratification have been deposited.

Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instrument of ratification.

ARTICLE 154

In the relations between the Powers who are bound by The Hague Conventions respecting the Laws and Customs of War on Land, whether that of July 29, 1899¹ or that of October 18, 1907,² and who are parties to the present Convention, this last Convention shall be supplementary to Sections II and III of the Regulations annexed to the above mentioned Conventions of The Hague.

ARTICLE 155

From the date of its coming into force, it shall be open to any Power in whose name the present Convention has not been signed, to accede to this Convention.

ARTICLE 156

Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 157

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

ARTICLE 158

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release, repatriation and re-establishment of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

ARTICLE 159

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August, 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

3. อนุสัญญากรุงโตเกียวว่าด้วยการกระทำความผิดบนอากาศยาน ค.ศ.1963

(The Convention on Offenses and Certain other Acts Committed on
Board Aircraft)

ศูนย์วิทยพัชกร
จุฬาลงกรณ์มหาวิทยาลัย

THE CONVENTION ON OFFENSES AND CERTAIN
OTHER ACTS COMMITTED ON BOARD AIRCRAFT*

Tokyo, 14 September 1963

The States Parties to this Convention
have agreed as follows:

CHAPTER 1

SCOPE OF THE CONVENTION

ARTICLE 1

1. This Convention shall apply in respect of:
 - (a) offences against penal law;
 - (b) acts which, whether or not they are offences, may or do jeopardize the safety of the aircraft or of persons or property therein or which jeopardize good order and discipline on board.
2. Except as provided in Chapter III, this Convention shall apply in respect of offences committed or acts done by a person on board any aircraft registered in a Contracting State, while that aircraft is in flight or on the surface of the high seas or of any other area outside the territory of any State.
3. For the purposes of this Convention, an aircraft is considered to be in flight from a moment when power is applied for the purpose of take-off until the moment when the landing run ends.

*DONE at Tokyo September 14, 1963. Entered into force
December 4, 1969, TIAS 6768.

4. This Convention shall not apply to aircraft used in military, customs, or police services.

ARTICLE 2

Without prejudice to the provisions of Article 4 and except when the safety of the aircraft or of persons or property on board so requires, no provision of this Convention shall be interpreted as authorising or requiring any action in respect of offences against penal laws of a political nature or those based on racial or religious discrimination.

CHAPTER II

JURISDICTION

ARTICLE 3

1. The State of registration of the aircraft is competent to exercise jurisdiction over offences and acts committed on board.

2. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction as the State of registration over offences committed on board aircraft registered in such State.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

ARTICLE 4

A contracting State which is not the State of registration may not interfere with an aircraft in flight in order to exercise its criminal jurisdiction over an offence committed on board except

in the following cases:

- (a) the offence has effect on the territory of such State;
- (b) the offence has been committed by or against a national or permanent resident of such State;
- (c) the offence is against the security of such State;
- (d) the offence consists of a breach of any rules or regulations relating to the flight or manoeuvre of aircraft in force in such State;
- (e) The exercise of jurisdiction is necessary to ensure the observance of any obligation of such state under a multilateral international agreement.

CHAPTER III

POWERS OF THE AIRCRAFT COMMANDER

ARTICLE 5

1. the provisions of this Chapter shall not apply to offences and acts committed or about to be committed by a person on board an aircraft in flight in the airspace of the State of registration or over the high seas or any other area outside the territory of any State unless the last point of takeoff or the next point of intended landing is situated in a State other than that of registration, or the aircraft subsequently flies in the airspace of a State other than that of registration with such person

still on board.

2. Notwithstanding the provisions of Article 1, paragraph 3, an aircraft shall for the purposes of this Chapter, be considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing, the provisions of this Chapter shall continue to apply with respect to offences and acts committed on board until competent authorities of a State take over the responsibility for the aircraft and for the persons and property on board.

ARTICLE 6 .

1. The aircraft commander may, when he has reasonable grounds to believe that a person has committed, or is about to commit, on board the aircraft, an offence or act contemplated in Article 1, paragraph 1, impose upon such person reasonable measures including restraint which are necessary:

- (a) to protect the safety of the aircraft, or of persons or property therein; or
- (b) to maintain good order and discipline on board; or
- (c) to enable him to deliver such person to competent authorities or to disembark him in accordance with the provisions of this Chapter

2. The aircraft commander may require or authorise the assistance of other crew members and may request or authorise, but not require, the assistance of passengers to restrain any

person whom he is entitled to restrain. Any crew member or passenger may also take reasonable preventive measures without such authorisation when he has reasonable grounds to believe that such action is immediately necessary to protect the safety of the aircraft, or of persons or property therein.

ARTICLE 7

1. Measures of restraint imposed upon a person in accordance with Article 6 shall not be continued beyond any point at which the aircraft lands unless:

- (a) such point is in the territory of non-Contracting State and its authorities refuse to permit disembarkation of that person or those measures have been imposed in accordance with Article 6 paragraph 1 (c) in order to enable his delivery to competent authorities;
- (b) the aircraft makes a forced landing and the aircraft commander is unable to deliver that person to competent authorities; or
- (c) that person agrees to onward carriage under restraint.

2. The aircraft commander shall as soon as practicable, and if possible before landing in the territory of a State with a person on board who has been placed under restraint in accordance with the provisions of Article 6, notify the authorities of such State of the fact that a person on board is under restraint and of the reasons for such restraint.

ARTICLE 8

1. The aircraft commander may, in so far as it is necessary for the purpose of subparagraph (a) or (b) of paragraph 1 of Article 6, disembark in the territory of any State in which the aircraft lands any person who he has reasonable grounds to believe has committed, or is about to commit, on board the aircraft an act contemplated in Article 1, paragraph 1 (b).

2. The aircraft commander shall report to the authorities of the State in which he disembarks any person pursuant to this Article, the fact of, and the reasons for, such disembarkation.

ARTICLE 9

1. The aircraft commander may deliver to the competent authorities of any Contracting State in the territory of which the aircraft lands any person who he has reasonable grounds to believe has committed on board the aircraft an act which, in his opinion, is a serious offence according to the penal law of the State of registration of the aircraft.

2. The aircraft commander shall as soon as practicable and if possible before landing in the territory of a Contracting State with a person on board whom the aircraft commander intends to deliver in accordance with the preceding paragraph, notify the authorities of such State of his intention to deliver such person and the reasons therefor.

3. The aircraft commander shall furnish the authorities to whom any suspected offender is delivered in accordance with the provisions of this Article with evidence and information which,

under the law of the State of registration of the aircraft, are lawfully in his possession.

ARTICLE 10

For actions taken in accordance with this Convention, neither the aircraft commander, any other member of the crew, any passenger, the owner or operator of the aircraft, nor the person on whose behalf the flight was performed shall be held responsible in any proceeding on account of the treatment undergone by the person against whom the actions were taken.

CHAPTER IV

UNLAWFUL SEIZURE OF AIRCRAFT

ARTICLE 11

1. When a person on board has unlawfully committed by force or threat thereof an act of interference, seizure, or other wrongful exercise of control of an aircraft in flight or when such an act is about to be committed, Contracting States shall take all appropriate measures to restore control of the aircraft to its lawful commander or to preserve his control of the aircraft.

CHAPTER V

POWERS AND DUTIES OF STATES

ARTICLE 12

Any Contracting State shall allow the commander of an aircraft registered in another Contracting State to disembark any person

pursuant to Article 8, paragraph 1.

ARTICLE 13

1. Any Contracting State shall take delivery of any person whom the aircraft commander delivers pursuant to Article 9, paragraph 1.

2. Upon being satisfied that the circumstances so warrant, any Contracting State shall take custody or other measures to ensure the presence of any person suspected of an act contemplated in Article 11, paragraph 1, and of any person of whom it has taken delivery. The custody and other measures shall be as provided in the law of that State but may only be continued for such time as is reasonably necessary to enable any criminal or extradition proceedings to be instituted.

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

4. Any Contracting State, to which a person is delivered pursuant to Article 9, paragraph 1, or in whose territory an aircraft lands following the commission of an act contemplated in Article 11, paragraph 1, shall immediately make a preliminary enquiry into the facts.

5. When a State, pursuant to this Article, has taken a person into custody, it shall immediately notify the State of registration of the aircraft and the State of nationality of the detained person and, if it considers it advisable, any other

interested State of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary enquiry contemplated in paragraph 4 of this Article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

ARTICLE 14

1. When any person has been disembarked in accordance with Article 8, paragraph 1, or delivered in accordance with Article 9, paragraph 1, or has disembarked after committing an act contemplated in Article 11, paragraph 1, and when such person cannot or does not desire to continue his journey and the State of landing refuses to admit him, that State may, if the person in question is not a national or permanent resident of that State, return him to the territory of the State of which he is a national or permanent resident or to the territory of the State in which he began his journey by air.

2. Neither disembarkation, nor delivery, nor the taking of custody or other measures contemplated in Article 13, paragraph 2, nor return of the person concerned, shall be considered as admission to the territory of the Contracting State concerned for the purpose of its law relating to entry or admission of persons and nothing in this Convention shall affect the law of a Contracting State relating to the expulsion of persons from its territory.

ARTICLE 15

1. Without prejudice to Article 14, any person who has

been disembarked in accordance with Article 8, paragraph 1, or delivered in accordance with Article 9, paragraph 1, or has disembarked after committing an act contemplated in Article 11, paragraph 1, and who desires to continue his journey shall be at liberty as soon as practicable to proceed to any destination of his choice unless his presence is required by the law of the State of landing for the purpose of extradition or criminal proceedings.

2. Without prejudice to its law as to entry and admission to, and extradition and expulsion from its territory, a Contracting State in whose territory a person has been disembarked in accordance with Article 8, paragraph 1, or delivered in accordance with Article 9, paragraph 1, or has disembarked and is suspected of having committed an act contemplated in Article 11, paragraph 1, shall accord to such person treatment which is no less favourable for his protection and security than that accorded to nationals of such Contracting State in like circumstances.

CHAPTER VI

OTHER PROVISIONS

ARTICLE 16

1. Offences committed on aircraft registered in a Contracting State shall be treated, for the purpose of extradition, as if they had been committed not only in the place in which they have occurred but also in the territory of the State of registration of the aircraft.

2. Without prejudice to the provisions of the preceding paragraph, nothing in this Convention shall be deemed to create

an obligation to grant extradition.

ARTICLE 17

In taking any measures for investigation or arrest or otherwise exercising jurisdiction in connection with any offence committed on board an aircraft the Contracting States shall pay due regard to the safety and other interests of air navigation and shall so act as to avoid unnecessary delay of the aircraft, passengers, crew or cargo.

ARTICLE 18

If Contracting States establish joint air transport operating organisations or international operating agencies, which operate aircraft not registered in any one State those States shall, according to the circumstances of the case, designate the State among them which, for the purposes of this Convention, shall be considered as the State of registration and shall give notice thereof to the International Civil Aviation Organisation which shall communicate the notice to all States Parties to this Convention.

CHAPTER VII

FINAL CLAUSES

ARTICLE 19

Until the date on which this Convention comes into force, in accordance with the provisions of Article 21, it shall remain open for signature on behalf of any State which at that date is a Member

of the United Nations or any of the Specialised agencies.

ARTICLE 20

1. This Convention shall be subject to ratification by the signatory States in accordance with their constitutional procedures.

2. The instruments of ratification shall be deposited with the International Civil Aviation Organisation.

ARTICLE 21

1. As soon as twelve of the signatory States have deposited their instruments of ratification of this Convention, it shall come into force between them on the ninetieth day after the date of the deposit of the twelfth instrument of ratification. It shall come into force for each State ratifying thereafter on the ninetieth day after the deposit of its instrument of ratification.

2. As soon as this Convention comes into force, it shall be registered with the Secretary-General of the United Nations by the International Civil Aviation Organisation.

ARTICLE 22

1. This Convention shall, after it has come into force, be open for accession by any State Member of the United Nations or of any of the Specialised Agencies.

2. The accession of a State shall be effected by the deposit of an instrument of accession with the International Civil Aviation Organisation and shall take effect on the ninetieth day

after the date of such deposit.

ARTICLE 23

1. Any Contracting State may denounce this Convention by notification addressed to the International Civil Aviation Organisation

2. Denunciation shall take effect six months after the date of receipt by the International Civil Aviation Organisation of the notification of denunciation.

ARTICLE 24

1. Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled through negotiation, 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 organisation of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

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

3. Any Contracting State having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the International Civil Avia-

tion Organisation.

ARTICLE 25

Except as provided in Article 24 no reservation may be made to this Convention.

ARTICLE 26

The International Civil Aviation Organisation shall give notice to all States Members of the United Nations or of any of the Specialised Agencies

- (a) of any signature of this Convention and the date thereof;
- (b) of the deposit of any instrument of ratification or accession and the date thereof;
- (c) of the date on which this Convention comes into force in accordance with Article 21, paragraph 1,
- (d) of the receipt of any notification of denunciation and the date thereof; and
- (e) of the receipt of any declaration or notification made under Article 24 and the date thereof.

IN WITNESS where of the undersigned Plenipotentiaries, having been duly authorised, have signed this Convention.

DONE at Tokyo on the fourteenth day of September One Thousand Nine Hundred and Sixty-three in three authentic texts drawn up in the English, French and Spanish languages.

This Convention shall be deposited with the International Civil Aviation Organisation with which, in accordance with Article 19, it shall remain open for signature and the said Organization shall send certified copies thereof to all States Members of the United Nations or of any Specialised Agency .

ประเทศภาคีตามอนุสัญญาฉบับนี้ประกอบไปด้วยประเทศดังต่อไปนี้

<u>รัฐ</u>	<u>วันที่ลงนาม</u>	<u>วันที่มอบสัตยาบันแล้วหรือ</u> <u>ภาคยานุวัติแล้ว</u>	<u>วันที่มีผลบังคับ</u>
1. อีพกานิสถาน		15 เมษายน ค.ศ. 1977	14 กรกฎาคม 1977
2. แอนติกัวและ บาร์บูดา		15 กรกฎาคม 1985	17 ตุลาคม 1985
3. อาร์เจนตินา		23 กรกฎาคม 1971	21 ตุลาคม 1971
4. ออสเตรเลีย		22 มิถุนายน 1970	20 กันยายน 1970
5. ออสเตรีย		7 กุมภาพันธ์ 1974	8 พฤษภาคม 1970
6. บาฮามาส		9 กุมภาพันธ์ 1984	10 กรกฎาคม 1973
7. บาห์เรน			
8. บังกลาเทศ		25 กรกฎาคม 1978	23 ตุลาคม 1978
9. บาร์บาโดส	25 มิถุนายน 1969	4 เมษายน 1972	3 กรกฎาคม 1972
10. เบลเยียม	20 ธันวาคม 1968	6 สิงหาคม 1970	4 พฤศจิกายน 1970
11. โบลิเวีย		5 กรกฎาคม 1979	3 ตุลาคม 1979
12. บราซิล		16 มกราคม 1979	16 เมษายน 1979
13. บราซิล	28 กุมภาพันธ์ 1969	14 มกราคม 1970	14 เมษายน 1970
14. บรูไน			
คาร์ลลาแรม		23 พฤษภาคม 1986	14 เมษายน 1970
15. เบอร์คินาฟาโซ	14 กันยายน 1963	6 มิถุนายน 1969	4 ธันวาคม 1969

<u>รัฐ</u>	<u>วันที่ลงนาม</u>	<u>วันที่มอบสัตยาบันสารหรือ</u> <u>ภาคยานุวัติสาร</u>	<u>วันที่มีผลบังคับ</u>
16. บรันดิ		14 กรกฎาคม 1971	4 ธันวาคม 1969
17. แคนาดา	4 พฤศจิกายน 1964	7 พฤศจิกายน 1969	5 กุมภาพันธ์ 1970
18. ชาด		30 มิถุนายน 1970	28 กันยายน 1970
19. ซิลี		24 มกราคม 1974	24 เมษายน 1974
20. จีน		24 พฤศจิกายน 1978	4 ตุลาคม 1973
21. โคลัมเบีย	8 พฤศจิกายน 1968	6 กรกฎาคม 1973	4 ตุลาคม 1973
22. คองโก	14 กันยายน 1963	13 พฤศจิกายน 1978	11 กุมภาพันธ์ 1979
23. คอสตาริกา		24 ตุลาคม 1972	22 มกราคม 1973
24. โคเต ดิวัวร์		3 มิถุนายน 1970	1 กันยายน 1970
25. ไชปรัล		31 พฤษภาคม 1972	29 สิงหาคม 1972
26. เซคโกสโลวาเกีย		23 กุมภาพันธ์ 1984	23 พฤษภาคม 1984
27. สาธารณรัฐประชาธิปไตย ประชาชนเกาหลี		9 พฤษภาคม 1983	7 สิงหาคม 1983
28. เดนมาร์ก	21 พฤศจิกายน 1966	17 มกราคม 1967	4 ธันวาคม 1969
29. สาธารณรัฐโตมินิกัน		3 ธันวาคม 1970	3 มีนาคม 1971
30. เอกวาดอร์	8 กรกฎาคม 1969	3 ธันวาคม 1970	3 มีนาคม 1970
31. อียิปต์		12 กุมภาพันธ์ 1975	13 พฤษภาคม 1975
32. เอสซาร์วาดอร์		13 กุมภาพันธ์ 1980	13 พฤษภาคม 1980
33. เอธิโอเปีย		27 มีนาคม 1979	25 มิถุนายน 1979
34. ฟิจิ			10 ตุลาคม 1970
35. ฟินแลนด์	24 ตุลาคม 1969	2 เมษายน 1971	1 กรกฎาคม 1971
36. ฝรั่งเศส	11 กรกฎาคม 1969	11 กันยายน 1970	10 ธันวาคม 1970
37. กาบอง		14 มกราคม 1970	14 เมษายน 1970
38. แคมเบีย		4 มกราคม 1979	4 เมษายน 1979

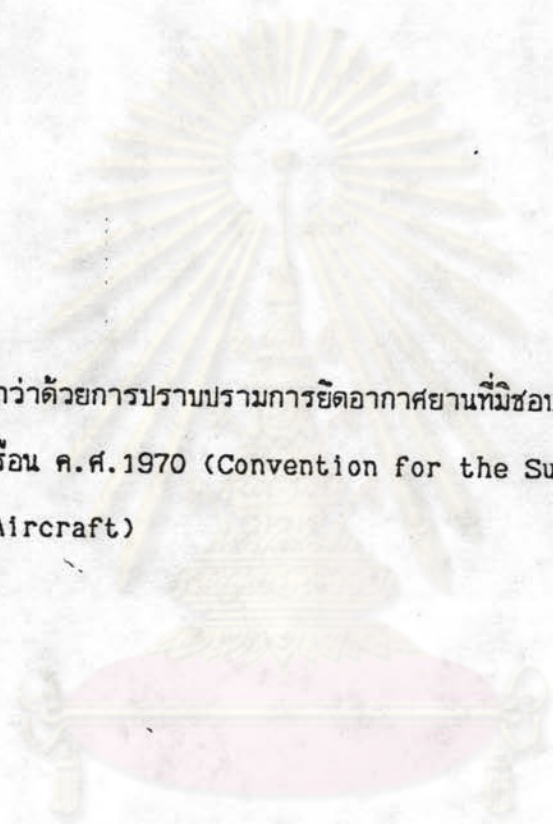
<u>รัฐ</u>	<u>วันที่ลงนาม</u>	<u>วันที่มอบสัตยาบันสารหรือ ภาคยานุวัติสาร</u>	<u>วันที่มีผลบังคับ</u>
39. สหพันธ์สาธารณรัฐ เยอรมัน	14 กันยายน 1963	16 ธันวาคม 1969	16 มีนาคม 1970
40. กานา		2 มกราคม 1974	2 เมษายน 1974
41. กรีซ	21 ตุลาคม 1969	31 พฤษภาคม 1971	29 สิงหาคม 1971
42. กรีนาดา		8 สิงหาคม 1978	26 พฤศจิกายน 1978
43. กัวเตมาลา	14 กันยายน 1963	17 พฤศจิกายน 1970	15 กุมภาพันธ์ 1971
44. กูยานา		20 ธันวาคม 1972	19 มีนาคม 1973
45. ไชติ		26 เมษายน 1984	25 กรกฎาคม 1973
46. ไฮร์นี	14 กันยายน 1963		
47. ฮอนดูรัส		8 เมษายน 1987	7 กรกฎาคม 1987
48. ฮังการี		3 ธันวาคม 1970	3 มีนาคม 1971
49. ไอซ์แลนด์		16 มีนาคม 1970	14 มิถุนายน 1970
50. อินเดีย		22 กรกฎาคม 1975	20 ตุลาคม 1975
51. อินโดเนเซีย	14 กันยายน 1963	7 กันยายน 1976	6 ธันวาคม 1976
52. สาธารณรัฐอิสลาม อิหร่าน			
53. อิรัก		15 พฤษภาคม 1974	13 สิงหาคม 1974
54. ไอร์แลนด์	20 ตุลาคม 1964	14 พฤศจิกายน 1975	12 กุมภาพันธ์ 1976
55. อิลราเอล	1 พฤศจิกายน 1968	19 กันยายน 1969	18 ธันวาคม 1969
56. อิตาลี	14 กันยายน 1968	18 ตุลาคม 1968	4 ธันวาคม 1969
57. จาไมกา		16 กันยายน 1983	15 ธันวาคม 1983
58. ญี่ปุ่น	14 กันยายน 1963	26 พฤษภาคม 1970	24 สิงหาคม 1970
59. จอร์แดน		3 พฤษภาคม 1973	1 สิงหาคม 1973
60. เคนยา		22 มิถุนายน 1970	20 กันยายน 1980

<u>รัฐ</u>	<u>วันที่ลงนาม</u>	<u>วันที่มอบสัตยาบันสำหรับหรือ</u> <u>ภาคยานุวัติสาร</u>	<u>วันที่มีผลบังคับ</u>
61. คูเวต		27 พฤศจิกายน 1979	25 กุมภาพันธ์ 1973
62. สาธารณรัฐประชาธิปไตย ประชาชนลาว		23 ตุลาคม 1972	21 มกราคม 1973
63. เลบานอน		11 มิถุนายน 1972	9 กันยายน 1974
64. เลโซโท		28 เมษายน 1972	27 กรกฎาคม 1972
65. ลิเบีย	14 กันยายน 1963		
66. ลیبยานอาหรับ จามาอีริยา		21 มิถุนายน 1972	19 กันยายน 1972
67. ลักเซมเบิร์ก		21 กันยายน 1972	20 ธันวาคม 1972
68. มาลากัลการ์	2 ธันวาคม 1969	2 ธันวาคม 1969	2 มีนาคม 1970
69. มาลาวี		28 ธันวาคม 1972	28 มีนาคม 1973
70. มาเลเซีย		5 มีนาคม 1985	3 มิถุนายน 1985
71. มาลี		31 พฤษภาคม 1971	29 สิงหาคม 1971
72. มัลดีฟส์		30 มิถุนายน 1977	28 กันยายน 1977
73. มาร์ตีนัส		5 เมษายน 1983	4 กรกฎาคม 1983
74. เม็กซิโก	24 ธันวาคม 1968	18 มีนาคม 1969	4 ธันวาคม 1969
75. โมร็อกโก		2 มิถุนายน 1969	31 สิงหาคม 1983
76. โมร็อกโก		21 ตุลาคม 1975	19 มกราคม 1976
77. นาจรู		17 พฤษภาคม 1984	15 สิงหาคม 1984
78. เนปาล		15 มกราคม 1979	15 เมษายน 1979
79. เนเธอร์แลนด์	9 มิถุนายน 1967	14 พฤศจิกายน 1969	12 กุมภาพันธ์ 1970
80. นิวซีแลนด์		12 กุมภาพันธ์ 1974	13 พฤษภาคม 1974
81. บิคารากัว		24 สิงหาคม 1973	22 พฤศจิกายน 1973
82. ไนเจอร์	14 เมษายน 1969	27 มิถุนายน 1969	4 ธันวาคม 1969

<u>รัฐ</u>	<u>วันที่ลงนาม</u>	<u>วันที่มอบสัตยาบันสารหรือ ภาคยานุวัติสาร</u>	<u>วันที่มีผลบังคับ</u>
83. ไนจีเรีย	29 มิถุนายน 1965	7 เมษายน 1970	6 กรกฎาคม 1970
84. นอร์เว	19 เมษายน 1965	17 มกราคม 1967	4 ธันวาคม 1969
85. โอมาน		9 กุมภาพันธ์ 1977	10 พฤษภาคม 1977
86. บากีลถาน	6 สิงหาคม 1965	11 กันยายน 1973	10 ธันวาคม 1973
87. บานามา	14 กันยายน 1963	16 พฤศจิกายน 1970	14 กุมภาพันธ์ 1971
88. บาฮามาส			16 กันยายน 1975
89. บารากัว		9 สิงหาคม 1971	7 พฤศจิกายน 1971
90. เบลูม		12 พฤษภาคม 1978	10 สิงหาคม 1978
91. นีลบีบีล	14 กันยายน 1963	28 พฤศจิกายน 1965	4 ธันวาคม 1969
92. โบเนนต์		19 มีนาคม 1971	17 มิถุนายน 1971
93. โบรโตกัล	11 มีนาคม 1964	25 พฤศจิกายน 1964	4 ธันวาคม 1969
94. กาลาร์		6 สิงหาคม 1981	5 ธันวาคม 1981
95. สาธารณรัฐ เกาหลี	8 ธันวาคม 1965	19 กุมภาพันธ์ 1971	20 พฤษภาคม 1971
96. โรมานี		15 กุมภาพันธ์ 1974	16 พฤษภาคม 1974
97. รวันดา		17 พฤษภาคม 1971	15 สิงหาคม 1971
98. เซนต์ลูเชีย		31 ตุลาคม 1983	29 มกราคม 1984
99. ซาอุดีอาระเบีย	6 เมษายน 1967	21 พฤศจิกายน 1969	19 กุมภาพันธ์ 1970
100. เซเนกัล	20 กุมภาพันธ์ 1964	9 มีนาคม 1972	7 กุมภาพันธ์ 1971
101. เซเชลเลส		4 มกราคม 1979	30 พฤษภาคม 1971
102. ซาเอลา เลวัน		9 พฤศจิกายน 1970	7 กุมภาพันธ์ 1971
103. สิงคโปร์		1 มีนาคม 1971	30 พฤษภาคม 1971
104. หมู่เกาะโซโลมอน		23 มีนาคม 1982	7 กรกฎาคม 1978
105. อัฟริกาใต้		26 พฤษภาคม 1972	24 สิงหาคม 1972

<u>รัฐ</u>	<u>วันที่ลงนาม</u>	<u>วันที่มอบสัตยาบันลาหรือ</u> <u>ภาคยานุวัติสาร</u>	<u>วันที่มีผลบังคับ</u>
106. ลเบน	27 กรกฎาคม 1964	1 ตุลาคม 1969	30 ธันวาคม 1969
107. ครีลังกา		30 พฤษภาคม 1978	28 สิงหาคม 1978
108. ลูรีเนม		10 กันยายน 1979	25 พฤศจิกายน 1975
109. ลวีเดน	14 กันยายน 1963	17 มกราคม 1967	4 ธันวาคม 1969
110. ลวีลเซอร์แลนด์	31 ตุลาคม 1969	21 ธันวาคม 1970	21 มีนาคม 1969
111. สาธารณรัฐ อาหรับซีเรีย		31 กรกฎาคม 1980	29 ตุลาคม 1980
112. ไทแลนด์		6 มีนาคม 1972	4 มิถุนายน 1972
113. โตโก		26 กรกฎาคม 1971	24 ตุลาคม 1971
114. ไตรินิแดดและโตบาโก		9 กุมภาพันธ์	9 พฤษภาคม 1972
115. ตูนิเซีย		25 กุมภาพันธ์ 1975	26 พฤษภาคม 1975
116. เดอร์บี		17 ธันวาคม 1975	16 มีนาคม 1976
117. กูวานตา		25 มิถุนายน 1982	23 กันยายน 1982
118. สหอาหรับอิมิเรตส์		16 เมษายน 1981	15 กรกฎาคม 1981
119. สหราชอาณาจักร	14 กันยายน 1963	29 พฤศจิกายน 1968	4 ธันวาคม 1969
120. สหสาธารณรัฐแทนซาเนีย		12 สิงหาคม 1983	10 พฤศจิกายน 1983
121. สหรัฐอเมริกา	14 กันยายน 1963	5 กันยายน 1969	4 ธันวาคม 1969
122. อูรุกวัย		26 มกราคม 1977	26 เมษายน 1977
123. เวียดนาม		10 ตุลาคม 1979	8 มกราคม 1980
124. เวเนซุเอล่า	13 มีนาคม 1964	4 กุมภาพันธ์ 1983	5 พฤษภาคม 1983
125. เยเมน		26 กันยายน 1986	25 ธันวาคม 1986
126. ยูโกสลาเวีย	14 กันยายน 1963	12 กุมภาพันธ์ 1971	13 พฤษภาคม 1971
127. แซร์		20 กรกฎาคม 1977	13 ธันวาคม 1971

รวม 128 ประเทศภาคีสมาชิกตามอนุสัญญา

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4. สนธิสัญญากรุงเฮกว่าด้วยการปราบปรามการยึดอากาศยานที่มีขอบด้วยกฎหมายต่อความปลอดภัยของการบินพลเรือน ค.ศ.1970 (Convention for the Suppression of Unlawful Seizure of Aircraft)

ศูนย์วิทยพัทธยากร
จุฬาลงกรณ์มหาวิทยาลัย

THE HAGUE CONVENTION, 1970

Convention for the Suppression of
Unlawful Seizure of Aircraft*

(The Hague, December 16, 1970)

PREAMBLE

THE STATES PARTIES TO THIS CONVENTION

CONSIDERING THAT unlawful acts of seizure or exercise of control of aircraft in flight jeopardize the safety of persons and property, seriously affect the operation of air services, and undermine the confidence of the peoples of the world in the safety of civil aviation;

CONSIDERING that the occurrence of such acts is a matter of grave concern;

CONSIDERING that, for the purpose of deterring such acts, there is an urgent need to provide appropriate measures for punishment of offenders;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Any person who on board an aircraft in flight:

- (a) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes or exercises control

*Done at the Hague December 16, 1970. Entered into force October 14, 1971, TIAS 7192.

of, that aircraft, or attempts to perform any such acts, or

- (b) is an accomplice of a person who performs or attempts to perform any such act commits an offence (hereinafter referred to as "the offence").

ARTICLE 2

Each Contracting State undertakes to make the offence punishable by severe penalties.

ARTICLE 3

1. For the purposes of this Convention, an aircraft is considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board.
2. This Convention shall not apply to aircraft used in military, customs or police services.
3. This Convention shall apply only if the place of take-off or the place of actual landing of the aircraft on board which the offence is committed is situated outside the territory of the State of registration of that aircraft; it shall be immaterial whether the aircraft is engaged in an international or domestic flight.
4. In the cases mentioned in Article 5, this Convention

shall not apply if the place of take-off and the place of actual landing of the aircraft on board which the offence is committed are situated within the territory of the same State where that State is one of those referred to in that Article.

5. Notwithstanding paragraphs 3 and 4 of this Article Articles 6, 7, 8 and 10 shall apply whatever the place of take-off or the place of actual landing of the aircraft, if the offender or the alleged offender is found in the territory of a State other than the State of registration of that aircraft.

ARTICLE 4

1. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction over the offence and any other act of violence against passengers or crew committed by the alleged offender in connection with the offence, in the following cases:

- (a) when the offence is committed on board an aircraft registered in that State;
- (b) when the aircraft on board which the offence is committed lands in its territory with the alleged offender still on board;
- (c) when the offence is committed on board an aircraft leased without crew to a lessee who has his principal place of business or, if the lessee has no such place of business, his permanent residence, in that State.

2. Each Contracting State shall likewise take such

measures as may be necessary to establish its jurisdiction over the offence 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 national law.

ARTICLE 5

The Contracting States which establish joint air transport operating organizations or international operating agencies, which operate aircraft which are subject to joint or international registration shall, by appropriate means, designate for each aircraft the State among them which shall exercise the jurisdiction and have the attributes of the State of registration for the purpose of this Convention and shall give notice thereof to the International Civil Aviation Organization which shall communicate the notice to all States Parties to this Convention.

ARTICLE 6

1. Upon being satisfied that the circumstances so warrant, any Contracting State in the territory of which the offender or the alleged offender is present, shall take him into custody or take other measures to ensure his presence, The custody and other measures shall be as provided in the law of that State but may only be continued for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary

enquiry into the facts.

3. 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.

4. When a State, pursuant to this Article, has taken a person into custody, it shall immediately notify the State of registration of the aircraft, the State mentioned in Article 4, paragraph 1 (c), the State of nationality of the detained person and, if it considers it advisable, any other interested States of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary enquiry contemplated in paragraph 2 of this Article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

ARTICLE 7

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.

ARTICLE 8

1. The offence shall be deemed to be included as an extraditable offence in any extradition treaty existing between Contracting States. Contracting States undertake to include the offence as an extraditable offence 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 offence. 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 existence of a treaty shall recognize the offence as an extraditable offence between themselves subject to the conditions provided by the law of the requested State.

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

ARTICLE 9

1. When any of the acts mentioned in Article 1 (a) has occurred or is about to occur, Contracting States shall take all appropriate measures to restore control of the aircraft to its

lawful commander or to preserve his control of the aircraft.

2. In the cases contemplated by the preceding paragraph, any Contracting State in which the aircraft or its passengers or crew are present shall facilitate the continuation of the journey of the passengers and crew as soon as practicable, and shall without delay return the aircraft and its cargo to the persons lawfully entitled to possession.

ARTICLE 10

1. Contracting States shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offence and other acts mentioned in Article 4. The law of the State requested shall apply in all cases.

2. The provisions of paragraph 1 of this Article shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

ARTICLE 11

Each Contracting State shall in accordance with its national law report to the Council of the International Civil Aviation organization as promptly as possible any relevant information in its possession concerning:

- (a) the circumstances of the offence;
- (b) the action taken pursuant to Article 9;
- (c) the measures taken in relation to the offender or the alleged offender, and, in particular, the

results of any extradition proceedings or other legal proceedings.

ARTICLE 12

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

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

3. Any Contracting State having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the Depositary Governments.

ARTICLE 13

1. This Convention shall be open for signature at the Hague on 16 December 1970, by States participating in the International Conference on Air law held at the Hague from 1 to 16 December 1970 (hereinafter referred to as The Hague Convention). After 31 December 1970, the Convention shall be open to all States

for signature in Moscow, London and Washington. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Convention shall be subject to ratification by the signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, which are hereby designated the Depositary Governments.

3. This Convention shall enter into force thirty days following the date of the deposit of instruments of ratification by ten States signatory to this Convention which participated in The Hague Conference.

4. For other States, this Convention shall enter into force on the date of entry into force of this Convention in accordance with paragraph 3 of this Article, or thirty days following the date of deposit of their instruments of ratification or accession, whichever is later,

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of entry into force of this Convention, and other notices.

6. As soon as this Convention comes into force, it shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations and pursuant to Article 83 of the Convention on International Civil Aviation (Chicago,

ARTICLE 14

1. Any Contracting State may denounce this Convention by written notification to the Depository Governments.

2. Denunciation shall take effect six months following the date on which notification is received by the Depository Governments.

In witness whereof the undersigned Plenipotentiaries, being duly authorised thereto by their Governments, have signed this Convention

Done at The Hague, this sixteenth day of December, one thousand nine hundred and seventy, in three originals, each being drawn up in four authentic texts in the English, French, Russian and Spanish languages.

ประเทศภาคีตามอนุสัญญาฉบับนี้ประกอบไปด้วยประเทศดังต่อไปนี้

<u>รัฐ</u>	<u>วันที่ลงนาม</u>	<u>วันที่มอบสัตยาบันเสารหรือภาคยานุวัติสาร</u>
1. อังการีสถาน	14 ธันวาคม 1970	29 สิงหาคม 1979
2. แอนติกาและบาร์บูดา		22 กรกฎาคม 1985
3. อาร์เจนตินา	16 ธันวาคม 1970	11 กันยายน 1972
4. ออสเตรเลีย	15 มิถุนายน 1971	9 พฤศจิกายน 1972
5. ออสเตรีย	28 เมษายน 1971	11 กุมภาพันธ์ 1974
6. บาฮามาส		13 สิงหาคม 1976
7. บาห์เรน		20 กุมภาพันธ์ 1984
8. บังคลาเทศ		28 มิถุนายน 1978
9. บาร์มาโดส	16 ธันวาคม 1970	2 เมษายน 1973
10. เบลเยียม	16 ธันวาคม 1970	24 สิงหาคม 1973
11. เบนิน	5 พฤษภาคม 1971	13 มีนาคม 1972

รัฐ	วันที่ลงนาม	วันเพิ่มอับลัตยาบันลารหรือภาคยานุวัติลาร
12. โบลิเวีย		18 กรกฎาคม 1979
13. พอลวานา		28 ธันวาคม 1972
14. บราซิล	16 ธันวาคม 1970	14 มกราคม 1972
15. บรูไนเคารัสลาแลม		16 เมษายน 1986
16. บัลกาเรีย	16 ธันวาคม 1970	19 พฤษภาคม 1971
17. บุรันดี	17 กุมภาพันธ์ 1970	
18. สาธารณรัฐลัองคมนิยม โซเวียต โบโรรัลเซียน	16 ธันวาคม 1970	30 ธันวาคม 1971
19. แคนาดา	16 ธันวาคม 1970	20 มิถุนายน 1972
20. เคบเวอรัตี		20 ตุลาคม 1977
21. ชาด	27 กันยายน 1971	12 กรกฎาคม 1972
22. ชิลี	4 มิถุนายน 1971	2 กุมภาพันธ์ 1972
23. จีน		10 กันยายน 1980
24. โคลัมเบีย	16 ธันวาคม 1970	3 กรกฎาคม 1973
25. คอสตาริกา	16 ธันวาคม 1970	9 กรกฎาคม 1971
26. โกล ดี โอวอยรี		9 มกราคม 1973
27. ไชบรัล		5 กรกฎาคม 1972
28. เชคโกสโลวาเกีย	16 ธันวาคม 1970	6 เมษายน 1972
29. สาธารณรัฐกัมพูชา	16 ธันวาคม 1970	
30. สาธารณรัฐประชาชน ประชาธิปไตยเกาหลี		28 เมษายน 1983
31. เดนมาร์ค	16 ธันวาคม 1970	17 ตุลาคม 1982
32. สาธารณรัฐโดมินิกัน	29 มิถุนายน 1971	22 มิถุนายน 1978
33. เอกวาดอร์	19 มีนาคม 1971	14 มิถุนายน 1971
34. อียิปต์		28 กุมภาพันธ์ 1975

รัฐ	วันที่ลงนาม	วันที่มอบสัตยาบันสารหรือภาคยานุวัติสาร
35. เอลซาลวาดอร์	16 ธันวาคม 1970	16 มกราคม 1973
36. เอกวาดอร์เรียลโกเนีย	4 มิถุนายน 1971	
37. เอธิโอเปีย	14 ธันวาคม 1970	26 มีนาคม 1979
38. ฟิจิ	5 ตุลาคม 1971	27 กรกฎาคม 1972
39. ฟินแลนด์	8 มกราคม 1971	15 ธันวาคม 1971
40. ฝรั่งเศส	16 ธันวาคม 1970	18 กันยายน 1972
41. กาบอง	16 ธันวาคม 1970	14 กรกฎาคม 1971
42. แกมเบีย	18 พฤษภาคม 1971	28 พฤศจิกายน 1978
43. สาธารณรัฐประชาธิปไตยเยอรมัน	4 มกราคม 1971	3 มิถุนายน 1971
44. สหพันธ์สาธารณรัฐเยอรมัน	16 ธันวาคม 1970	11 ตุลาคม 1974
45. กานา	16 ธันวาคม 1970	12 ธันวาคม 1973
46. กรีซ	16 ธันวาคม 1970	20 กันยายน 1973
47. กรีนาดา		10 สิงหาคม 1979
48. กัวเตมาลา	16 ธันวาคม 1970	16 พฤษภาคม 1979
49. โกลิเบีย		2 พฤษภาคม 1984
50. โกลิเบีย-บิลซัว		20 สิงหาคม 1976
51. กูยานา		21 ธันวาคม 1972
52. ไฮติ		9 พฤษภาคม 1972
53. ฮอนดูรัส		13 เมษายน 1987
54. ฮังการี	16 ธันวาคม 1970	13 สิงหาคม 1971
55. ไอซ์แลนด์		29 มิถุนายน 1973
56. อินเดีย	14 กรกฎาคม 1971	12 พฤศจิกายน 1983
57. อินโดนีเซีย	16 ธันวาคม 1970	27 สิงหาคม 1976

<u>รัฐ</u>	<u>วันที่ลงนาม</u>	<u>วันที่มอบสัตยาบันสารหรือภาคยานุวัติสาร</u>
58. ลาธารณรัฐอิสลามิก อิหร่าน	16 ธันวาคม 1970	25 มกราคม 1972
59. อิรัก	22 กุมภาพันธ์ 1971	3 ธันวาคม 1971
60. ไอร์แลนด์		24 พฤศจิกายน 1975
61. อิสราเอล	16 ธันวาคม 1970	16 สิงหาคม 1971
62. อิตาลี	16 ธันวาคม 1970	19 กุมภาพันธ์ 1974
63. จาไมกา	16 ธันวาคม 1970	15 กันยายน 1971
64. ญี่ปุ่น	16 ธันวาคม 1970	19 เมษายน 1971
65. จอร์แดน	9 มิถุนายน 1971	18 พฤศจิกายน 1971
66. เคนยา		11 มกราคม 1977
67. คูเวต	21 กรกฎาคม 1971	25 พฤษภาคม 1979
68. ลาธารณรัฐประชาธิปไตย ประชาชนลาว	16 กุมภาพันธ์ 1971	
69. เลบานอน		10 สิงหาคม 1973
70. เลโซโท		27 กรกฎาคม 1978
71. ลิเบีย		1 กุมภาพันธ์ 1982
72. ลิเบีย อาหารับ จามา ไฮริยา		4 ตุลาคม 1978
73. ลิกเตนสไตน์	24 สิงหาคม 1971	
74. ลักเซมเบิร์ก	16 ธันวาคม 1970	22 พฤศจิกายน 1978
75. มาลากัสกาลส์		18 พฤศจิกายน 1986
76. มาลาวี		21 ธันวาคม 1972
77. มาเลเซีย	16 ธันวาคม 1970	4 พฤษภาคม 1985
78. มาลี		29 กันยายน 1971
79. เม็กซิโก		1 พฤศจิกายน 1978
80. โมร็อกโก		25 เมษายน 1983

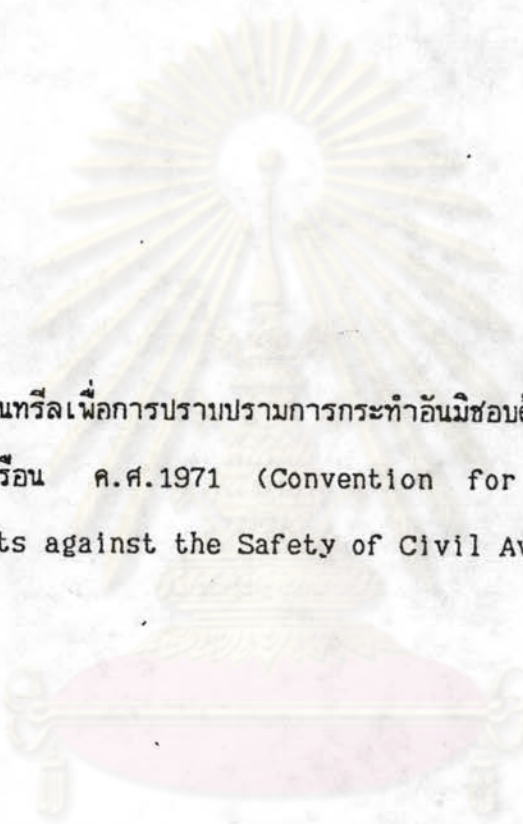
<u>รัฐ</u>	<u>วันที่ลงนาม</u>	<u>วันที่มอบสัตยาบันสารหรือภาคยานุวัติสาร</u>
81. เม็กซิโก	16 ธันวาคม 1970	19 กรกฎาคม 1972
82. โมนาโค		3 มิถุนายน 1983
83. มองโกเลีย	18 มกราคม 1971	8 ตุลาคม 1971
84. โมร็อกโค		24 ตุลาคม 1975
85. นัรวู		17 พฤษภาคม 1984
86. เนปาล		19 มกราคม 1979
87. เนเธอร์แลนด์	16 ธันวาคม 1970	27 สิงหาคม 1979
88. นิวซีแลนด์	15 กันยายน 1971	12 กุมภาพันธ์ 1974
89. นิการากัว		6 พฤศจิกายน 1973
90. ไนเจอร์	19 กุมภาพันธ์ 1970	15 ตุลาคม 1971
91. ไนจีเรีย		3 กรกฎาคม 1973
92. นอร์เวย์	9 มีนาคม 1971	23 สิงหาคม 1971
93. โอมาน		2 กุมภาพันธ์ 1977
94. ปากีสถาน	12 สิงหาคม 1971	28 พฤศจิกายน 1973
95. บานามา	16 ธันวาคม 1970	10 มีนาคม 1972
96. บาฮามาส		15 ธันวาคม 1975
97. บารากัว	30 กรกฎาคม 1971	4 กุมภาพันธ์ 1972
98. เบลู		28 เมษายน 1978
99. บิเลบีนส์	16 ธันวาคม 1970	26 มีนาคม 1973
100. โบลิเวีย	16 ธันวาคม 1970	21 มีนาคม 1972
101. โบร์โตกัล	16 ธันวาคม 1970	27 พฤศจิกายน 1972
102. กาตาร์		26 สิงหาคม 1973
103. สาธารณรัฐเกาหลี		18 มกราคม 1973
104. โรมานี	13 ตุลาคม 1971	10 กรกฎาคม 1972
105. คิวบา	16 ธันวาคม 1970	

รัฐ	วันที่ลงนาม	วันที่มอบสัตยาบันสารหรือภาคยานุวัติสาร
105. คิวบา	16 ธันวาคม 1970	.
106. เซ็นลูเซีย		8 พฤศจิกายน 1983
107. ซาอุดีอาระเบีย		14 มิถุนายน 1974
108. เซเนกัล	10 พฤษภาคม 1971	8 กุมภาพันธ์ 1978
109. เซเชลเลส		29 ธันวาคม 1978
110. ซาอุดีอาระเบีย	19 กรกฎาคม 1971	13 พฤศจิกายน 1974
111. สิงคโปร์	8 กันยายน 1971	12 เมษายน 1974
112. อัฟริกาใต้	16 ธันวาคม 1970	30 พฤษภาคม 1972
113. ลเบเน	16 มีนาคม 1971	30 ตุลาคม 1972
114. ศรีลังกา		2 มิถุนายน 1978
115. ซูดาน		18 มกราคม 1979
116. ซูรินาม		25 พฤศจิกายน 1975
117. สวีเดน	16 ธันวาคม 1970	7 กรกฎาคม 1971
118. สวิตเซอร์แลนด์	16 ธันวาคม 1970	14 กันยายน 1971
119. สาธารณรัฐอาหรับซีเรีย		10 กรกฎาคม 1980
120. ไทยแลนด์	16 ธันวาคม 1970	16 พฤษภาคม 1980
121. โตโก		9 กุมภาพันธ์ 1979
122. โตนิดา		21 กุมภาพันธ์ 1977
123. ไตรนิแดดและโตบาโก	16 ธันวาคม 1970	31 มกราคม 1972
124. ตูนิเซีย		2 ธันวาคม 1981
125. เดอร์รี่	16 ธันวาคม 1970	17 เมษายน 1973
126. อุรุกวัย		27 มีนาคม 1972
127. สาธารณรัฐ ยูเครนเนียม	16 ธันวาคม 1970	21 กุมภาพันธ์ 1972
128. สหพันธ์สาธารณรัฐสังคมนิยม โซเวียต	16 ธันวาคม 1970	24 กันยายน 1971

<u>รัฐ</u>	<u>วันที่ลงนาม</u>	<u>วันที่มอบสัตยาบันสารหรือภาคยานุวัติสาร</u>
129. สหภาพแคริบเบียน		10 เมษายน 1981
130. สหราชอาณาจักร	16 ธันวาคม 1970	22 ธันวาคม 1971
131. สหประชาชาติแทนซาเนีย		9 สิงหาคม 1983
132. สหรัฐอเมริกา	16 ธันวาคม 1970	14 กันยายน 1971
133. ออสเตรเลีย		12 มกราคม 1977
134. เวเนซุเอลา	16 ธันวาคม 1970	7 กรกฎาคม 1983
135. เวียดนาม		17 กันยายน 1979
136. เยเมน		29 ธันวาคม 1986
137. ยูโกสลาเวีย	16 ธันวาคม 1970	2 ตุลาคม 1972
138. แซร์		6 กรกฎาคม 1977
139. แซมเบีย		3 มีนาคม 1957

รวม 139 ประเทศภาคีสมาชิกตามอนุสัญญาฉบับนี้

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

- 
5. สนธิสัญญากรุงมอนทรีลเพื่อการปราบปรามการกระทำอันมิชอบด้วยกฎหมายต่อความปลอดภัยของการบินพลเรือน ค.ศ.1971 (Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation)

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

C O N V E N T I O N

FOR THE SUPPRESSION OF UNLAWFUL ACTS
AGAINST THE SAFETY OF CIVIL AVIATION*

THE STATES PARTIES TO THIS CONVENTION

CONSIDERING that unlawful acts against the safety of
of civil aviation jeopardize the safety of
person and property, seriously affect the
operation of air services, and undermine
the confidence of the peoples of the world
in the safety of civil aviation;

CONSIDERING that the occurrence of such acts is a matter
of grave concern;

CONSIDERING that, for the purpose of deterring such acts,
there is an urgent need to provide appropriate
measures for punishment of offenders:

HAVE AGREED AS FOLLOWS:

ARTICLE 1

1. Any person commits an offense if he unlawfully and
intentionally:

- (a) performs an act of violence against a person on
board an aircraft in flight if that act is likely

*Done at Montreal September 23, 1971. Entered into force,
January 26, 1973. TIAS 7570.

to endanger the safety of that aircraft; or

- (b) destroys an aircraft in service or causes damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight; or
- (c) places or causes to be placed on an aircraft in service, by any means what ever, a device or substance which is likely to destroy that aircraft, or to cause damage to it which is likely to endanger its safety in flight; or
- (d) destroys or damages air navigation facilities or interferes with their operation, if any such act is likely to endanger the safety of aircraft in flight; or
- (e) communicates information which he knows to be false, thereby endangering the safety of an aircraft in flight.

2. Any person also commits an offense if he:

- (a) attempts to commit any of the offense mentioned in paragraph 1 of this Article; or
- (b) is an accomplice of a person who commits or attempts to commit any such offense.

ARTICLE 2

For the purpose of this Convention:

- (a) an aircraft is considered to be in flight at any time from the moment when all its ~~external~~

doors are closed following embarkation until the moment when any such door is opened for disembarkation; in the case of a forced landing; the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board;

- (b). an aircraft is considered to be in service from the beginning of the preflight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after any landing; the period of service shall, in any event, extend for the entire period during which the aircraft is in flight as defined in paragraph (a) of this Article.

ARTICLE 3

Each Contracting State undertakes to make the offenses mentioned in Article 1 punishable by severe penalties.

ARTICLE 4

1. This Convention shall not apply to aircraft used in military, customs or police services.
2. In the cases contemplated in subparagraph (a), (b), (c) and (e) of paragraph 1 of Article 1, this Convention shall apply, irrespective of whether the aircraft is engaged in an international or domestic flight, only if:

- (a) the place of take-off or landing, actual or intended, of the aircraft is situated outside the territory of the State of registration of that aircraft; or
- (b) the offense is committed in the territory of a State other than the State of registration of the aircraft.

3. Notwithstanding paragraph 2 of this Article, in the cases contemplated in subparagraphs (a), (b), (c) and (e) of paragraph 1 of Article 1, this Convention shall also apply if the offender or the alleged offender is found in the territory of a State other than the State of registration of the aircraft.

4. With respect to the States mentioned in Article 9 and in the cases mentioned in subparagraphs (a), (b), (c) and (e) of paragraph 1 of Article 1, this Convention shall not apply if the places referred to in subparagraph (a) of paragraph 2 of this Article are situated within the territory of the same State where that State is one of those referred to in Article 9, unless the offense is committed or the offender or alleged offender is found in the territory of a State other than that State.

5. In the cases contemplated in subparagraph (d) of paragraph 1 of Article 1, this Convention shall apply only if the air navigation facilities are used in international air navigation.

6. The provisions of paragraphs 2, 3, 4, and 5 of this Article shall also apply in the cases contemplated in paragraph 2 of Article 1.

ARTICLE 5

1. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction over the offenses in the following cases :

- (a) when the offense is committed in the territory of that State;
- (b) when the offense is committed against or on board an aircraft registered in that State;
- (c) when the aircraft on board which the offense is committed lands in the territory with the alleged offender still on board;
- (d) when the offense is committed against or on board an aircraft leased without crew to a lessee who has his principal place of business, or, if the lessee has no such place of business, his permanent residence, in that State.

2. Each Contracting State shall likewise take such measures as may be necessary to establish its jurisdiction over the offenses mentioned in Article 1, paragraph 1 (a), (b) and (c), and in Article 1, paragraph 2, in so far as that paragraph relates to those offenses, 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 national law.

ARTICLE 6

1. Upon being satisfied that the circumstances so warrant, any Contracting State in the territory of which the offender or the alleged offender is present, shall take him into custody or take other measures to ensure his presence. The custody and other measures shall be as provided in the law of that State but may only be continued for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary enquiry into the facts.

3. 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.

4. When a State, pursuant to this Article, has taken a person into custody, it shall immediately notify the States mentioned in Article 5, paragraph 1, the State of nationality of the detained person and, if it considers it advisable, any other interested States of the fact that such person is in

custody and of the circumstances which warrant his detention. The State which makes the preliminary enquiry contemplated in paragraph 2 of this Article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

ARTICLE 7

The Contracting State in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception what over and whether or not the offense 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 offense of a serious nature under the law of that State.

ARTICLE 8

1. The offenses shall be deemed to be included as extraditable offenses in any extradition treaty existing between Contracting States. Contracting States undertake to include the offenses as extraditable offenses 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 offenses. 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 existence of a treaty shall recognize the offenses as extraditable offenses between themselves subject to the conditions provided by the law of the requested State.

4. Each of the offenses shall be treated, for the purpose of extradition between Contracting States, as if it had been committed not only in the place in which it occurred but also in the territories of the States required to establish their jurisdiction in accordance with Article 5, paragraph 1 (b), (c) and (d).

ARTICLE 9

The Contracting States which establish joint air transport operating organizations or international operating agencies, which operate aircraft which are subject to joint or international registration shall, by appropriate means, designate for each aircraft the State among them which shall exercise the jurisdiction and have the attributes of the State of registration for the purpose of this Convention and shall give notice thereof to the International Civil Aviation Organization which shall communicate the notice to all States Parties to this Convention.

ARTICLE 10

1. Contracting States shall, in accordance with international and national law, endeavour to take all practicable measure for the purpose of preventing the offenses mentioned in Article 1.

2. When, due to the commission of one of the offenses mentioned in Article 1, a flight has been delayed or interrupted, any Contracting State in whose territory the aircraft or passengers or crew are present shall facilitate the continuation of the journey of the passengers and crew as soon as practicable, and shall without delay return the aircraft and its cargo to the persons lawfully entitled to possession.

ARTICLE 11

1. Contracting States shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offenses. The law of the State requested shall apply in all cases.

2. The provisions of paragraph 1 of this Article shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

ARTICLE 12

Any Contracting State having reason to believe that one of the offenses mentioned in Article 1 will be committed shall, in accordance with its national law, furnish any relevant information in its possession to those States which it believes would be the States mentioned in Article 5, Paragraph 1.

ARTICLE 13

Each Contracting State shall in accordance with its national law report to the Council of the International Civil Aviation Organization as promptly as possible any relevant information in its possession concerning :

- (a) the circumstances of the offense;
- (b) the action taken pursuant to Article 10, paragraph 2 ;
- (c) the measures taken in relation to the offender or the alleged offender and, in particular, the results of any extradition proceedings or other legal proceedings.

ARTICLE 14

1. Any dispute between two or more Contracting States concerning the interpretation or application of this convention which cannot be settled through negotiation, 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 request in conformity with the Statute of the Court.

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

3. Any Contracting State having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the Depository Governments

ARTICLE 15

1. This Convention shall be open for signature at Montreal on 23 September 1971, by States participating in the International Conference on Air Law held at Montreal from 8 to 23 September 1971 (hereinafter referred to as the Montreal Conference). After 10 October 1971, the Convention shall be open to all States for signature in Moscow, London and Washington. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Convention shall be subject to ratification by the signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, which are hereby designated the Depository Governments.

3. This Convention shall enter into force thirty days following the date of the deposit of Instruments of ratification

by ten states signatory to this Convention which participated in the Montreal Conference.

4. For other States, this Convention shall enter into force on the date of entry into force of this Convention in accordance with paragraph 3 of this Article, or thirty days following the date of deposit of their instruments of ratification or accession, whichever is later.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of entry into force of this Convention, and other notices.

6. As soon as this Convention comes into force, it shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations and pursuant to Article 83 of the Convention on International Civil Aviation (Chicago, 1944).

ARTICLE 16

1. Any Contracting State may denounce this Convention by written notification to the Depositary Governments.

2. Denunciation shall take effect six months following the date on which notification is received by the Depositary Governments.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their Governments, have signed this Convention.



Done at Montreal, this twenty-third day of September,
one thousand nine hundred and seventy- one, in three originals,
each being drawn up in four authentic texts in the English,
french, Russian and Spanish languages.

ประเทศภาคีสตามอนลัญญาฉบับนี้ประกอบไปด้วยประเทศดังต่อไปนี้

<u>รัฐ</u>	<u>วันที่ลงนาม</u>	<u>วันที่มอบสัตยาบันสารหรือภาคยานุวัติสาร</u>
1. แอนติกัวและบาร์บูดา		22 กรกฎาคม 1985
2. อาร์เจนตินา	23 กันยายน 1971	11 กันยายน 1972
3. ออสเตรเลีย	12 ตุลาคม 1972	9 พฤศจิกายน 1972
4. ออสเตรีย	13 พฤศจิกายน 1972	11 กุมภาพันธ์ 1974
5. บาฮามาล		27 ธันวาคม 1984
6. บาห์เรน		28 มิถุนายน 1978
7. บังกลาเทศ		20 กุมภาพันธ์ 1978
8. บาร์บาโดส	23 กันยายน 1971	6 สิงหาคม 1976
9. เบลเยียม	23 กันยายน 1971	13 สิงหาคม 1976
10. โบลิเวีย		18 กรกฎาคม 1979
11. พอททวานา	12 ตุลาคม 1972	28 ธันวาคม 1972
12. บราซิล	23 กันยายน 1971	24 กรกฎาคม 1972
13. บรูไนดารุสซาลาม		16 เมษายน 1986
14. บัลแกเรีย	23 กันยายน 1971	23 มีนาคม 1973
15. บุรุนดี	6 มีนาคม 1971	
16. สาธารณรัฐสังคมนิยม ไซเปียด โบโรวัลเซีย		31 มกราคม 1973
17. คาเมรูน		11 กรกฎาคม 1973
18. แคนาดา	23 กันยายน 1971	19 มิถุนายน 1972
19. เคปเวิร์ด		20 ตุลาคม 1977
20. ชาด	23 กันยายน 1971	12 กรกฎาคม 1972

<u>รัฐ</u>	<u>วันที่ลงนาม</u>	<u>วันที่มอบสัตยาบันสารหรือภาคยานุวัติสาร</u>
21. ซิลี		28 กุมภาพันธ์ 1974
22. จีน		10 กันยายน 1980
23. โคลัมเบีย		4 กันยายน 1980
24. คองโก	23 กันยายน 1971	
25. คอลตารีกา	23 กันยายน 1971	21 กันยายน 1973
26. โคท ดี โอวอยรี		9 มกราคม 1973
27. ไชบรัล	28 พฤศจิกายน 1972	15 สิงหาคม 1973
28. เชคโกสโลวาเกีย	23 กันยายน 1971	10 สิงหาคม 1973
29. สาธารณรัฐประชาชน บราซิลโดยเกาหลี		13 สิงหาคม 1980
30. เดนมาร์ก	17 ตุลาคม 1972	17 มกราคม 1973
31. สาธารณรัฐโดมินิกัน	31 พฤษภาคม 1972	28 พฤศจิกายน 1973
32. เอกวาดอร์		12 มกราคม 1977
33. อียิปต์	24 พฤศจิกายน 1972	20 พฤษภาคม 1975
34. เอลซาวาดอร์		25 กันยายน 1979
35. เอธิโอเปีย	23 กันยายน 1971	26 มีนาคม 1979
36. ฟิลิปปินส์	21 สิงหาคม 1972	5 มีนาคม 1973
37. ฟินแลนด์		13 กรกฎาคม 1973
38. ฝรั่งเศส		30 มิถุนายน 1976
39. กาบอง	24 พฤศจิกายน 1971	29 มิถุนายน 1976
40. แคมเบีย		28 พฤศจิกายน 1978
41. สาธารณรัฐประชาธิปไตย เยอรมัน	6 มีนาคม 1972	9 มิถุนายน 1972
42. สหพันธ์สาธารณรัฐ เยอรมัน	23 กันยายน 1972	3 กุมภาพันธ์ 1978

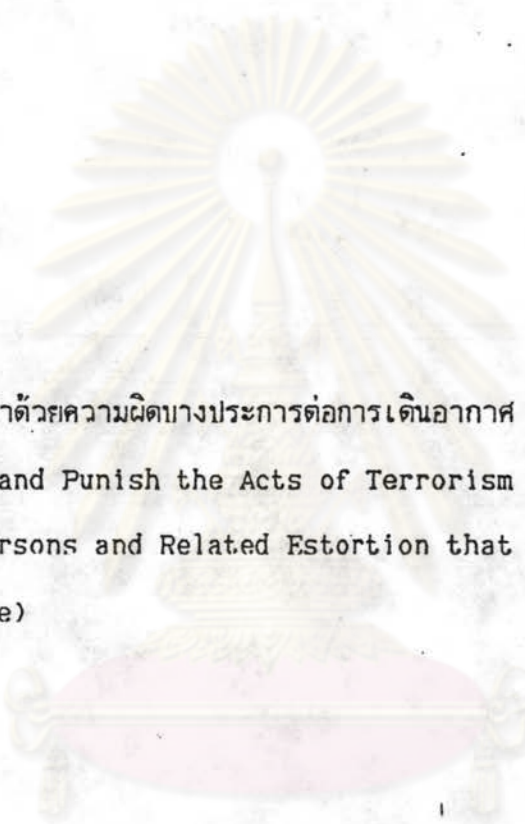
<u>รัฐ</u>	<u>วันที่ลงนาม</u>	<u>วันที่มอบสัตยาบันสารหรือภาคยานุวัติสาร</u>
43. กานา		12 ธันวาคม 1973
44. กรีซ	9 กุมภาพันธ์ 1972	15 มกราคม 1974
45. กรีนาดา		10 สิงหาคม 1979
46. กัวเตมาลา	9 พฤษภาคม 1972	19 ตุลาคม 1978
47. ไกเนีย		2 พฤษภาคม 1984
48. ไกเนีย-บิสซาว		20 สิงหาคม 1976
49. กูยานา		21 ธันวาคม 1972
50. ไซปรัส	6 มกราคม 1972	9 พฤษภาคม 1974
51. คอสตาริกา		13 เมษายน 1987
52. อังการี	23 กันยายน 1972	27 ธันวาคม 1972
53. ไอซ์แลนด์		29 มิถุนายน 1973
54. อินเดีย	11 ธันวาคม 1972	12 พฤศจิกายน 1982
55. อินโดเนเซีย		27 สิงหาคม 1976
56. สาธารณรัฐอิสลามิก อิหร่าน		10 กรกฎาคม 1973
57. อิรัก		10 กันยายน 1974
58. ไอร์แลนด์		12 ตุลาคม 1976
59. อิสราเอล	23 กันยายน 1971	30 มิถุนายน 1972
60. อิตาลี	23 กันยายน 1971	19 กุมภาพันธ์ 1974
61. จาไมกา	23 กันยายน 1971	15 กันยายน 1983
62. ญี่ปุ่น		12 มิถุนายน 1974
63. จอร์แดน	2 พฤษภาคม 1972	13 กุมภาพันธ์ 1973
64. เคนยา		11 มกราคม 1977
65. คูเวต		27 พฤษภาคม 1979
66. สาธารณรัฐประชาธิปไตยประชาชนลาว	1 พฤศจิกายน 1972	

<u>รัฐ</u>	<u>วันที่ลงนาม</u>	<u>วันที่มอบสัตยาบันสารหรือภาคยานุวัติสาร</u>
67. เลบานอน		23 ธันวาคม 1977
68. เลโซโท		27 กรกฎาคม 1978
69. ลิเบีย		1 กุมภาพันธ์ 1982
70. ลิเบีย อาหารับ จามา ไฮริยา		19 กุมภาพันธ์ 1974
71. ลักเซมเบิร์ก	29 พฤศจิกายน 1971	18 พฤษภาคม 1982
72. มาดากัสการ์		18 พฤศจิกายน 1986
73. มาลาวี		21 ธันวาคม 1972
74. มาเลเซีย		4 พฤษภาคม 1985
75. มอลิ		24 สิงหาคม 1972
76. มัลดีฟส์		1 พฤศจิกายน 1978
77. มัลดีฟส์		25 เมษายน 1983
78. เม็กซิโก	25 มกราคม 1973	12 กันยายน 1974
79. โมร็อกโก		3 มิถุนายน 1983
80. มองโกเลีย	18 กุมภาพันธ์ 1972	14 กันยายน 1972
81. โมร็อกโก		24 ตุลาคม 1975
82. นาจรู		17 พฤษภาคม 1984
83. เนปาล		19 มกราคม 1979
84. เนเธอร์แลนด์	23 กันยายน 1971	27 สิงหาคม 1979
85. นิวซีแลนด์	26 กันยายน 1972	12 กุมภาพันธ์ 1974
86. นิคารากัว	22 ธันวาคม 1972	6 พฤศจิกายน 1973
87. ไนเจอร์	6 มีนาคม 1972	1 กันยายน 1972
88. ไนจีเรีย		3 กรกฎาคม 1973
89. นอร์เวย์		1 สิงหาคม 1973
90. โอมาน		2 กุมภาพันธ์ 1977

<u>รัฐ</u>	<u>วันที่ลงนาม</u>	<u>วันที่มอบสัตยาบันสารหรือภาคยานุวัติสาร</u>
๙1. บากีสถาน		24 มกราคม 1974
๙2. บานามา	18 มกราคม 1972	24 เมษายน 1972
๙3. บาห์เรน		15 ธันวาคม 1975
๙4. บาราวี	23 มกราคม 1973	5 มีนาคม 1974
๙5. เบลู		28 เมษายน 1978
๙6. บิลิเบีย	23 กันยายน 1971	26 มีนาคม 1973
๙7. โบแนนต์	23 กันยายน 1971	28 มกราคม 1975
๙8. โบร์โตกัล	23 กันยายน 1971	15 มกราคม 1973
๙๙. กатар		26 สิงหาคม 1981
100. สาธารณรัฐเกาหลี		2 สิงหาคม 1973
101. โรมานี	10 กรกฎาคม 1972	15 สิงหาคม 1975
102. รวันดา	26 มิถุนายน 1972	
103. เซ็นรัเทีย		8 พฤศจิกายน 1983
104. ซาอุดีอาระเบีย		14 มิถุนายน 1974
105. เซเนกัล	23 กันยายน 1971	3 กุมภาพันธ์ 1978
106. เซเชลเลส		24 ธันวาคม 1978
107. ซิเออร่า เลวัน		20 กันยายน 1979
108. สิงคโปร์	21 พฤศจิกายน 1972	12 เมษายน 1974
109. หมู่เกาะโซโลมอน		7 กรกฎาคม 1978
110. อัฟริกาใต้	23 กันยายน 1971	30 พฤษภาคม 1972
111. ลีเบน	15 กุมภาพันธ์ 1972	30 ตุลาคม 1972
112. ครีลังกา		2 มิถุนายน 1978
113. ซูดาน		18 มกราคม 1979
114. ซูรินัม		25 พฤศจิกายน 1975
115. ลวีเตน		10 กรกฎาคม 1973

รัฐ	วันที่ลงนาม	วันที่มอบสัตยาบันสารหรืออากาศยานวุฒิสภา
116. สวีเดน	23 กันยายน 1971	17 มกราคม 1978
117. สาธารณรัฐอาหรับซีเรีย		10 กรกฎาคม 1980
118. ไทยแลนด์		16 พฤษภาคม 1980
119. โตโก		9 กุมภาพันธ์ 1979
120. โตนดา		21 กุมภาพันธ์ 1977
121. ไตรนิแดดและโตบาโก	9 กุมภาพันธ์ 1972	9 กุมภาพันธ์ 1972
122. ตูนิเซีย		2 ธันวาคม 1981
123. เดอร์กี	5 กรกฎาคม 1972	23 ธันวาคม 1981
124. อูกานดา		19 กรกฎาคม 1982
125. สาธารณรัฐ ยูเครนนิยม	23 กันยายน 1971	26 มกราคม 1973
126. สหพันธ์สาธารณรัฐสังคมนิยม โซเวียต	24 กันยายน 1971	16 กุมภาพันธ์ 1973
127. สหภาพอิมิเรตส์		10 เมษายน 1981
128. สหราชอาณาจักร	23 กันยายน 1971	25 ตุลาคม 1973
129. สหสาธารณรัฐแทนซาเนีย		9 สิงหาคม 1983
130. สหรัฐอเมริกา	23 กันยายน 1971	1 พฤศจิกายน 1973
131. อูรุกวัย		12 มกราคม 1977
132. เวเนซุเอลา	16 กันยายน 1971	12 พฤศจิกายน 1983
133. เวียดนาม		17 กันยายน 1979
134. เยเมน	23 ตุลาคม 1972	29 กันยายน 1986
135. ยูโกสลาเวีย	16 กันยายน 1971	2 ตุลาคม 1972
136. แซร์		6 กรกฎาคม 1977
137. แซมเบีย		3 มีนาคม 1957

รวมประเทศภาคีสมาชิก 137 ประเทศ

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6. พระราชบัญญัติว่าด้วยความผิดบางประการต่อการเดินอากาศ พ.ศ.2521 (The Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Estortion that are of International Significance)

ศูนย์วิจัยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

พระราชบัญญัติ

ว่าด้วยความผิดบางประการต่อการเดินอากาศ

พ.ศ. 2521

ภูมิพลอดุลยเดช ป.ร.

ให้ไว้ ณ วันที่ 14 สิงหาคม พ.ศ. 2521

เป็นปีที่ 33 ในรัชกาลปัจจุบัน

พระบาทสมเด็จพระปรมินทรมหาภูมิพลอดุลยเดช มีพระบรมราชโองการโปรดเกล้าฯ ให้ประกาศว่า

โดยที่เป็นการสมควรให้มีกฎหมายว่าด้วยความผิดบางประการต่อการเดินอากาศ

จึงทรงพระกรุณาโปรดเกล้าฯ ให้ตราพระราชบัญญัติขึ้นไว้ โดยคำแนะนำและยินยอมของสภานิติบัญญัติแห่งชาติ ดังต่อไปนี้

มาตรา 1 พระราชบัญญัตินี้เรียกว่า "พระราชบัญญัติว่าด้วยความผิดบางประการต่อการเดินอากาศ พ.ศ. 2521"

มาตรา 2 พระราชบัญญัตินี้ให้ใช้บังคับตั้งแต่วันถัดจากวันประกาศในราชกิจจานุเบกษาเป็นต้นไป

มาตรา 3 พระราชบัญญัตินี้ไม่ใช้บังคับแก่อากาศยานที่ใช้ใบราชการทหาร ราชการตำรวจ หรือราชการศุลกากร

มาตรา 4 ในพระราชบัญญัตินี้

"อากาศยานในระหว่างการบิน" หมายความว่า อากาศยานที่ประตูค้ำานนอกทุกบานของอากาศยานปิดภายหลังจากที่ผู้โดยสารและหรือ เจ้าหน้าที่ประจำอากาศยานขึ้นจนถึงขณะที่ประตูค้ำานนอกบานใดบานหนึ่งของอากาศยานนั้น เปิดออก เพื่อให้ผู้โดยสารและหรือ เจ้าหน้าที่ประจำอากาศยานลงตามปกติ และหมายความรวมถึงกรณีที่อากาศยานต้องลงผู้ขึ้นโดยเหตุบังคับจนถึงขณะที่เจ้าหน้าที่ผู้มีอำนาจได้เข้ากุมครองความปลอดภัยของอากาศยาน บุคคล และทรัพย์สินในอากาศยานนั้น

"อากาศยานในระหว่างบริการ" หมายความว่า อากาศยานซึ่งอยู่ในระหว่างเวลาที่ผู้ประจำหน้าที่ภาคพื้นหรือเจ้าหน้าที่ประจำอากาศยานเริ่มเตรียมการก่อนการบินสำหรับเที่ยวบินใดโดยเฉพาะจนถึงเวลาครบยี่สิบชั่วโมง หลังจากอากาศยานลงผู้ขึ้น และไม่ว่ากรณีใด ๆ ให้หมายความรวมถึงระยะเวลาที่อากาศยานอยู่ในระหว่างการบินด้วย

"เจ้าหน้าที่ผู้มีอำนาจ" ในส่วนที่เกี่ยวกับประเทศไทย หมายความว่า ผู้ซึ่งรัฐมนตรีแต่งตั้งให้ปฏิบัติราชการตามพระราชบัญญัตินี้

มาตรา ๕ ผู้ใดยึดหรือเข้าควบคุมอากาศยานในระหว่างการบิน โดยใช้กำลังประทุษร้ายหรือขู่เข็ญว่าจะใช้กำลังประทุษร้ายผู้อื่นหรือขู่เข็ญว่าจะกระทำความอันตรายต่ออากาศยานนั้น ต้องระวางโทษประหารชีวิต จำคุกตลอดชีวิต หรือจำคุกตั้งแต่สิบปีถึงยี่สิบปี

มาตรา ๖ ผู้ใด

(1) ทำลายอากาศยานในระหว่างบริการ
 (2) กระทำความเสียหายแก่อากาศยานในระหว่างบริการ เพื่อให้อากาศยานนั้นไม่สามารถทำการบินหรือน่าจะเป็นเหตุให้เกิดอันตรายต่อความปลอดภัยของอากาศยานในระหว่างการบิน หรือ

(๓) กระทำแก่อากาศยานในระหว่างบริการด้วยกลอุบาย ฆาตกรรมหรือด้วยวิธีใด ๆ อันอาจทำลายอากาศยาน หรืออาจก่อให้เกิดความเสียหายแก่อากาศยาน เพื่อให้อากาศยานนั้นไม่สามารถทำการบินหรือน่าจะเป็นเหตุให้เกิดอันตรายต่อความปลอดภัยของอากาศยานในระหว่างการบิน

ต้องระวางโทษประหารชีวิต จำคุกตลอดชีวิต หรือจำคุกตั้งแต่ห้าปีถึงยี่สิบปี

มาตรา 7 ผู้ใดใช้กำลังประทุษร้ายหรือขู่เข็ญว่าจะใช้กำลังประทุษร้ายผู้อื่น ในอากาศยานในระหว่างการบินซึ่งการกระทำนั้นน่าจะเป็นเหตุให้เกิดอันตรายต่อความปลอดภัยของอากาศยาน ต้องระวางโทษจำคุกตั้งแต่หนึ่งปีถึงสิบปี และปรับตั้งแต่สองหมื่นบาท ถึงสองหมื่นบาท

มาตรา 8 ผู้ใดทำลายหรือกระทำความเสียหายแก่เครื่องอำนวยความสะดวก ในการเดินอากาศตามกฎหมายว่าด้วยการเดินอากาศ หรือกระทำโดยวิธีใด ๆ แก่การ ปฏิบัติการของเครื่องอำนวยความสะดวกนั้นซึ่งน่าจะเป็นเหตุให้เกิดอันตรายต่อความปลอดภัย ของอากาศยานในระหว่างการบิน ต้องระวางโทษจำคุกตั้งแต่หนึ่งปีถึงสิบห้าปี และปรับ ตั้งแต่สองหมื่นบาทถึงสามหมื่นบาท

มาตรา 9 ผู้ใดแจ้งข้อความหรือส่งข่าวสารซึ่งรู้หรือเชื่อว่าเป็นเท็จและการนั้น เป็นเหตุให้เกิดอันตรายต่อความปลอดภัยของอากาศยานในระหว่างการบิน ต้องระวางโทษ จำคุกตั้งแต่ห้าปีถึงยี่สิบปี

มาตรา 10 ถ้าการกระทำความผิดดังกล่าวในมาตรา 5 หรือมาตรา 6 เป็น เหตุให้ผู้อื่นได้รับอันตรายสาหัส ผู้กระทำต้องระวางโทษประหารชีวิต จำคุกตลอดชีวิต หรือ จำคุกตั้งแต่สิบห้าปีถึงยี่สิบปี แต่ถ้าการกระทำดังกล่าวเป็นเหตุให้ผู้อื่นถึงแก่ความตายผู้กระทำ ต้องระวางโทษประหารชีวิต หรือจำคุกตลอดชีวิต

ถ้าการกระทำความผิดดังกล่าวในมาตรา 7 มาตรา 8 หรือมาตรา 9 เป็นเหตุ ให้ผู้อื่นได้รับอันตรายสาหัส ผู้กระทำต้องระวางโทษจำคุกตั้งแต่สิบปีถึงยี่สิบปี แต่ถ้าการกระทำ ดังกล่าวเป็นเหตุให้ผู้อื่นถึงแก่ความตาย ผู้กระทำต้องระวางโทษจำคุกตลอดชีวิต หรือจำคุก ตั้งแต่สิบห้าปีถึงยี่สิบปี

มาตรา 11 ผู้ใดเป็นผู้เก็บขนหรือพยายามกระทำความผิดดังกล่าวในมาตรา 5 หรือมาตรา 6 ต้องระวางโทษเช่นเดียวกับตัวการ หรือผู้กระทำความผิดสำเร็จ

ผู้ใดกระเตรียมกระทำความคิดดังกล่าวใน มาตรา ๕ หรือมาตรา ๖ ต้องระวางโทษ กึ่งหนึ่งของโทษที่กำหนดไว้ในมาตรานั้น ๆ

มาตรา 12 ผู้ใดกระทำความผิดตามพระราชบัญญัตินี้นอกราชอาณาจักร จะต้องรับ โทษในราชอาณาจักร ถ้า

(1) ความผิดนั้นได้กระทำในอากาศยานต่างประเทศ และอากาศยานนั้นลงสู่พื้นใน ราชอาณาจักรหรือมควยผู้กระทำความผิด

(2) ความผิดนั้นได้กระทำในอากาศยานต่างประเทศ ที่บุคคลซึ่งมีภูมิลำเนา หรือ ถิ่นที่อยู่ถาวรหรือสถานที่หลักในการประกอบธุรกิจอยู่ในราชอาณาจักร เข้ามาทำการบินโดย ไม่มีเจ้าหน้าที่ประจำอากาศยานของผู้ให้เข้ามาด้วย หรือ

(3) ผู้กระทำความผิดตามมาตรา ๕ หรือมาตรา ๖ ปราบกฏตัวอยู่ในราชอาณาจักร และมีได้มีการส่งตัวผู้นั้นออกไปตามกฎหมายว่าด้วยการส่งผู้ร้ายข้ามแดน

มาตรา 13 เมื่อผู้ควบคุมอากาศยานในระหว่างการบินมีเหตุอันควรสงสัยว่าบุคคล ใดได้กระทำหรือจะกระทำความผิดตามพระราชบัญญัตินี้ หรือกระทำการซึ่งอาจ เป็นอันตราย ต่อความปลอดภัยของอากาศยาน บุคคลหรือทรัพย์สินในอากาศยาน หรือซึ่ง เป็นการฝ่าฝืนต่อ ระเบียบและวินัยในอากาศยาน ผู้ควบคุมอากาศยานอาจใช้มาตรการอันสมควรในทางป้องกัน เพื่อมิให้บุคคลนั้นกระทำการดังกล่าว รวมทั้งการควบคุมตัวใน เมื่อเห็นว่าจำเป็น เพื่อส่งตัว บุคคลนั้นแก่เจ้าหน้าที่ผู้มีอำนาจหรือ เพื่อนำตัวบุคคลนั้นลงจากอากาศยาน

ผู้ควบคุมอากาศยานอาจแจ้งหรือให้อำนาจ เจ้าหน้าที่ประจำอากาศยานหรือขอร้อง หรือให้อำนาจผู้โดยสาร ให้ช่วยเหลือในการควบคุมตัวบุคคลดังกล่าวในวาระหนึ่งใด

เจ้าหน้าที่ประจำอากาศยานหรือผู้โดยสารอาจใช้มาตรการอันสมควรในทางป้องกัน โดยไม่ต้องมีการให้อำนาจตามวรรคสองได้ในเมื่อมีเหตุอันควรเชื่อว่าจะจำเป็นต้องกระทำ เช่นนั้นทันที เพื่อคุ้มครองความปลอดภัยของอากาศยาน บุคคลหรือทรัพย์สินในอากาศยานและผู้ ควบคุมอากาศยานอาจสั่งให้บุคคลใดมาตราบนั้นได้

มาตรา 14 เมื่ออากาศยานลงสู่พื้นแล้ว ห้ามมิให้ใช้มาตรการในทางป้องกัน หรือการควบคุมตัวตามมาตรา 13 เว้นแต่

- (1) เจ้าหน้าที่ผู้มีอำนาจไม่อนุญาตให้นำผู้ถูกควบคุมตัวลงจากอากาศยาน
- (2) ไม่สามารถส่งผู้ถูกควบคุมตัวแก่เจ้าหน้าที่ผู้มีอำนาจได้ หรือ
- (3) ผู้ถูกควบคุมตัวตกลงหรือยินยอมอยู่ในอากาศยานโดยจะออกเดินทางต่อไป กับอากาศยานนั้น

ผู้ควบคุมอากาศยานที่มีผู้ถูกควบคุมตัวตามมาตรา 13 อยู่ในอากาศยานต้องแจ้งให้ เจ้าหน้าที่ผู้มีอำนาจทราบโดยเร็วที่สุดซึ่งจะทำได้ และหากเป็นไปได้จะต้องแจ้งก่อนลงสู่พื้นว่ามีผู้ถูกควบคุมตัวอยู่ในอากาศยานนั้น พร้อมทั้งเหตุผลของการควบคุมตัว

มาตรา 15 เมื่ออากาศยานลงสู่พื้นในราชอาณาจักร ผู้ควบคุมอากาศยานอาจนำ บุคคลไกลงจากอากาศยาน เพื่อส่งให้เจ้าหน้าที่ผู้มีอำนาจได้เมื่อมีเหตุอันควร เชื่อว่าบุคคลนั้น ได้กระทำหรือจะกระทำการใด ๆ ในอากาศยานนั้น ซึ่งอาจเป็นอันตรายต่อความปลอดภัยของ อากาศยาน บุคคลหรือทรัพย์สินในอากาศยานอันเป็นความผิดตามพระราชบัญญัตินี้ หรือซึ่ง เป็น การฝ่าฝืนต่อระเบียบและวินัยที่กำหนดไว้สำหรับอากาศยานนั้น

ให้ผู้ควบคุมอากาศยานรายงานให้เจ้าหน้าที่ผู้มีอำนาจตามวรรคหนึ่งทราบชื่อ เพื่งจริง และ เหตุผลของการนำบุคคลดังกล่าวลงจากอากาศยาน

มาตรา 16 เมื่ออากาศยานลงสู่พื้นในราชอาณาจักร ผู้ควบคุมอากาศยานส่งตัว บุคคลใดให้แก่เจ้าหน้าที่ผู้มีอำนาจได้เมื่อมีเหตุอันควร เชื่อว่าบุคคลนั้นได้กระทำการในอากาศยาน ซึ่งตน เห็นว่าเป็นความผิดร้ายแรงตามกฎหมายอาญาของประเทศที่อากาศยานนั้นจดทะเบียน

ให้ผู้ควบคุมอากาศยานแจ้งให้เจ้าหน้าที่ผู้มีอำนาจทราบโดยเร็วที่สุดที่จะทำได้ และ หากเป็นไปได้ให้แจ้งก่อนอากาศยานลงสู่พื้น ถึง เจตนาและ เหตุผลของการส่งตัวบุคคลดังกล่าว

ให้ผู้ควบคุมอากาศยานจัดหาพยาบาลที่ปฏิบัติงานและสิ่งของต่าง ๆ ที่มีอยู่โดยชอบตาม กฎหมายของประเทศที่อากาศยานนั้นจดทะเบียนให้แก่เจ้าหน้าที่ผู้มีอำนาจตามวรรคหนึ่ง

เจ้าหน้าที่ผู้มีอำนาจจะไม่รับตัวบุคคลที่ส่งให้ตามวรรคหนึ่งก็ได้ ถ้าเห็นว่าความผิดนั้น เป็นความผิดอันมีลักษณะทางการเมือง หรือความผิดที่อาศัยการเลือกปฏิบัติทาง เชื้อชาติหรือ ศาสนาเป็นมูลฐาน ที่มีได้เกี่ยวกับความปลอดภัยในการเดินอากาศ

มาตรา 17 เมื่อได้รับบุคคลดังกล่าวในมาตรา 15 หรือมาตรา 16 ไว้

(1) ถ้าเป็นกรณีที่ต้องทำการสอบสวนเพื่อดำเนินคดี ให้เจ้าหน้าที่ผู้มีอำนาจส่ง บุคคลดังกล่าว และหยานหลักฐานถ้าหากมีแก่พนักงานสอบสวนโดยมีชักช้า ถ้าการสอบสวนเบื้องต้นปรากฏว่าเป็นกรณีที่ไม่อาจดำเนินคดีได้ในราชอาณาจักร และไม่มีการขอให้ดำเนินการตามกฎหมายว่าด้วยการส่งผู้ร้ายข้ามแดน ก็ให้ปล่อยตัวไป

(2) ถ้าเป็นกรณีที่ไม่ต้องทำการสอบสวนหรือ เป็นกรณีกระทำการฝ่าฝืนต่อระเบียบ และวิธีในอากาศยาน ให้เจ้าหน้าที่ผู้มีอำนาจควบคุมบุคคลดังกล่าวไว้เท่าที่จำเป็น เพื่อให้บุคคล นั้นเดินทางออกไปนอกราชอาณาจักร เว้นแต่บุคคลนั้น เป็นผู้มิมีสิทธิเข้ามาหรืออยู่ในราชอาณาจักร ก็ให้ปล่อยตัวไป


มาตรา 18 ในการปฏิบัติหน้าที่ตามพระราชบัญญัตินี้ให้เจ้าหน้าที่ผู้มีอำนาจ ซึ่งได้รับการแต่งตั้งตามมาตรา 18 มีอำนาจเช่นเดียวกับพนักงานฝ่ายปกครองหรือตำรวจตามประมวล กฎหมายวิธีพิจารณาความอาญา

มาตรา 19 ให้รัฐมนตรีว่าการกระทรวงการต่างประเทศ รัฐมนตรีว่าการกระทรวง กมนาคม และรัฐมนตรีว่าการกระทรวงมหาดไทย รักษาการตามพระราชบัญญัตินี้ และให้มีอำนาจ แต่งตั้งเจ้าหน้าที่ผู้มีอำนาจ เพื่อปฏิบัติการตามพระราชบัญญัตินี้

ผู้รับสนองพระบรมราชโองการ

พลเอก เกรียงกัมพันธ์ ชวระนันท์

นายกรัฐมนตรี

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7. กฎสัญญาว่าด้วยการปราบปรามและลงโทษการกระทำที่เป็นการก่อการร้ายในรูปของอาชญากรรมที่กระทำต่อบุคคลและการข่มขู่ ทั้งฉบับที่เกี่ยวข้องกับการก่อการร้ายซึ่งมีความสำคัญในระดับระหว่างประเทศ ค.ศ.1971 (The Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion that are of International Significance)



ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

INTER-AMERICAN CONVENTION AGAINST THE ACTS OF TERRORISM, 1971. The Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion that are of International Significance, signed on Feb. 2, 1971 at Washington, DC by Colombia, Costa Rica, Dominican Republic, El Salvador, Honduras, Jamaica, Mexico, Nicaragua, Panama, Trinidad and Tobago, USA, Uruguay, Venezuela; ratified by Costa Rica, the Dominican Republic, Mexico, Nicaragua and Venezuela. The main points of the Convention are as follows:

"Art. 1. The contracting states undertake to cooperate among themselves by taking all the measures that they may consider effective, under their own laws, and especially those established in this convention, to prevent and punish acts of terrorism, especially kidnapping, murder, and other assaults against the life or physical integrity of those persons to whom the state has the duty according to international law to give special protection, as well as extortion in connection with those crimes.

Art. 2. For the purposes of this convention, kidnapping, murder, and other assaults against the life or personal integrity of those persons to whom the state has the duty to give special protection according to international law, as well as extortion in connection with those crimes, shall be considered common crimes of international significance, regardless of motive.


Art. 3. Persons who have been charged or convicted for any of the crimes referred to in Art. 2 of this convention shall be subject to extradition under the provisions of the extradition treaties in force between the parties or, in the case of states that do not make extradition dependent on the existence of a treaty, in accordance with their own laws. In any case, it is the exclusive responsibility of the state under whose jurisdiction or protection such persons are located to determine the nature of the acts and decide whether the standards of this convention are applicable.


Art. 4. Any person deprived of his freedom through the application of this convention shall enjoy the legal guarantees of due process.

Art. 5. When extradition requested for one of the crimes specified in Art. 2 is not in order because the person sought is a national of the requested state, or because of some other legal or constitutional impediment, that state is obliged to submit the case to its competent authorities for prosecution, as if the act had been committed in its territory. The decision of these authorities shall be communicated to the state that requested extradition. In such proceedings, the obligation established in Art. 4 shall be respected.

Art. 6. None of the provisions of this convention shall be interpreted so as to impair the right of asylum.

International Legal Materials, Washington, DC, Vol. X, March 1971.

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8. อนุสัญญาว่าด้วยการปราบปรามและลงโทษอาชญากรรมที่กระทำความผิดกฎหมายที่มุ่งคุ้มครองบุคคลในระดับระหว่างประเทศ รวมทั้งผู้แทนทางการทูต ค.ศ.1973 (Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents)



ศูนย์วิทยพัชกร
จุฬาลงกรณ์มหาวิทยาลัย



**Convention on the Prevention and Punishment of Crimes
against Internationally Protected Persons, including
Diplomatic Agents**

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 cooperation among States,

Considering that crimes against diplomatic agents and other internationally protected persons jeopardizing the safety of these persons create a serious threat to the maintenance of normal international relations which are necessary for cooperation among States,

Believing that the commission of such crimes is a matter of grave concern to the international community,

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

Have agreed as follows:

ARTICLE 1

For the purposes of this Convention:

1. "Internationally protected person" means:

(a) A Head of State, including any member of a collegial body performing the functions of a Head of State under the constitution of the State concerned, a Head of Government or a Minister for Foreign Affairs, whenever any such person is in a foreign State, as well as members of his family who accompany him;

(b) Any representative or official of a State or any official or other agent of an international organization of an inter-governmental character who, at the time when and in the place where a crime against him, his official premises, his private accommodation or his means of transport is committed, is entitled pursuant to international law to special protection from any attack on his person, freedom or dignity, as well as members of his family forming part of his household;

2. "Alleged offender" means a person as to whom there is sufficient evidence to determine *prima facie* that he has com-

mitted or participated in one or more of the crimes set forth in article 2.

ARTICLE 2

1. The intentional commission of:

- (a) A murder, kidnapping or other attack upon the person or liberty of an internationally protected person;
- (b) A violent attack upon the official premises, the private accommodation or the means of transport of an internationally protected person likely to endanger his person or liberty;
- (c) A threat to commit any such attack;
- (d) An attempt to commit any such attack; and
- (e) An act constituting participation as an accomplice in any such attack

shall be made by each State Party a crime under its internal law.

2. Each State Party shall make these crimes punishable by appropriate penalties which take into account their grave nature.

3. Paragraphs 1 and 2 of this article in no way derogate from the obligations of States Parties under international law to take all appropriate measures to prevent other attacks on the person, freedom or dignity of an internationally protected person.

ARTICLE 3

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

- (a) When the crime is committed in the territory of that State or on board a ship or aircraft registered in that State;
- (b) When the alleged offender is a national of that State;
- (c) When the crime is committed against an internationally protected person as defined in article 1 who enjoys his status as such by virtue of functions which he exercises on behalf of that State.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over these crimes in cases 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 4

States Parties shall co-operate in the prevention of the crimes set forth in article 2, particularly by:

- (a) Taking all practicable measures to prevent preparations in their respective territories for the commission of those crimes 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 crimes.

ARTICLE 5

1. The State Party in which any of the crimes set forth in article 2 has been committed shall, if it has reason to believe that an alleged offender has fled from its territory, communicate to all other States concerned, directly or through the Secretary-General of the United Nations, all the pertinent facts regarding the crime committed and all available information regarding the identity of the alleged offender.

2. Whenever any of the crimes set forth in article 2 has been committed against an internationally protected person, any State Party which has information concerning the victim and the circumstances of the crime shall endeavour to transmit it, under the conditions provided for in its internal law, fully and promptly to the State Party on whose behalf he was exercising his functions.

ARTICLE 6

1. Upon being satisfied that the circumstances so warrant, the State Party 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 crime was committed;
 - (b) The State or States of which the alleged offender is a national or, if he is a stateless person, in whose territory he permanently resides;
 - (c) The State or States of which the internationally protected person concerned is a national or on whose behalf he was exercising his functions;
 - (d) All other States concerned; and
 - (e) The international organization of which the internationally protected person concerned is an official or an agent.
2. Any person regarding whom the measures referred to in paragraph 1 of this article are being taken shall be entitled:
- (a) To communicate without delay with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to protect his rights or, if he is a stateless person, which he requests and which is willing to protect his rights; and
 - (b) To be visited by a representative of that State.

ARTICLE 7

The State Party in whose territory the alleged offender is present shall, if it does not extradite him, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State.

ARTICLE 8

1. To the extent that the crimes set forth in article 2 are not listed as extraditable offences in any extradition treaty existing between States Parties, they shall be deemed to be included as such therein. States Parties undertake to include those crimes as extraditable offences in every future extradition treaty to be concluded between them.

2. If 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, it may, if it decides to extradite, consider this Convention as the legal basis for extradition in respect of those crimes. Extradition shall be subject to the procedural provisions and the other conditions of the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize those crimes as extraditable offences between themselves subject to the procedural provisions and the other conditions of the law of the requested State.

4. Each of the crimes shall be treated, for the purpose of extradition between States Parties, as if it had been committed not only in the place in which it occurred but also in the territories of the States required to establish their jurisdiction in accordance with paragraph 1 of article 3.

ARTICLE 9

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

ARTICLE 10

1. States Parties shall afford one another the greatest measure of assistance in connexion with criminal proceedings brought in respect of the crimes set forth in article 2, 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 11

The State Party where an alleged offender is prosecuted shall 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 12

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, as between the States which are parties to those Treaties; but a State Party to this Convention may not invoke those Treaties with respect to another State Party to this Convention which is not a party to those Treaties.

ARTICLE 13

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which is not settled by negotiation 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 request in conformity with the Statute of the Court.

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

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

ARTICLE 14

This Convention shall be open for signature by all States, until 31 December 1974 at United Nations Headquarters in New York.

ARTICLE 15

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

ARTICLE 16

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 17

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 18

1. Any State Party 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.

ARTICLE 19

The Secretary-General of the United Nations shall inform all States, *inter alia*:

(a) Of signatures to this Convention, of the deposit of instruments of ratification or accession in accordance with articles 14, 15 and 16 and of notifications made under article 18;

(b) Of the date on which this Convention will enter into force in accordance with article 17.

ARTICLE 20

The original of this Convention, of which the 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 14 December 1973.

ประเทศภาคีตามอนุสัญญานี้ประกอบไปด้วยประเทศสมาชิกดังต่อไปนี้

<u>ประเทศ</u>	<u>ลงนาม</u>	<u>วันที่มอบสัตยาบันสารหรือภาคยานุวัติสาร (จะใช้ตัวย่อว่า ก)</u>
1. อาร์เจนตินา		18 มีนาคม 1982 (ก)
2. ออสเตรเลีย	30 ธันวาคม 1974	20 มิถุนายน 1977
3. ออสเตรีย		3 สิงหาคม 1977 (ก)
4. บาฮามาส		22 กรกฎาคม 1986 (ก)
5. บาร์มาโดส		26 ตุลาคม 1974 (ก)
6. บัลแกเรีย	27 มิถุนายน 1974	18 กรกฎาคม 1974
7. บูร์นดี		17 ธันวาคม 1980 (ก)
8. สาธารณรัฐสังคมนิยม ไซเปรีต ไบโรรัลเซียน	11 มิถุนายน 1974	5 กุมภาพันธ์ 1976

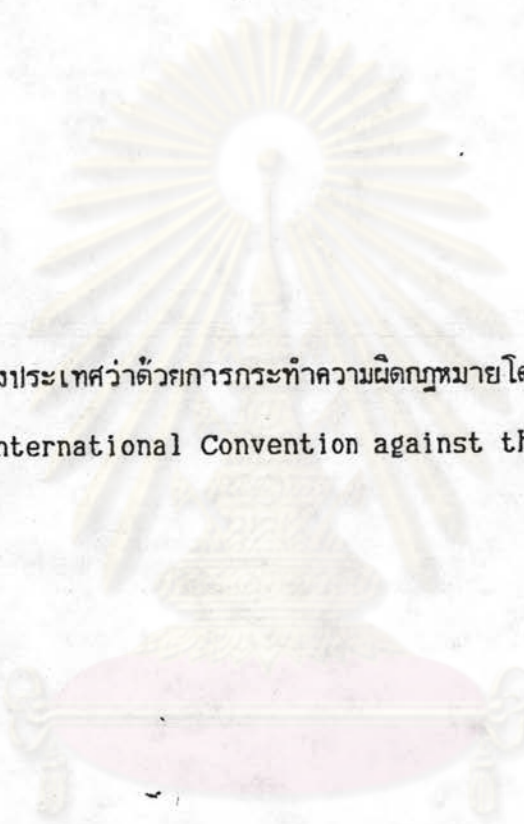
<u>ประเทศ</u>	<u>ลงนาม</u>	<u>วันที่มอบสัตยาบันสารหรือภาคยานุวัติสาร (จะใช้ตัวย่อว่า ก)</u>
9. โซเวียต		
10. แคนาดา	26 มิถุนายน 1974	4 สิงหาคม 1976
11. ชิลี		21 มกราคม 1977 (ก)
12. คอลตาริกา		2 พฤศจิกายน 1977 (ก)
13. ไชบรัล		24 ธันวาคม 1975 (ก)
14. เชคโกสโลวาเกีย	11 ตุลาคม 1974	30 มิถุนายน 1975
15. เดนมาร์ค	10 พฤษภาคม 1974	1 กรกฎาคม 1975
16. สาธารณรัฐประชาธิปไตย ประชาชนเกาหลี		1 ธันวาคม 1982 (ก)
17. ประชาธิปไตยเยอรมัน		9 กุมภาพันธ์ 1987 (ก)
18. สาธารณรัฐไควบีกัน		8 กรกฎาคม 1977 (ก)
19. เอกวาดอร์	27 สิงหาคม 1974	12 มีนาคม 1975
20. อียิปต์		25 มิถุนายน 1986 (ก)
21. เอลซาวาดอร์		8 สิงหาคม 1980 (ก)
22. ฟินแลนด์	10 พฤษภาคม 1974	31 ตุลาคม 1978
23. กาบอง		14 ตุลาคม 1981 (ก)
24. สาธารณรัฐประชาธิปไตย เยอรมัน	23 พฤษภาคม 1974	30 พฤศจิกายน 1976
25. สหพันธ์สาธารณรัฐ เยอรมัน	15 สิงหาคม 1974	25 มกราคม 1977
26. กานา		25 เมษายน 1975 (ก)
27. กรีซ		3 กรกฎาคม 1984 (ก)
28. กัวเตมาลา	12 ธันวาคม 1974	
29. ไฮติ		25 สิงหาคม 1980 (ก)
30. ฮังการี	6 ธันวาคม 1974	26 มีนาคม 1975

<u>ประเทศ</u>	<u>ลงนาม</u>	<u>วันที่มอบสัตยาบันสารหรือภาคยานุวัติสาร(จะใช้ตัวย่อว่า ก)</u>
31. ไชเลนส์	10 พฤษภาคม 1974	2 สิงหาคม 1977
32. อินเดีย		11 เมษายน 1977 (ก)
33. สาธารณรัฐอิสลามิก อิหร่าน		12 กรกฎาคม 1978 (ก)
34. อิรัก		28 กุมภาพันธ์ 1978 (ก)
35. อิสราเอล		31 กรกฎาคม 1980 (ก)
36. อิตาลี	30 ธันวาคม 1974	30 สิงหาคม 1985
37. จาไมกา		21 กันยายน 1978 (ก)
38. ญี่ปุ่น		8 มิถุนายน 1987 (ก)
39. จอร์แดน		18 ธันวาคม 1984 (ก)
40. ลิเบีย		30 กันยายน 1975 (ก)
41. มาลาวี		14 มีนาคม 1977 (ก)
42. เม็กซิโก		22 เมษายน 1980 (ก)
43. มองโกเลีย	23 สิงหาคม 1974	8 สิงหาคม 1975
44. นิวซีแลนด์		12 พฤศจิกายน 1985 (ก)
45. นิคารากัว	29 ตุลาคม 1974	10 มีนาคม 1975
46. ไนเจอร์		17 มิถุนายน 1985 (ก)
47. นอร์เว	10 พฤษภาคม 1974	28 เมษายน 1980
49. ปานามา		17 มิถุนายน 1980 (ก)
50. บารากัว	25 ตุลาคม 1974	24 พฤศจิกายน 1975
51. เปรู		25 เมษายน 1978 (ก)
52. ฟิลิปปินส์		26 พฤศจิกายน 1976 (ก)
53. โบเลนส์	7 มิถุนายน 1974	14 ธันวาคม 1982
54. สาธารณรัฐเกาหลี		25 พฤษภาคม 1982
55. โรมานี	27 ธันวาคม 1974	15 สิงหาคม 1978
56. รวันดา	15 ตุลาคม 1974	29 พฤศจิกายน 1977

<u>ประเทศ</u>	<u>ลงนาม</u>	<u>วันที่มอบสัตยาบันสารหรือภาคยานุวัติสาร(จะใช้ตัวย่อว่า ก)</u>
57. เซเชลเลส		29 พฤษภาคม 1980 (ก)
58. ลีเบน		8 สิงหาคม 1985 (ก)
59. สวีเดน	10 พฤษภาคม 1974	1 กรกฎาคม 1975
60. สวิสเซอร์แลนด์		5 มีนาคม 1985 (ก)
61. โตโก		30 ธันวาคม 1980 (ก)
62. ไตรนิแดดและโตบาโก		15 มิถุนายน 1975 (ก)
63. ตูนิเซีย	15 พฤษภาคม 1974	21 มกราคม 1977
64. เตอร์กี		11 มิถุนายน 1981 (ก)
65. สาธารณรัฐ ยูเครนนิยม	18 มิถุนายน 1974	20 มกราคม 1976
66. สหพันธ์สาธารณรัฐสังคมนิยม โซเวียต	7 มิถุนายน 1974	15 มกราคม 1976
67. สหราชอาณาจักร	13 ธันวาคม 1974	2 พฤษภาคม 1979
68. สหรัฐอเมริกา	28 ธันวาคม 1973	26 ตุลาคม 1976
68. กูร์กัว		13 มิถุนายน 1978 (ก)
70. ยูโกสลาเวีย	17 ธันวาคม 1974	29 ธันวาคม 1976
71. แอซร์		25 กรกฎาคม 1977 (ก)

ศูนย์วิจัยและพัฒนา
รวมประเทศภาคีสมาชิก 71 ประเทศ

จุฬาลงกรณ์มหาวิทยาลัย

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9. อนุสัญญาระหว่างประเทศว่าด้วยการกระทำความผิดกฎหมายโดยการจับตัวบุคคลไปเป็นประกัน
ค.ศ.1979 (International Convention against the Taking of Hostages)

ศูนย์วิทยพัชร์พยากร
จุฬาลงกรณ์มหาวิทยาลัย

International Convention against the Taking of Hostages

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 friendly relations and co-operation among States,

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

Reaffirming the principle of equal rights and self-determination of peoples as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, as well as in other relevant resolutions of the General Assembly,

Considering that the taking of hostages is an offence of grave concern to the international community and that, in accordance with the provisions of this Convention, any person committing an act of hostage-taking shall be either prosecuted or extradited,

Being convinced that it is urgently necessary to develop international co-operation between States in devising and adopting effective measures for the prevention, prosecution and punishment of all acts of taking of hostages as manifestations of international terrorism,

Have agreed as follows:

Article 1

1. Any person who seizes or detains and threatens to kill, to injure or to continue to detain another person (hereinafter referred to as the "hostage") in order to compel a third party, namely, a State, an international intergovernmental organization, a natural or juridical person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage commits the offence of taking of hostages ("hostage-taking") within the meaning of this Convention.

2. Any person who:

- (a) Attempts to commit an act of hostage-taking, or
 - (b) Participates as an accomplice of anyone who commits or attempts to commit an act of hostage-taking
- likewise commits an offence for the purposes of this Convention.

Article 2

Each State Party shall make the offences set forth in article 1 punishable by appropriate penalties which take into account the grave nature of those offences.

Article 3

1. The State Party in the territory of which the hostage is held by the offender shall take all measures it considers appropriate to ease the situation of the hostage, in particular, to secure his release and, after his release, to facilitate, when relevant, his departure.

2. If any object which the offender has obtained as a result of the taking of hostages comes into the custody of a State Party, that State Party shall return it as soon as possible to the hostage or the third party referred to in article 1, as the case may be, or to the appropriate authorities thereof.

Article 4

States Parties 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, including measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate,

organize or engage in the perpetration of acts of taking of hostages;

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

Article 5

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

(a) In its territory or on board a ship or aircraft registered in that State;

(b) By any of its nationals or, if that State considers it appropriate, by those stateless persons who have their habitual residence in its territory;

(c) In order to compel that State to do or abstain from doing any act; or

(d) With respect to a hostage who is a national of that State, if that State considers it appropriate.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 1 in cases where the alleged offender is present in its territory and it does not extradite him 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, any State Party in the territory of which the alleged offender is present shall, in accordance with its laws, take him into custody or take other measures to ensure his presence for such time as is necessary to enable any criminal or extradition proceedings to be instituted. That State Party shall immediately make a preliminary inquiry into the facts.

2. The custody or other measures referred to in paragraph 1 of this article 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 natural or juridical person against whom compulsion has been directed or attempted is a national;

(d) The State of which the hostage is a national or in the territory of which he has his habitual residence;

(e) The State of which the alleged offender is a national or, if he is a stateless person, in the territory of which he has his habitual residence;

(f) The International Intergovernmental organization against which compulsion has been directed or attempted;

(g) All other States concerned.

3. Any person regarding whom the measures referred to in paragraph 1 of this article are being taken shall be entitled:

(a) To communicate without delay with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to establish such communication or, if he is a stateless person, the State in the territory of which he has his habitual residence;

(b) To be visited by a representative of that State.

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

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

6. The State which makes the preliminary inquiry contemplated in paragraph 1 of this article shall promptly report

its findings to the States or organization referred to in paragraph 2 of this article and indicate whether it intends to exercise jurisdiction.

Article 7

The State Party where the alleged offender is prosecuted shall, in accordance with its laws, communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to the other States concerned and the international intergovernmental organizations concerned.

Article 8

1. The State Party 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, 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 ordinary offence of a grave 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, including enjoyment of all the rights and guarantees provided by the law of the State in the territory of which he is present.

Article 9

1. A request for the extradition of an alleged offender, pursuant to this Convention, shall not be granted if the requested State Party has substantial grounds for believing:

- (a) That the request for extradition for an offence set forth in article 1 has been made for the purpose of prosecuting or punishing a person on account of his race, religion, nationality, ethnic origin or political opinion; or
- (b) That the person's position may be prejudiced:
 - (i) For any of the reasons mentioned in subparagraph (a) of this paragraph, or
 - (ii) For the reason that communication with him by the appropriate authorities of the State entitled to exercise rights of protection cannot be effected.

2. With respect to the offences as defined in this Convention, the provisions of all extradition treaties and arrangements applicable between States Parties are modified as between States Parties to the extent that they are incompatible with this Convention.

Article 10

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

2. If 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 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. States Parties which do not make extradition conditional on the existence 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 States Parties, 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 paragraph 1 of article 5.

Article 11

1. States Parties 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 12

In so far as the Geneva Conventions of 1949 for the protection of war victims or the Protocols Additional to those Conventions are applicable to a particular act of hostage-taking, and in so far as States Parties to this Convention are bound under those Conventions to prosecute or hand over the hostage-taker, the present Convention shall not apply to an act of hostage-taking committed in the course of armed conflicts as defined in the Geneva Conventions of 1949 and the Protocols thereto, including armed conflicts, mentioned in article 1, paragraph 4, of Additional Protocol I of 1977, in which peoples are fighting against colonial domination and alien occupation and against racist régimes in the exercise of their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

Article 13

This Convention shall not apply where the offence is committed within a single State, the hostage and the alleged offender are nationals of that State and the alleged offender is found in the territory of that State.

Article 14

Nothing in this Convention shall be construed as justifying the violation of the territorial integrity or political independence of a State in contravention of the Charter of the United Nations.

Article 15

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, as between the States which are parties to those Treaties; but a State Party to this Convention may not invoke those Treaties with respect to another State Party to this Convention which is not a party to those Treaties.

Article 16

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which is not settled by negotiation 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 request in conformity with the Statute of the Court.

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

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

Article 17

1. This Convention is open for signature by all States until 31 December 1980 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 is open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 18

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 19

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 20

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

...^a

^aThe Convention was opened for signature on 18 December 1979.

ประเทศภาคีตามอนุสัญญาฉบับนี้ประกอบไปด้วยประเทศดังต่อไปนี้

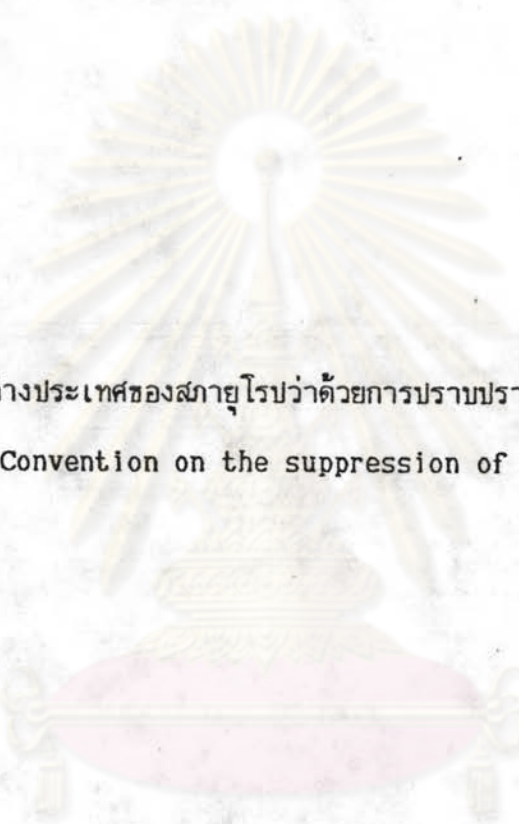
ประเทศ	ลงนาม	วันที่มอบสัตยาบันสารหรือภาคยานุวัติสาร (จะใช้ตัวย่อว่า ก)
1. แอนติกัวและบาร์บูดา		6 สิงหาคม 1986 (ก)
2. ออสเตรเลีย	3 ตุลาคม 1980	22 สิงหาคม 1986
3. บาฮามาส		4 มิถุนายน 1981 (ก)
4. บาร์มาโดส		9 มีนาคม 1981 (ก)
5. เบลเยียม	3 มกราคม 1980	
6. ภูฏาน		31 สิงหาคม 1981 (ก)
7. โบลิเวีย	25 มีนาคม 1980	
8. โบเวโรลเชียน SSR		1 กรกฎาคม 1987 (ก)
9. แคนาดา	18 กุมภาพันธ์ 1980	4 ธันวาคม 1985
10. ชิลี	3 มกราคม 1980	12 พฤศจิกายน 1981
11. โคลอมเบีย		9 กันยายน 1986 (ก)
12. สาธารณรัฐโคลัมเบีย	12 สิงหาคม 1980	
13. อียิปต์	18 ธันวาคม 1980	2 ตุลาคม 1981
14. เอลซาลวาดอร์	10 มิถุนายน 1980	12 กุมภาพันธ์ 1981
15. ฟินแลนด์	29 ตุลาคม 1980	14 เมษายน 1983
16. กาบอง	29 กุมภาพันธ์ 1980	
17. สหพันธ์สาธารณรัฐเยอรมัน	18 ธันวาคม 1980	15 ธันวาคม 1980
18. กรีซ	18 มีนาคม 1980	18 มิถุนายน 1981
19. กัวเตมาลา	30 เมษายน 1980	11 มีนาคม 1983
20. ฮอนดูรัส	21 เมษายน 1980	
21. ฮอนดูรัส	11 มิถุนายน 1980	1 มิถุนายน 1981
22. ไอซ์แลนด์		6 กรกฎาคม 1981 (ก)
23. อิรัก	14 ตุลาคม 1980	

ประเทศ	ลงนาม	วันที่มอบสัตยาบันสารหรือภาคยานุวัติสาร (จะใช้ตัวย่อว่า ก)
24. อิลราเอล	19 พฤศจิกายน 1980	
25. อิตาลี	18 เมษายน 1980	20 มีนาคม 1986
26. จาไมกา	27 กุมภาพันธ์ 1980	
27. ญี่ปุ่น	22 ธันวาคม 1980	20 มีนาคม 1986
28. จอร์แดน		19 กุมภาพันธ์ 1986 (ก)
29. เคนยา		8 ธันวาคม 1981 (ก)
30. เลโซโท	17 เมษายน 1980	5 พฤศจิกายน 1980
31. ลิเบีย	30 มกราคม 1980	
32. ลักเซมเบิร์ก	18 ธันวาคม 1979	
33. มาลาวี		17 มีนาคม 1986
34. มัลดีฟส์	18 มิถุนายน 1980	17 ตุลาคม 1980
35. เม็กซิโก		26 เมษายน 1987 (ก)
36. เนเธอร์แลนด์	18 ธันวาคม 1980	
37. นิวซีแลนด์	24 ธันวาคม 1980	12 พฤศจิกายน 1985 (ก)
38. นอร์เวย์	15 ธันวาคม 1980	2 กรกฎาคม 1981
39. บานามา	24 มกราคม 1980	19 สิงหาคม 1982
40. ฟิลิปปินส์	2 พฤษภาคม 1980	14 ตุลาคม 1980
41. โบว์โตกัล	16 มิถุนายน 1980	6 กรกฎาคม 1984
42. สาธารณรัฐเกาหลี		4 พฤษภาคม 1983 (ก)
43. เซเนกัล	2 มิถุนายน 1980	10 มีนาคม 1987
44. ลเบอน		26 มีนาคม 1984 (ก)
45. ซูรินาม	30 กรกฎาคม 1980	5 พฤศจิกายน 1981
46. สวีเดน	25 กุมภาพันธ์ 1980	15 มกราคม 1981
47. ลิวอิสและคลีฟแลนด์	18 กรกฎาคม 1980	5 มีนาคม 1985
48. ไตรินิแดดและโตเบโก		1 เมษายน 1981 (ก)

ประเทศ	ลงนาม	วันที่มอบสัตยาบันลาหรือภาคยานุวัติสาร (จะใช้ตัวย่อว่า ก)
49. โตโก	8 กรกฎาคม 1980	25 กรกฎาคม 1986
50. อุกันดา	10 พฤศจิกายน 1980	
51. ยูเครเนียม SSR		19 มิถุนายน 1987 (ก)
52. สหภาพสาธารณรัฐ สังคมนิยมโซเวียต		11 มิถุนายน 1987 (ก)
53. สหราชอาณาจักร	18 ธันวาคม 1979	22 ธันวาคม 1982
54. สหรัฐอเมริกา	21 ธันวาคม 1979	7 ธันวาคม 1984
55. ยูโกสลาเวีย	29 ธันวาคม 1980	19 เมษายน 1985
56. แฉร์	2 กรกฎาคม 1980	

รวม 56 ประเทศภาคีลงมาชิกตามอนุสัญญาฉบับนี้

ศูนย์วิทยพัทพยากร
จุฬาลงกรณ์มหาวิทยาลัย

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10. อนุสัญญาระหว่างประเทศของสภายุโรปว่าด้วยการปราบปรามการก่อการร้าย ค.ศ. 1977
(European Convention on the suppression of terrorism)

ศูนย์วิจัยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

MULTILATERAL

**European Convention on the suppression of terrorism.
Concluded at Strasbourg on 27 January 1977**

Authentic texts: English and French.

Registered by the Secretary-General of the Council of Europe, acting on behalf of the Parties, on 30 May 1979.

MULTILATÉRAL

**Convention européenne pour la répression du terrorisme.
Conclue à Strasbourg le 27 janvier 1977**

Textes authentiques : anglais et français.

Enregistrée par le Secrétaire général du Conseil de l'Europe, agissant au nom des Parties, le 30 mai 1979.

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

EUROPEAN CONVENTION¹ ON THE SUPPRESSION OF TERRORISM

The member States of the Council of Europe, signatory hereto,
Considering that the aim of the Council of Europe is to achieve a greater unity
between its members,

Aware of the growing concern caused by the increase in acts of terrorism,
Wishing to take effective measures to ensure that the perpetrators of such acts do
not escape prosecution and punishment,

Convinced that extradition is a particularly effective measure for achieving this
result,

Have agreed as follows:

Article 1. For the purposes of extradition between Contracting States, none
of the following offences shall be regarded as a political offence or as an offence con-
nected with a political offence or as an offence inspired by political motives:

- (a) An offence within the scope of the Convention for the Suppression of Unlawful
Seizure of Aircraft, signed at The Hague on 16 December 1970;²
- (b) An offence within the scope of the Convention for the Suppression of Unlawful
Acts against the Safety of Civil Aviation, signed at Montreal on 23 September
1971;³
- (c) A serious offence involving an attack against the life, physical integrity or liberty
of internationally protected persons, including diplomatic agents;

¹ Came into force on 4 August 1978, i.e., three months after the date of deposit with the Secretary-General of the Council of Europe of the third instrument of ratification, acceptance or approval, in accordance with article 11 (1) and (2). Instruments of ratification, acceptance or approval were deposited as follows:

State	<i>Date of deposit of the instrument of ratification</i>
Austria	11 August 1977
Sweden*	15 September 1977
Germany, Federal Republic of*	3 May 1978
(With a declaration of application to <i>Land Berlin</i> .)	

Subsequently, the Convention came into force for the following States three months after the date of deposit of their instruments of ratification, acceptance or approval with the Secretary-General of the Council of Europe, in accordance with article 11 (1) and (3):

State	<i>Date of deposit of the instrument of ratification</i>
Denmark*	27 June 1978
(With effect from 28 September 1978. With a declaration of non-application to the Faroe Islands and Greenland.)	
United Kingdom of Great Britain and Northern Ireland	24 July 1978
(With effect from 25 October 1978. With a declaration of application to the bailiwick of Jersey, the bailiwick of Guernsey and the Isle of Man.)	
Cyprus*	26 February 1979
(With effect from 27 May 1979.)	

* See p. 110 of this volume for the texts of the reservations and declarations made upon ratification.

² United Nations, *Treaty Series*, vol. 860, p. 105.

³ *Ibid.*, vol. 974, p. 177.

- (d) An offence involving kidnapping, the taking of a hostage or serious unlawful detention;
- (e) An offence involving the use of a bomb, grenade, rocket, automatic firearm or letter or parcel bomb if this use endangers persons;
- (f) An attempt to commit any of the foregoing offences or participation as an accomplice of a person who commits or attempts to commit such an offence.

Article 2. 1. For the purposes of extradition between Contracting States, a Contracting State may decide not to regard as a political offence or as an offence connected with a political offence or as an offence inspired by political motives a serious offence involving an act of violence, other than one covered by article 1, against the life, physical integrity or liberty of a person.

2. The same shall apply to a serious offence involving an act against property, other than one covered by article 1, if the act created a collective danger for persons.

3. The same shall apply to an attempt to commit any of the foregoing offences or participation as an accomplice of a person who commits or attempts to commit such an offence.

Article 3. The provisions of all extradition treaties and arrangements applicable between Contracting States, including the European Convention on Extradition,¹ are modified as between Contracting States to the extent that they are incompatible with this Convention.

Article 4. For the purposes of this Convention and to the extent that any offence mentioned in article 1 or 2 is not listed as an extraditable offence in any extradition convention or treaty existing between Contracting States, it shall be deemed to be included as such therein.

Article 5. Nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State has substantial grounds for believing that the request for extradition for an offence mentioned in article 1 or 2 has been made for the purpose of prosecuting or punishing a person on account of his race, religion, nationality or political opinion, or that that person's position may be prejudiced for any of these reasons.

Article 6. 1. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction over an offence mentioned in article 1 in the case where the suspected offender is present in its territory and it does not extradite him after receiving a request for extradition from a Contracting State whose jurisdiction is based on a rule of jurisdiction existing equally in the law of the requested State.

2. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

Article 7. A Contracting State in whose territory a person suspected to have committed an offence mentioned in article 1 is found and which has received a request for extradition under the conditions mentioned in article 6, paragraph 1, shall, if it does not extradite that person, submit the case, without exception whatso-

ever and without undue delay, 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 offence of a serious nature under the law of that State.

Article 8. 1. Contracting States shall afford one another the widest measure of mutual assistance in criminal matters in connection with proceedings brought in respect of the offences mentioned in article 1 or 2. The law of the requested State concerning mutual assistance in criminal matters shall apply in all cases. Nevertheless this assistance 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.

2. Nothing in this Convention shall be interpreted as imposing an obligation to afford mutual assistance if the requested State has substantial grounds for believing that the request for mutual assistance in respect of an offence mentioned in article 1 or 2 has been made for the purpose of prosecuting or punishing a person on account of his race, religion, nationality or political opinion or that that person's position may be prejudiced for any of these reasons.

3. The provisions of all treaties and arrangements concerning mutual assistance in criminal matters applicable between Contracting States, including the European Convention on Mutual Assistance in Criminal Matters, are modified as between Contracting States to the extent that they are incompatible with this Convention.

Article 9. 1. The European Committee on Crime Problems of the Council of Europe shall be kept informed regarding the application of this Convention.

2. It shall do whatever is needful to facilitate a friendly settlement of any difficulty which may arise out of its execution.

Article 10. 1. Any dispute between Contracting States concerning the interpretation or application of this Convention, which has not been settled in the framework of article 9, paragraph 2, shall, at the request of any Party to the dispute, be referred to arbitration. Each Party shall nominate an arbitrator and the two arbitrators shall nominate a referee. If any Party has not nominated its arbitrator within the three months following the request for arbitration, he shall be nominated at the request of the other Party by the President of the European Court of Human Rights. If the latter should be a national of one of the Parties to the dispute, this duty shall be carried out by the Vice-President of the Court or, if the Vice-President is a national of one of the Parties to the dispute, by the most senior judge of the Court not being a national of one of the Parties to the dispute. The same procedure shall be observed if the arbitrators cannot agree on the choice of referee.

2. The arbitration tribunal shall lay down its own procedure. Its decisions shall be taken by majority vote. Its award shall be final.

Article 11. This Convention shall be open to signature by the member States of the Council of Europe. It shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

2. The Convention shall enter into force three months after the date of the deposit of the third instrument of ratification, acceptance or approval.

3. In respect of a signatory State ratifying, accepting or approving subsequently, the Convention shall come into force three months after the date of the deposit of its instrument of ratification, acceptance or approval.

Article 12. 1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance or approval, specify the territory or territories to which this Convention shall apply.

2. Any State may, when depositing its instrument of ratification, acceptance or approval or at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend this Convention to any other territory or territories specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorized to give undertakings.

3. Any declaration made in pursuance of the preceding paragraph may, in respect of any territory mentioned in such declaration, be withdrawn by means of a notification addressed to the Secretary General of the Council of Europe. Such withdrawal shall take effect immediately or at such later date as may be specified in the notification.

Article 13. 1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance or approval, declare that it reserves the right to refuse extradition in respect of any offence mentioned in article 1 which it considers to be a political offence, an offence connected with a political offence or an offence inspired by political motives, provided that it undertakes to take into due consideration, when evaluating the character of the offence, any particularly serious aspects of the offence, including:

- (a) That it created a collective danger to the life, physical integrity or liberty of persons; or
- (b) That it affected persons foreign to the motives behind it; or
- (c) That cruel or vicious means have been used in the commission of the offence.

2. Any State may wholly or partly withdraw a reservation it has made in accordance with the foregoing paragraph by means of a declaration addressed to the Secretary General of the Council of Europe which shall become effective as from the date of its receipt.

3. A State which has made a reservation in accordance with paragraph 1 of this article may not claim the application of article 1 by any other State; it may, however, if its reservation is partial or conditional, claim the application of that article in so far as it has itself accepted it.

Article 14. Any Contracting State may denounce this Convention by means of a written notification addressed to the Secretary General of the Council of Europe. Any such denunciation shall take effect immediately or at such later date as may be specified in the notification.

Article 15. This Convention ceases to have effect in respect of any Contracting State which withdraws from or ceases to be a Member of the Council of Europe.


Article 16. The Secretary General of the Council of Europe shall notify the member States of the Council of:

- (a) Any signature;

- (b) Any deposit of an instrument of ratification, acceptance or approval;
- (c) Any date of entry into force of this Convention in accordance with article 11 thereof;
- (d) Any declaration or notification received in pursuance of the provisions of article 12;
- (e) Any reservation made in pursuance of the provisions of article 13, paragraph 1;
- (f) The withdrawal of any reservation effected in pursuance of the provisions of article 13, paragraph 2;
- (g) Any notification received in pursuance of article 14 and the date on which denunciation takes effect;
- (h) Any cessation of the effects of the Convention pursuant to article 15.

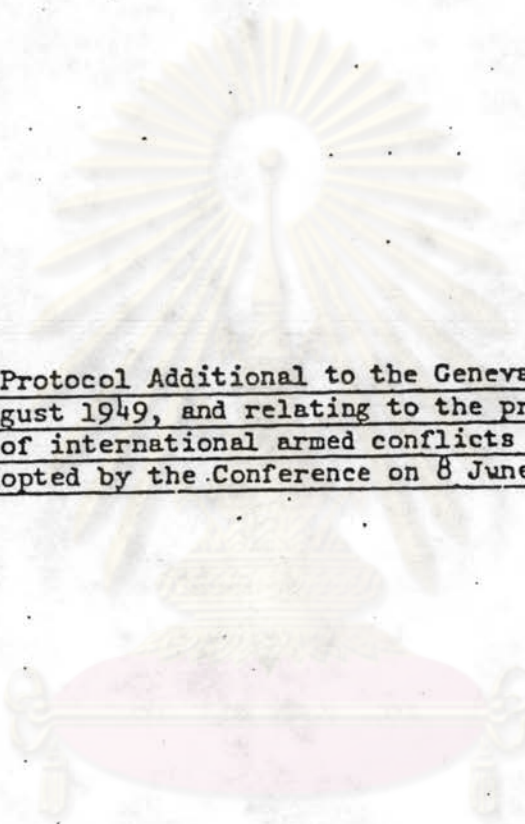


ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

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11. พิธีสารฉบับที่ 1 เพิ่มเติมจากอนุสัญญากรุงเจนีวา เมื่อ 12 สิงหาคม ค.ศ.1949 และ
เกี่ยวข้องกับการคุ้มครองผู้เสียหายซึ่งไม่มีส่วนร่วมในความขัดแย้งทางการรบระหว่างประเทศ
ค.ศ.1977 (Text of Protocol Additional to the Geneva Conventions
of 12 August 1949, and relating to the protection of victims of
international armed conflicts-Protocol I)



ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย



Text of Protocol Additional to the Geneva Conventions
of 12 August 1949, and relating to the protection of
victims of international armed conflicts (Protocol I)
adopted by the Conference on 8 June 1977

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

PREAMBLE

The High Contracting Parties,

Proclaiming their earnest wish to see peace prevail among peoples,

Recalling that every State has the duty, in conformity with the Charter of the United Nations, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Believing it necessary nevertheless to reaffirm and develop the provisions protecting the victims of armed conflicts and to supplement measures intended to reinforce their application,

Expressing their conviction that nothing in this Protocol or in the Geneva Conventions of 12 August 1949 can be construed as legitimizing or authorizing any act of aggression or any other use of force inconsistent with the Charter of the United Nations,

Reaffirming further that the provisions of the Geneva Conventions of 12 August 1949 and of this Protocol must be fully applied in all circumstances to all persons who are protected by those instruments, without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the Parties to the conflict,

Have agreed on the following:

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

PART I

GENERAL PROVISIONS

Article 1 - General principles and scope of application

1. The High Contracting Parties undertake to respect and to ensure respect for this Protocol in all circumstances.
2. In cases not covered by this Protocol or by other international agreements, civilians and combatants remain under the protection and authority of the principle of international law derived from established custom, from the principles of humanity and from dictates of public conscience.
3. This Protocol, which supplements the Geneva Conventions of 12 August 1949 for the protection of war victims, shall apply in the situations referred to in Article 2 common to those Conventions.
4. The situations referred to in the preceding paragraph include armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist régimes in the exercise of their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

Article 2 - Definitions

For the purposes of this Protocol:

- (a) "First Convention", "Second Convention", "Third Convention" and "Fourth Convention" mean, respectively, the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949; the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Ship-wrecked Members of Armed Forces at Sea of 12 August 1949; the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949; the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949; "the Conventions" means the four Geneva Conventions of 12 August 1949 for the protection of war victims;
- (b) "Rules of international law applicable in armed conflict" means the rules applicable in armed conflict set forth in international agreements to which the Parties to the conflict are Parties and the generally recognized principles and rules of international law which are applicable to armed conflict;
- (c) "Protecting Power" means a neutral or other State not a Party to the conflict which has been designated by a Party to the conflict and accepted by the adverse Party and has agreed to carry out the functions assigned to a Protecting Power under the Conventions and this Protocol;

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(d) "Substitute" means an organization acting in place of a Protecting Power in accordance with Article 5.

Article 3 - Beginning and end of application

Without prejudice to the provisions which are applicable at all times:

(a) the Conventions and this Protocol shall apply from the beginning of any situation referred to in Article 1 of this Protocol;

(b) the application of the Conventions and of this Protocol shall cease, in the territory of Parties to the conflict, on the general close of military operations and, in the case of occupied territories, on the termination of the occupation, except, in either circumstance, for those persons whose final release, repatriation or re-establishment takes place thereafter. These persons shall continue to benefit from the relevant provisions of the Conventions and of this Protocol until their final release repatriation or re-establishment.

Article 4 - Legal status of the Parties to the conflict

The application of the Conventions and of this Protocol, as well as the conclusion of the agreements provided for therein, shall not affect the legal status of the Parties to the conflict. Neither the occupation of a territory nor the application of the Conventions and this Protocol shall affect the legal status of the territory in question.

Article 5 - Appointment of Protecting Powers and of their substitute

1. It is the duty of the Parties to a conflict from the beginning of that conflict to secure the supervision and implementation of the Conventions and of this Protocol by the application of the system of Protecting Powers, including inter alia the designation and acceptance of those Powers, in accordance with the following paragraphs. Protecting Powers shall have the duty of safeguarding the interests of the Parties to the conflict.
2. From the beginning of a situation referred to in Article 1, each Party to the conflict shall without delay designate a Protecting Power for the purpose of applying the Conventions and this Protocol and shall, likewise without delay and for the same purpose, permit the activities of a Protecting Power which has been accepted by it as such after designation by the adverse Party.
3. If a Protecting Power has not been designated or accepted from the beginning of a situation referred to in Article 1, the International Committee of the Red Cross, without prejudice to the right of any other impartial humanitarian organization to do likewise, shall offer its good offices to the Parties to the conflict with a view to the designation without delay of a Protecting Power to which the Parties to the conflict consent. For that purpose it may inter alia ask each Party to provide it with a list of at least five States which that Party considers acceptable to act as Protecting Power on its behalf in relation to an

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adverse Party and ask each adverse Party to provide a list of at least five States which it would accept as the Protecting Power of the first Party; these lists shall be communicated to the Committee within two weeks after the receipt of the request; it shall compare them and seek the agreement of any proposed State named on both lists.

4. If, despite the foregoing, there is no Protecting Power, the Parties to the conflict shall accept without delay an offer which may be made by the International Committee of the Red Cross or by any other organization which offers all guarantees of impartiality and efficacy, after due consultations with the said Parties and taking into account the result of these consultations, to act as a substitute. The functioning of such a substitute is subject to the consent of the Parties to the conflict; every effort shall be made by the Parties to the conflict to facilitate the operations of the substitute in the performance of its tasks under the Conventions and this Protocol.

5. In accordance with Article 4, the designation and acceptance of Protecting Powers for the purpose of applying the Conventions and this Protocol shall not affect the legal status of the Parties to the conflict or of any territory, including occupied territory.

6. The maintenance of diplomatic relations between Parties to the conflict or the entrusting of the protection of a Party's interests and those of its nationals to a third State in accordance with the rules of international law relating to diplomatic relations is no obstacle to the designation of Protecting Powers for the purpose of applying the Conventions and this Protocol.

7. Any subsequent mention in this Protocol of a Protecting Power includes also a substitute.

Article 6 - Qualified persons

1. The High Contracting Parties shall, also in peacetime, endeavour, with the assistance of the national Red Cross (Red Crescent, Red Lion and Sun) Societies, to train qualified personnel to facilitate the application of the Conventions and of this Protocol, and in particular the activities of the Protecting Powers.

2. The recruitment and training of such personnel are within domestic jurisdiction.

3. The International Committee of the Red Cross shall hold at the disposal of the High Contracting Parties the lists of persons so trained which the High Contracting Parties may have established and may have transmitted to it for that purpose.

4. The conditions governing the employment of such personnel outside the national territory shall, in each case, be the subject of special agreements between the Parties concerned.

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Article 7 - Meetings

The depositary of this Protocol shall convene a meeting of the High Contracting Parties, at the request of one or more of the said Parties and upon the approval of the majority of the said Parties, to consider general problems concerning the application of the Conventions and of the Protocol.



ศูนย์วิจัยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

PART II
WOUNDED, SICK AND SHIPWRECKED

SECTION I
GENERAL PROTECTION

Article 8 - Terminology

For the purposes of this Protocol:

- (1) "Wounded" and "sick" mean persons, whether military or civilian, who, because of trauma, disease or other physical or mental disorder or disability, are in need of medical assistance or care and who refrain from any act of hostility. These terms also cover maternity cases, new-born babies and other persons who may be in need of immediate medical assistance or care, such as the infirm or expectant mothers, and who refrain from any act of hostility;
- (2) "Shipwrecked" means persons, whether military or civilian, who are in peril at sea or in other waters as a result of misfortune affecting them or the vessel or aircraft carrying them and who refrain from any act of hostility. These persons, provided that they continue to refrain from any act of hostility, shall continue to be considered shipwrecked during their rescue until they acquire another status under the Conventions or this Protocol;
- (3) "Medical personnel" means those persons assigned, by a Party to the conflict, exclusively to the medical purposes enumerated under (5) or to the administration of medical units or to the operation or administration of medical transports. Such assignments may be either permanent or temporary. The term includes:
 - (a) medical personnel of a Party to the conflict, whether military or civilian, including those described in the First and Second Conventions, and those assigned to civil defence organizations;
 - (b) medical personnel of national Red Cross (Red Crescent, Red Lion and Sun) Societies and other national voluntary aid societies duly recognized and authorized by a Party to the conflict;
 - (c) medical personnel of medical units or medical transports described in Article 9, paragraph 2.
- (4) "Religious personnel" means military or civilian persons, such as chaplains, who are exclusively engaged in the work of their ministry and attached:
 - (a) to the armed forces of a Party to the conflict;

/...

- (b) to medical units or medical transports of a Party to the conflict;
- (c) to medical units or medical transports described in Article 9, paragraph 2; or
- (d) to civil defence organizations of a Party to the conflict.

The attachment of religious personnel may be either permanent or temporary, and the relevant provisions mentioned under (11) apply to them;

(5) "Medical units" means establishments and other units, whether military or civilian, organized for medical purposes, namely the search for, collection, transportation, diagnosis or treatment - including first-aid treatment - of the wounded, sick and shipwrecked, or for the prevention of disease. The term includes, for example, hospitals and other similar units, blood transfusion centres, preventive medicine centres and institutes, medical depots and the medical and pharmaceutical stores of such units. Medical units may be fixed or mobile, permanent or temporary;

(6) "Medical transportation" means the conveyance by land, water or air of the wounded, sick, shipwrecked, medical personnel, religious personnel, medical equipment or medical supplies protected by the Conventions and by this Protocol;

(7) "Medical transports" means any means of transportation, whether military or civilian, permanent or temporary, assigned exclusively to medical transportation and under the control of a competent authority of a Party to the conflict;

(8) "Medical vehicles" means any medical transports by land;

(9) "Medical ships and craft" means any medical transports by water;

(10) "Medical aircraft" means any medical transports by air;

(11) "Permanent medical personnel", "permanent medical units" and "permanent medical transports" mean those assigned exclusively to medical purposes for an indeterminate period. "Temporary medical personnel", "temporary medical units" and "temporary medical transports" mean those devoted exclusively to medical purposes for limited periods during the whole of such periods. Unless otherwise specified, the terms "medical personnel", "medical units" and "medical transports" cover both permanent and temporary categories;

(12) "Distinctive emblem" means the distinctive emblem of the red cross, red crescent or red lion and sun on a white ground when used for the protection of medical units and transports, or medical and religious personnel, equipment or supplies;

(13) "Distinctive signal" means any signal or message specified for the identification exclusively of medical units or transports in Chapter III of Annex I to this Protocol.

Article 9 - Field of application

1. This Part, the provisions of which are intended to ameliorate the condition of the wounded, sick and shipwrecked, shall apply to all those affected by a situation referred to in Article 1, without any adverse distinction founded on race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria.

2. The relevant provisions of Articles 27 and 32 of the First Convention shall apply to permanent medical units and transports (other than hospital ships, to which Article 25 of the Second Convention applies) and their personnel made available to a Party to the conflict for humanitarian purposes:

- (a) by a neutral or other State which is not a Party to that conflict;
- (b) by a recognized and authorized aid society of such a State;
- (c) by an impartial international humanitarian organization.

Article 10 - Protection and care

1. All the wounded, sick and shipwrecked, to whichever party they belong, shall be respected and protected.

2. In all circumstances they shall be treated humanely and shall receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition. There shall be no distinction among them founded on any grounds other than medical ones.

Article 11 - Protection of persons

1. The physical or mental health and integrity of persons who are in the power of the adverse Party or who are interned, detained or otherwise deprived of liberty as a result of a situation referred to in Article 1 shall not be endangered by any unjustified act or omission. Accordingly, it is prohibited to subject the persons described in this Article to any medical procedure which is not indicated by the state of health of the person concerned and which is not consistent with generally accepted medical standards which would be applied under similar medical circumstances to persons who are nationals of the Party conducting the procedure and who are in no way deprived of liberty.

2. It is, in particular, prohibited to carry out on such persons, even with their consent:

- (a) physical mutilations;
- (b) medical or scientific experiments;

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(c) removal of tissue or organs for transplantation, except where these acts are justified in conformity with the conditions provided for in paragraph 1.

3. Exceptions to the prohibition in paragraph 2 (c) may be made only in the case of donations of blood for transfusion or of skin for grafting, provided that they are given voluntarily and without any coercion or inducement, and then only for therapeutic purposes, under conditions consistent with generally accepted medical standards and controls designed for the benefit of both the donor and the recipient.

4. Any wilful act or omission which seriously endangers the physical or mental health or integrity of any person who is in the power of a Party other than the one on which he depends, and which either violates any of the prohibitions in paragraphs 1 and 2 or fails to comply with the requirements of paragraph 3 shall be a grave breach of this Protocol.

5. The persons described in paragraph 1 have the right to refuse any surgical operation. In case of refusal, medical personnel shall endeavour to obtain a written statement to that effect, signed or acknowledged by the patient.

6. Each Party to the conflict shall keep a medical record for every donation of blood for transfusion or skin for grafting by persons referred to in paragraph 1, if that donation is made under the responsibility of that Party. In addition, each Party to the conflict shall endeavour to keep a record of all medical procedures undertaken with respect to any person who is interned, detained or otherwise deprived of liberty as a result of a situation referred to in Article 1. These records shall be available at all times for inspection by the Protecting Power.

Article 12 - Protection of medical units

1. Medical units shall be respected and protected at all times and shall not be the object of attack.

2. Paragraph 1 shall apply to civilian medical units, provided that they:

(a) belong to one of the Parties to the conflict;

(b) are recognized and authorized by the competent authority of one of the Parties to the conflict; or

(c) are authorized in conformity with Article 9, paragraph 2, of this Protocol or Article 27 of the First Convention.

3. The Parties to the conflict are invited to notify each other of the location of their fixed medical units. The absence of such notification shall not exempt any of the Parties from the obligation to comply with the provisions of paragraph 1.

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4. Under no circumstances shall medical units be used in an attempt to shield military objectives from attack. Whenever possible, the Parties to the conflict shall ensure that medical units are so sited that attacks against military objectives do not imperil their safety.

Article 13 - Discontinuance of protection of civilian medical units

1. The protection to which civilian medical units are entitled shall not cease unless they are used to commit, outside their humanitarian function, acts harmful to the enemy. Protection may, however, cease only after a warning has been given setting, whenever appropriate, a reasonable time-limit, and after such warning has remained unheeded.

2. The following shall not be considered as acts harmful to the enemy:

(a) that the personnel of the unit are equipped with light individual weapons for their own defence or for that of the wounded and sick in their charge;

(b) that the unit is guarded by a picket or by sentries or by an escort;

(c) that small arms and ammunition taken from the wounded and sick, and not yet handed to the proper service, are found in the units;

(d) that members of the armed forces or other combatants are in the unit for medical reasons.

Article 14 - Limitations on requisition of civilian medical units

1. The Occupying Power has the duty to ensure that the medical needs of the civilian population in occupied territory continue to be satisfied.

2. The Occupying Power shall not, therefore, requisition civilian medical units, their equipment, their matériel or the services of their personnel, so long as these resources are necessary for the provision of adequate medical services for the civilian population and for the continuing medical care of any wounded and sick already under treatment.

3. Provided that the general rule in paragraph 2 continues to be observed, the Occupying Power may requisition the said resources, subject to the following particular conditions:

(a) that the resources are necessary for the adequate and immediate medical treatment of the wounded and sick members of the armed forces of the Occupying Power or of prisoners of war;

(b) that the requisition continues only while such necessity exists; and

(c) that immediate arrangements are made to ensure that the medical needs of the civilian population, as well as those of any wounded and sick under treatment who are affected by the requisition, continue to be satisfied.

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Article 15 - Protection of civilian medical and religious personnel

1. Civilian medical personnel shall be respected and protected.
2. If needed, all available help shall be afforded to civilian medical personnel in an area where civilian medical services are disrupted by reason of combat activity.
3. The Occupying Power shall afford civilian medical personnel in occupied territories every assistance to enable them to perform, to the best of their ability, their humanitarian functions. The Occupying Power may not require that, in the performance of those functions, such personnel shall give priority to the treatment of any person except on medical grounds. They shall not be compelled to carry out tasks which are not compatible with their humanitarian mission.
4. Civilian medical personnel shall have access to any place where their services are essential, subject to such supervisory and safety measures as the relevant Party to the conflict may deem necessary.
5. Civilian religious personnel shall be respected and protected. The provisions of the Conventions and of this Protocol concerning the protection and identification of medical personnel shall apply equally to such persons.

Article 16 - General protection of medical duties

1. Under no circumstances shall any person be punished for carrying out medical activities compatible with medical ethics, regardless of the person benefiting therefrom.
2. Persons engaged in medical activities shall not be compelled to perform acts or to carry out work contrary to the rules of medical ethics or to other medical rules designed for the benefit of the wounded and sick or to the provisions of the Conventions or of this Protocol, or to refrain from performing acts or from carrying out work required by those rules and provisions.
3. No person engaged in medical activities shall be compelled to give to anyone belonging either to an adverse Party, or to his own Party except as required by the law of the latter Party, any information concerning the wounded and sick who are, or who have been, under his care, if such information would, in his opinion, prove harmful to the patients concerned or to their families. Regulations for the compulsory notification of communicable diseases shall, however, be respected.

Article 17 - Role of the civilian population and of aid societies

1. The civilian population shall respect the wounded, sick and shipwrecked, even if they belong to the adverse Party, and shall commit no act of violence against them. The civilian population and aid societies, such as national Red Cross (Red Crescent, Red Lion and Sun) Societies, shall be permitted, even on their own initiative, to collect and care for the wounded, sick and shipwrecked, even in invaded or occupied areas. No one shall be harmed, prosecuted, convicted or punished for such humanitarian acts.

2. The Parties to the conflict may appeal to the civilian population and the aid societies referred to in paragraph 1 to collect and care for the wounded, sick and shipwrecked, and to search for the dead and report their location; they shall grant both protection and the necessary facilities to those who respond to this appeal. If the adverse Party gains or regains control of the area, that Party also shall afford the same protection and facilities for so long as they are needed.

Article 18 - Identification

1. Each Party to the conflict shall endeavour to ensure that medical and religious personnel and medical units and transports are identifiable.
2. Each Party to the conflict shall also endeavour to adopt and to implement methods and procedures which will make it possible to recognize medical units and transports which use the distinctive emblem and distinctive signals.
3. In occupied territory and in areas where fighting is taking place or is likely to take place, civilian medical personnel and civilian religious personnel should be recognizable by the distinctive emblem and an identity card certifying their status.
4. With the consent of the competent authority, medical units and transports shall be marked by the distinctive emblem. The ships and craft referred to in Article 22 of this Protocol shall be marked in accordance with the provisions of the Second Convention.
5. In addition to the distinctive emblem, a Party to the conflict may, as provided in Chapter III of Annex I to this Protocol, authorize the use of distinctive signals to identify medical units and transports. Exceptionally, in the special cases covered in that Chapter, medical transports may use distinctive signals without displaying the distinctive emblem.
6. The application of the provisions of paragraphs 1 to 5 of this article is governed by Chapters I to III of Annex I to this Protocol. Signals designated in Chapter III of the Annex for the exclusive use of medical units and transports shall not, except as provided therein, be used for any purpose other than to identify the medical units and transports specified in that Chapter.
7. This article does not authorize any wider use of the distinctive emblem in peacetime than is prescribed in Article 44 of the First Convention.
8. The provisions of the Conventions and of this Protocol relating to supervision of the use of the distinctive emblem and to the prevention and repression of any misuse thereof shall be applicable to distinctive signals.

Article 19 - Neutral and other States not Parties to the conflict

Neutral and other States not Parties to the conflict shall apply the relevant provisions of this Protocol to persons protected by this Part who may be received or interned within their territory, and to any dead of the Parties to that conflict whom they may find.

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Article 20 - Prohibition of reprisals

Reprisals against the persons and objects protected by this Part are prohibited.

SECTION II

MEDICAL TRANSPORTATION

Article 21 - Medical vehicles

Medical vehicles shall be respected and protected in the same way as mobile medical units under the Conventions and this Protocol.

Article 22 - Hospital ships and coastal rescue craft

1. The provisions of the Conventions relating to:

- (a) vessels described in Articles 22, 24, 25 and 27 of the Second Convention,
- (b) their lifeboats and small craft,
- (c) their personnel and crews, and
- (d) the wounded, sick and shipwrecked on board,

shall also apply where these vessels carry civilian wounded, sick and shipwrecked who do not belong to any of the categories mentioned in Article 13 of the Second Convention. Such civilians shall not, however, be subject to surrender to any Party which is not their own, or to capture at sea. If they find themselves in the power of a Party to the conflict other than their own they shall be covered by the Fourth Convention and by this Protocol.

2. The protection provided by the Conventions to vessels described in Article 25 of the Second Convention shall extend to hospital ships made available for humanitarian purposes to a Party to the conflict:

- (a) by a neutral or other State which is not a Party to that conflict; or
- (b) by an impartial international humanitarian organization,

provided that, in either case, the requirements set out in that Article are complied with.

3. Small craft described in Article 27 of the Second Convention shall be protected even if the notification envisaged by that Article has not been made. The Parties to the conflict are, nevertheless, invited to inform each other of any details of such craft which will facilitate their identification and recognition.

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Article 23 - Other medical ships and craft

1. Medical ships and craft other than those referred to in Article 22 of this Protocol and Article 38 of the Second Convention shall, whether at sea or in other waters, be respected and protected in the same way as mobile medical units under the Conventions and this Protocol. Since this protection can only be effective if they can be identified and recognized as medical ships or craft, such vessels should be marked with the distinctive emblem and as far as possible comply with the second paragraph of Article 43 of the Second Convention.

2. The ships and craft referred to in paragraph 1 shall remain subject to the laws of war. Any warship on the surface able immediately to enforce its command may order them to stop, order them off, or make them take a certain course, and they shall obey every such command. Such ships and craft may not in any other way be diverted from their medical mission so long as they are needed for the wounded, sick and shipwrecked on board.

3. The protection provided in paragraph 1 shall cease only under the conditions set out in Articles 34 and 35 of the Second Convention. A clear refusal to obey a command given in accordance with paragraph 2 shall be an act harmful to the enemy under Article 34 of the Second Convention.

4. A Party to the conflict may notify any adverse Party as far in advance of sailing as possible of the name, description, expected time of sailing, course and estimated speed of the medical ship or craft, particularly in the case of ships of over 2,000 gross tons, and may provide any other information which would facilitate identification and recognition. The adverse Party shall acknowledge receipt of such information.

5. The provisions of Article 37 of the Second Convention shall apply to medical and religious personnel in such ships and craft.

6. The provisions of the Second Convention shall apply to the wounded, sick and shipwrecked belonging to the categories referred to in Article 13 of the Second Convention and in Article 44 of this Protocol who may be on board such medical ships and craft. Wounded, sick and shipwrecked civilians who do not belong to any of the categories mentioned in Article 13 of the Second Convention shall not be subject, at sea, either to surrender to any Party which is not their own, or to removal from such ships or craft; if they find themselves in the power of a Party to the conflict other than their own, they shall be covered by the Fourth Convention and by this Protocol.

Article 24 - Protection of medical aircraft

Medical aircraft shall be respected and protected, subject to the provisions of this Part.

Article 25 - Medical aircraft in areas not controlled by an adverse Party.

In and over land areas physically controlled by friendly forces, or in and over sea areas not physically controlled by an adverse Party, the respect and protection of medical aircraft of a Party to the conflict is not dependent on any agreement with an adverse Party. For greater safety, however, a Party to the conflict operating its medical aircraft in these areas may notify the adverse Party, as provided in Article 29, in particular when such aircraft are making flights bringing them within range of surface-to-air weapons systems of the adverse Party.

Article 26 - Medical aircraft in contact or similar zones

1. In and over those parts of the contact zone which are physically controlled by friendly forces and in and over those areas the physical control of which is not clearly established, protection for medical aircraft can be fully effective only by prior agreement between the competent military authorities of the Parties to the conflict, as provided for in Article 29. Although, in the absence of such an agreement, medical aircraft operate at their own risk, they shall nevertheless be respected after they have been recognized as such.

2. "Contact zone" means any area on land where the forward elements of opposing forces are in contact with each other, especially where they are exposed to direct fire from the ground.

Article 27 - Medical aircraft in areas controlled by an adverse Party

1. The medical aircraft of a Party to the conflict shall continue to be protected while flying over land or sea areas physically controlled by an adverse Party, provided that prior agreement to such flights has been obtained from the competent authority of that adverse Party.

2. A medical aircraft which flies over an area physically controlled by an adverse Party without, or in deviation from the terms of, an agreement provided for in paragraph 1, either through navigational error or because of an emergency affecting the safety of the flight, shall make every effort to identify itself and to inform the adverse Party of the circumstances. As soon as such medical aircraft has been recognized by the adverse Party, that Party shall make all reasonable efforts to give the order to land or to alight on water, referred to in Article 30, paragraph 1, or to take other measures to safeguard its own interests, and, in either case, to allow the aircraft time for compliance, before resorting to an attack against the aircraft.

Article 28 - Restrictions on operations of medical aircraft

1. The Parties to the conflict are prohibited from using their medical aircraft to attempt to acquire any military advantage over an adverse Party. The presence of medical aircraft shall not be used in an attempt to render military objectives immune from attack.

2. Medical aircraft shall not be used to collect or transmit intelligence data and shall not carry any equipment intended for such purposes. They are prohibited from carrying any persons or cargo not included within the definition in Article 8 (6). The carrying on board of the personal effects of the occupants or of equipment intended solely to facilitate navigation, communication or identification shall not be considered as prohibited.

3. Medical aircraft shall not carry any armament except small arms and ammunition taken from the wounded, sick and shipwrecked on board and not yet handed to the proper service, and such light individual weapons as may be necessary to enable the medical personnel on board to defend themselves and the wounded, sick and shipwrecked in their charge,

4. While carrying out the flights referred to in Articles 26 and 27, medical aircraft shall not, except by prior agreement with the adverse Party, be used to search for the wounded, sick and shipwrecked.

Article 29 - Notifications and agreements concerning medical aircraft

1. Notifications under Article 25, or requests for prior agreement under Articles 26, 27, 28, paragraph 4, or 31 shall state the proposed number of medical aircraft, their flight plans and means of identification, and shall be understood to mean that every flight will be carried out in compliance with Article 28.

2. A Party which receives a notification given under Article 25 shall at once acknowledge receipt of such notification.

3. A Party which receives a request for prior agreement under Articles 26, 27, 28, paragraph 4, or 31 shall, as rapidly as possible, notify the requesting Party:

(a) that the request is agreed to;

(b) that the request is denied; or

(c) of reasonable alternative proposals to the request. It may also propose a prohibition or restriction of other flights in the area during the time involved. If the Party which submitted the request accepts the alternative proposals, it shall notify the other Party of such acceptance.

4. The Parties shall take the necessary measures to ensure that notifications and agreements can be made rapidly.

5. The Parties shall also take the necessary measures to disseminate rapidly the substance of any such notifications and agreements to the military units concerned and shall instruct those units regarding the means of identification that will be used by the medical aircraft in question.

Article 30 - Landing and inspection of medical aircraft

1. Medical aircraft flying over areas which are physically controlled by an adverse Party, or over areas the physical control of which is not clearly established, may be ordered to land or to alight on water, as appropriate, to permit inspection in accordance with the following paragraphs. Medical aircraft shall obey any such order.

2. If such an aircraft lands or alights on water, whether ordered to do so or for other reasons, it may be subjected to inspection solely to determine the matters referred to in paragraphs 3 and 4. Any such inspection shall be commenced without delay and shall be conducted expeditiously. The inspecting Party shall not require the wounded and sick to be removed from the aircraft unless their removal is essential for the inspection. That Party shall in any event ensure that the condition of the wounded and sick is not adversely affected by the inspection or by the removal.

3. If the inspection discloses that the aircraft:

(a) is a medical aircraft within the meaning of Article 8 (10),

(b) is not in violation of the conditions prescribed in Article 28, and

(c) has not flown without or in breach of a prior agreement where such agreement is required,

the aircraft and those of its occupants who belong to the adverse Party or to a neutral or other State not a Party to the conflict shall be authorized to continue the flight without delay.

4. If the inspection discloses that the aircraft:

(a) is not a medical aircraft within the meaning of Article 8 (10),

(b) is in violation of the conditions prescribed in Article 28, or

(c) has flown without or in breach of a prior agreement where such agreement is required,

the aircraft may be seized. Its occupants shall be treated in conformity with the relevant provisions of the Conventions and of this Protocol. Any aircraft seized which had been assigned as a permanent medical aircraft may be used thereafter only as a medical aircraft.

Article 31 - Neutral or other States not Parties to the conflict

1. Except by prior agreement, medical aircraft shall not fly over or land in the territory of a neutral or other State not a Party to the conflict. However, with such an agreement, they shall be respected throughout their flight and also for the duration of any calls in the territory. Nevertheless they shall obey any summons to land or to alight on water, as appropriate.

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2. Should a medical aircraft, in the absence of an agreement or in deviation from the terms of an agreement, fly over the territory of a neutral or other State not a Party to the conflict, either through navigational error or because of an emergency affecting the safety of the flight, it shall make every effort to give notice of the flight and to identify itself. As soon as such medical aircraft is recognized, that State shall make all reasonable efforts to give the order to land or to alight on water referred to in Article 30, paragraph 1, or to take other measures to safeguard its own interests, and, in either case, to allow the aircraft time for compliance, before resorting to an attack against the aircraft.

3. If a medical aircraft, either by agreement or in the circumstances mentioned in paragraph 2, lands or alights on water in the territory of a neutral or other State not Party to the conflict, whether ordered to do so or for other reasons, the aircraft shall be subject to inspection for the purposes of determining whether it is in fact a medical aircraft. The inspection shall be commenced without delay and shall be conducted expeditiously. The inspecting Party shall not require the wounded and sick of the Party operating the aircraft to be removed from it unless their removal is essential for the inspection. The inspecting Party shall in any event ensure that the condition of the wounded and sick is not adversely affected by the inspection or the removal. If the inspection discloses that the aircraft is in fact a medical aircraft, the aircraft with its occupants, other than those who must be detained in accordance with the rules of international law applicable in armed conflict, shall be allowed to resume its flight, and reasonable facilities shall be given for the continuation of the flight. If the inspection discloses that the aircraft is not a medical aircraft, it shall be seized and the occupants treated in accordance with paragraph 4.

4. The wounded, sick and shipwrecked disembarked, otherwise than temporarily, from a medical aircraft with the consent of the local authorities in the territory of a neutral or other State not a Party to the conflict shall, unless agreed otherwise between that State and the Parties to the conflict, be detained by that State where so required by the rules of international law applicable in armed conflict, in such a manner that they cannot again take part in the hostilities. The cost of hospital treatment and internment shall be borne by the State to which those persons belong.

5. Neutral or other States not Parties to the conflict shall apply any conditions and restrictions on the passage of medical aircraft over, or on the landing of medical aircraft in, their territory equally to all Parties to the conflict.

SECTION III

MISSING AND DEAD PERSONS

Article 32 - General principle

In the implementation of this Section, the activities of the High Contracting Parties, of the Parties to the conflict and of the international humanitarian organizations mentioned in the Conventions and in this Protocol shall be prompted mainly by the right of families to know the fate of their relatives.

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Article 33 - Missing persons

1. As soon as circumstances permit, and at the latest from the end of active hostilities, each Party to the conflict shall search for the persons who have been reported missing by an adverse Party. Such adverse Party shall transmit all relevant information concerning such persons in order to facilitate such searches.

2. In order to facilitate the gathering of information pursuant to the preceding paragraph, each Party to the conflict shall, with respect to persons who would not receive more favourable consideration under the Conventions and this Protocol:

(a) record the information specified in Article 138 of the Fourth Convention in respect of such persons who have been detained, imprisoned or otherwise held in captivity for more than two weeks as a result of hostilities or occupation, or who have died during any period of detention;

(b) to the fullest extent possible, facilitate and, if need be, carry out the search for and the recording of information concerning such persons if they have died in other circumstances as a result of hostilities or occupation.

3. Information concerning persons reported missing pursuant to paragraph 1 and requests for such information shall be transmitted either directly or through the Protecting Power or the Central Tracing Agency of the International Committee of the Red Cross or national Red Cross (Red Crescent, Red Lion and Sun) Societies. Where the information is not transmitted through the International Committee of the Red Cross and its Central Tracing Agency, each Party to the conflict shall ensure that such information is also supplied to the Central Tracing Agency.

4. The Parties to the conflict shall endeavour to agree on arrangements for teams to search for, identify and recover the dead from battlefield areas, including arrangements, if appropriate, for such teams to be accompanied by personnel of the adverse Party while carrying out these missions in areas controlled by the adverse Party. Personnel of such teams shall be respected and protected while exclusively carrying out these duties.

Article 34 - Remains of deceased

1. The remains of persons who have died for reasons related to occupation or in detention resulting from occupation or hostilities and those of persons not nationals of the country in which they have died as a result of hostilities shall be respected, and the gravesites of all such persons shall be respected, maintained and marked as provided for in Article 130 of the Fourth Convention, where their remains or gravesites would not receive more favourable consideration under the Conventions and this Protocol.

2. As soon as circumstances and the relations between the adverse Parties permit, the High Contracting Parties in whose territories graves and, as the case may be, other locations of the remains of persons who have died as a result of hostilities or during occupation or in detention are situated, shall conclude agreements in order:

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(a) to facilitate access to the gravesites by relatives of the deceased and by representatives of official graves registration services and to regulate the practical arrangements for such access;

(b) to protect and maintain such gravesites permanently;

(c) to facilitate the return of the remains of the deceased and of personal effects to the home country upon its request or, unless that country objects, upon the request of the next of kin.

3. In the absence of the agreements provided for in paragraph 2 (b) or (c) and if the home country of such deceased is not willing to arrange at its expense for the maintenance of such gravesites, the High Contracting Party in whose territory the gravesites are situated may offer to facilitate the return of the remains of the deceased to the home country. Where such an offer has not been accepted the High Contracting Party may, after the expiry of five years from the date of the offer and upon due notice to the home country, adopt the arrangements laid down in its own laws relating to cemeteries and graves.

4. A High Contracting Party in whose territory the gravesites referred to in this Article are situated shall be permitted to exhume the remains only:

(a) in accordance with paragraphs 2 (c) and 3, or

(b) where exhumation is a matter of overriding public necessity, including cases of medical and investigative necessity, in which case the High Contracting Party shall at all times respect the remains, and shall give notice to the home country of its intention to exhume the remains together with details of the intended place of reinterment.

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PART III
METHODS AND MEANS OF WARFARE
COMBATANT AND PRISONER-OF-WAR STATUS

SECTION I
METHODS AND MEANS OF WARFARE

Article 35 - Basic rules

1. In any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited.
2. It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.
3. It is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment.

Article 36 - New weapons

In the study, development, acquisition or adoption of a new weapon, means or method of warfare, a High Contracting Party is under an obligation to determine whether its employment would, in some or all circumstances, be prohibited by this Protocol or by any other rule of international law applicable to the High Contracting Party.

Article 37 - Prohibition of perfidy

1. It is prohibited to kill, injure or capture an adversary by resort to perfidy. Acts inviting the confidence of an adversary to lead him to believe that he is entitled to, or is obliged to accord, protection under the rules of international law applicable in armed conflict, with intent to betray that confidence, shall constitute perfidy. The following acts are examples of perfidy:

- (a) the feigning of an intent to negotiate under a flag of truce or of a surrender;
- (b) the feigning of an incapacitation by wounds or sickness;
- (c) the feigning of civilian, non-combatant status; and
- (d) the feigning of protected status by the use of signs, emblems or uniforms of the United Nations or of neutral or other States not Parties to the conflict.

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2. Ruses of war are not prohibited. Such ruses are acts which are intended to mislead an adversary or to induce him to act recklessly but which infringe no rule of international law applicable in armed conflict and which are not perfidious because they do not invite the confidence of an adversary with respect to protection under that law. The following are examples of such ruses: the use of camouflage, decoys, mock operations and misinformation.

Article 38 - Recognized emblems

1. It is prohibited to make improper use of the distinctive emblem of the red cross, red crescent or red lion and sun or of other emblems, signs or signals provided for by the Conventions or by this Protocol. It is also prohibited to misuse deliberately in an armed conflict other internationally recognized protective emblems, signs or signals, including the flag of truce, and the protective emblem of cultural property.

2. It is prohibited to make use of the distinctive emblem of the United Nations, except as authorized by that Organization.

Article 39 - Emblems of nationality

1. It is prohibited to make use in an armed conflict of the flags or military emblems, insignia or uniforms of neutral or other States not Parties to the conflict.

2. It is prohibited to make use of the flags or military emblems, insignia or uniforms of adverse Parties while engaging in attacks or in order to shield, favour protect or impede military operations.

3. Nothing in this Article or in Article 37, paragraph 1 (d), shall affect the existing generally recognized rules of international law applicable to espionage or to the use of flags in the conduct of armed conflict at sea.

Article 40 - Quarter

It is prohibited to order that there shall be no survivors; to threaten an adversary therewith or to conduct hostilities on this basis.

Article 41 - Safeguard of an enemy hors de combat

1. A person who is recognized or who, in the circumstances should be recognized to be hors de combat shall not be made the object of attack.

2. A person is hors de combat if:

(a) he is in the power of an adverse Party;

(b) he clearly expresses an intention to surrender; or

(c) he has been rendered unconscious or is otherwise incapacitated by wounds or sickness, and therefore is incapable of defending himself;

provided that in any of these cases he abstains from any hostile act and does not attempt to escape.

3. When persons entitled to protection as prisoners of war have fallen into the power of an adverse Party under unusual conditions of combat which prevent their evacuation as provided for in Part III, Section I, of the Third Convention, they shall be released and all feasible precautions shall be taken to ensure their safety.

Article 42 - Occupants of aircraft

1. No person parachuting from an aircraft in distress shall be made the object of attack during his descent.

2. Upon reaching the ground in territory controlled by an adverse Party, a person who has parachuted from an aircraft in distress shall be given an opportunity to surrender before being made the object of attack, unless it is apparent that he is engaging in a hostile act.

3. Airborne troops are not protected by this Article.

SECTION II

COMBATANT AND PRISONER-OF-WAR STATUS

Article 43 - Armed forces

1. The armed forces of a Party to a conflict consist of all organized armed forces, groups and units which are under a command responsible to that Party for the conduct of its subordinates, even if that Party is represented by a government or an authority not recognized by an adverse Party. Such armed forces shall be subject to an internal disciplinary system which, inter alia, shall enforce compliance with the rules of international law applicable in armed conflict.

2. Members of the armed forces of a Party to a conflict (other than medical personnel and chaplains covered by Article 33 of the Third Convention) are combatants, that is to say, they have the right to participate directly in hostilities.

3. Whenever a Party to a conflict incorporates a paramilitary or armed law enforcement agency into its armed forces it shall so notify the other Parties to the conflict.

Article 44 - Combatants and prisoners of war

1. Any combatant, as defined in Article 43, who falls into the power of an adverse Party shall be a prisoner of war.

2. While all combatants are obliged to comply with the rules of international law applicable in armed conflict, violations of these rules shall not deprive a combatant of his right to be a combatant or, if he falls into the power of an adverse Party, of his right to be a prisoner of war, except as provided in paragraphs 3 and 4.

3. In order to promote the protection of the civilian population from the effects of hostilities, combatants are obliged to distinguish themselves from the civilian population while they are engaged in an attack or in a military operation preparatory to an attack. Recognizing, however, that there are situations in armed conflicts where, owing to the nature of the hostilities an armed combatant cannot so distinguish himself, he shall retain his status as a combatant, provided that, in such situations, he carries his arms openly:

(a) during each military engagement, and

(b) during such time as he is visible to the adversary while he is engaged in a military deployment preceding the launching of an attack in which he is to participate.

Acts which comply with the requirements of this paragraph shall not be considered as perfidious within the meaning of Article 37, paragraph 1 (c).

4. A combatant who falls into the power of an adverse Party while failing to meet the requirements set forth in the second sentence of paragraph 3 shall forfeit his right to be a prisoner of war, but he shall, nevertheless, be given protections equivalent in all respects to those accorded to prisoners of war by the Third Convention and by this Protocol. This protection includes protections equivalent to those accorded to prisoners of war by the Third Convention in the case where such a person is tried and punished for any offences he has committed.

5. Any combatant who falls into the power of an adverse Party while not engaged in an attack or in a military operation preparatory to an attack shall not forfeit his rights to be a combatant and a prisoner of war by virtue of his prior activities.

6. This Article is without prejudice to the right of any person to be a prisoner of war pursuant to Article 4 of the Third Convention.

7. This Article is not intended to change the generally accepted practice of States with respect to the wearing of the uniform by combatants assigned to the regular, uniformed armed units of a Party to the conflict.

8. In addition to the categories of persons mentioned in Article 13 of the First and Second Conventions, all members of the armed forces of a Party to the conflict, as defined in Article 43 of this Protocol, shall be entitled to protection under those Conventions if they are wounded or sick or, in the case of the Second Convention, shipwrecked at sea or in other waters.

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Article 45 - Protection of persons who have taken part in hostilities

1. A person who takes part in hostilities and falls into the power of an adverse Party shall be presumed to be a prisoner of war, and therefore shall be protected by the Third Convention, if he claims the status of prisoner of war, or if he appears to be entitled to such status, or if the Party on which he depends claims such status on his behalf by notification to the detaining Power or to the Protecting Power. Should any doubt arise as to whether any such person is entitled to the status of prisoner of war, he shall continue to have such status and, therefore, to be protected by the Third Convention and this Protocol until such time as his status has been determined by a competent tribunal.

2. If a person who has fallen into the power of an adverse Party is not held as a prisoner of war and is to be tried by that Party for an offence arising out of the hostilities, he shall have the right to assert his entitlement to prisoner-of-war status before a judicial tribunal and to have that question adjudicated. Whenever possible under the applicable procedure, this adjudication shall occur before the trial for the offence. The representatives of the Protecting Power shall be entitled to attend the proceedings in which that question is adjudicated, unless, exceptionally, the proceedings are held in camera in the interest of State security. In such a case the detaining Power shall advise the Protecting Power accordingly.

3. Any person who has taken part in hostilities, who is not entitled to prisoner-of-war status and who does not benefit from more favourable treatment in accordance with the Fourth Convention shall have the right at all times to the protection of Article 75 of this Protocol. In occupied territory, any such person, unless he is held as a spy, shall also be entitled, notwithstanding Article 5 of the Fourth Convention, to his rights of communication under that Convention.

Article 46 - Spies

1. Notwithstanding any other provision of the Conventions or of this Protocol, any member of the armed forces of a Party to the conflict who falls into the power of an adverse Party while engaging in espionage shall not have the right to the status of prisoner of war and may be treated as a spy.

2. A member of the armed forces of a Party to the conflict who, on behalf of that Party and in territory controlled by an adverse Party, gathers or attempts to gather information shall not be considered as engaging in espionage if, while so acting, he is in the uniform of his armed forces.

3. A member of the armed forces of a Party to the conflict who is a resident of territory occupied by an adverse Party and who, on behalf of the Party on which he depends, gathers or attempts to gather information of military value within that territory shall not be considered as engaging in espionage unless he does so through an act of false pretences or deliberately in a clandestine manner. Moreover such a resident shall not lose his right to the status of prisoner of war and may not be treated as a spy unless he is captured while engaging in espionage.

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4. A member of the armed forces of a Party to the conflict who is not a resident of territory occupied by an adverse Party and who has engaged in espionage in the territory shall not lose his right to the status of prisoner of war and may not be treated as a spy unless he is captured before he has rejoined the armed forces to which he belongs.

Article 47 - Mercenaries

1. A mercenary shall not have the right to be a combatant or a prisoner of war.
2. A mercenary is any person who:
 - (a) is specially recruited locally or abroad in order to fight in an armed conflict;
 - (b) does, in fact, take a direct part in the hostilities;
 - (c) is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party;
 - (d) is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict;
 - (e) is not a member of the armed forces of a Party to the conflict; and
 - (f) has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces.

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PART IV
CIVILIAN POPULATION

SECTION I

GENERAL PROTECTION AGAINST EFFECTS OF HOSTILITIES

Chapter I

BASIC RULE AND FIELD OF APPLICATION

Article 48 - Basic rule

In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.

Article 49 - Definition of attacks and scope of application

1. "Attacks" means acts of violence against the adversary, whether in offence or in defence.
2. The provisions of this Protocol with respect to attacks apply to all attacks in whatever territory conducted, including the national territory belonging to a Party to the conflict but under the control of an adverse Party.
3. The provisions of this section apply to any land, air or sea warfare which may affect the civilian population, individual civilians or civilian objects on land. They further apply to all attacks from the sea or from the air against objectives on land but do not otherwise affect the rules of international law applicable in armed conflict at sea or in the air.
4. The provisions of this section are additional to the rules concerning humanitarian protection contained in the Fourth Convention, particularly in part II thereof, and in other international agreements binding upon the High Contracting Parties, as well as to other rules of international law relating to the protection of civilians and civilian objects on land, at sea or in the air against the effects of hostilities.

Chapter II

CIVILIANS AND CIVILIAN POPULATION

Article 50 - Definition of civilians and civilian population

1. A civilian is any person who does not belong to one of the categories of persons referred to in Article 4 (A) (1), (2), (3) and (6) of the Third Convention and in Article 43 of this Protocol. In case of doubt whether a person is a civilian, that person shall be considered to be a civilian.
2. The civilian population comprises all persons who are civilians.
3. The presence within the civilian population of individuals who do not come within the definition of civilians does not deprive the population of its civilian character.

Article 51 - Protection of the civilian population

1. The civilian population and individual civilians shall enjoy general protection against dangers arising from military operations. To give effect to this protection, the following rules, which are additional to other applicable rules of international law, shall be observed in all circumstances.
2. The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.
3. Civilians shall enjoy the protection afforded by this section, unless and for such time as they take a direct part in hostilities.
4. Indiscriminate attacks are prohibited. Indiscriminate attacks are:
 - (a) those which are not directed at a specific military objective;
 - (b) those which employ a method or means of combat which cannot be directed at a specific military objective; or
 - (c) those which employ a method or means of combat the effects of which cannot be limited as required by this Protocol;and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.
5. Among others, the following types of attacks are to be considered as indiscriminate:
 - (a) an attack by bombardment by any methods or means which treats as a single military objective a number of clearly separated and distinct military objectives

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located in a city, town, village or other area containing a similar concentration of civilians or civilian objects; and

(b) an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

6. Attacks against the civilian population or civilians by way of reprisals are prohibited.

7. The presence or movements of the civilian population or individual civilians shall not be used to render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attacks or to shield, favour or impede military operations. The Parties to the conflict shall not direct the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attacks or to shield military operations.

8. Any violation of these prohibitions shall not release the Parties to the conflict from their legal obligations with respect to the civilian population and civilians, including the obligation to take the precautionary measures provided for in Article 57.

Chapter III

CIVILIAN OBJECTS

Article 52 -- General protection of civilian objects

1. Civilian objects shall not be the object of attack or of reprisals. Civilian objects are all objects which are not military objectives as defined in paragraph 2.

2. Attacks shall be limited strictly to military objectives. In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

3. In case of doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used.

Article 53 - Protection of cultural objects and of places of worship

Without prejudice to the provisions of the Hague Convention for the Protection

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of Cultural Property in the Event of Armed Conflict of 14 May 1954, and of other relevant international instruments, it is prohibited:

- (a) to commit any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples;
- (b) to use such objects in support of the military effort;
- (c) to make such objects the object of reprisals.

Article 54 - Protection of objects indispensable to the survival of the civilian population

1. Starvation of civilians as a method of warfare is prohibited.
2. It is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as food-stuffs, agricultural areas for the production of food-stuffs, crops, livestock, drinking water installations and supplies and irrigation works, for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party, whatever the motive, whether in order to starve out civilians, to cause them to move away, or for any other motive.
3. The prohibitions in paragraph 2 shall not apply to such of the objects covered by it as are used by an adverse Party:
 - (a) as sustenance solely for the members of its armed forces; or
 - (b) if not as sustenance, then in direct support of military action, provided, however, that in no event shall actions against these objects be taken which may be expected to leave the civilian population with such inadequate food or water as to cause its starvation or force its movement.
4. These objects shall not be made the object of reprisals.
5. In recognition of the vital requirements of any Party to the conflict in the defence of its national territory against invasion, derogation from the prohibitions contained in paragraph 2 may be made by a Party to the conflict within such territory under its own control where required by imperative military necessity.

Article 55 - Protection of the natural environment

1. Care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population.

2. Attacks against the natural environment by way of reprisals are prohibited.

Article 56 - Protection of works and installations containing dangerous forces

1. Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population. Other military objectives located at or in the vicinity of these works or installations shall not be made the object of attack if such attack may cause the release of dangerous forces from the works or installations and consequent severe losses among the civilian population.

2. The special protection against attack provided by paragraph 1 shall cease:

- (a) for a dam or a dyke only if it is used for other than its normal function and in regular, significant and direct support of military operations and if such attack is the only feasible way to terminate such support;

- (b) for a nuclear electrical generating station only if it provides electric power in regular, significant and direct support of military operations and if such attack is the only feasible way to terminate such support;

- (c) for other military objectives located at or in the vicinity of these works or installations only if they are used in regular, significant and direct support of military operations and if such attack is the only feasible way to terminate such support.

3. In all cases, the civilian population and individual civilians shall remain entitled to all the protection accorded them by international law, including the protection of the precautionary measures provided for in Article 57. If the protection ceases and any of the works, installations or military objectives mentioned in paragraph 1 is attacked, all practical precautions shall be taken to avoid the release of the dangerous forces.

4. It is prohibited to make any of the works, installations or military objectives mentioned in paragraph 1 the object of reprisals.

5. The Parties to the conflict shall endeavour to avoid locating any military objectives in the vicinity of the works or installations mentioned in paragraph 1. Nevertheless, installations erected for the sole purpose of defending the protected works or installations from attack are permissible and shall not themselves be made the object of attack, provided that they are not used in hostilities except for defensive actions necessary to respond to attacks against the protected works or installations and that their armament is limited to weapons capable only of repelling hostile action against the protected works or installations.

6. The High Contracting Parties and the Parties to the conflict are urged to conclude further agreements among themselves to provide additional protection for objects containing dangerous forces.

7. In order to facilitate the identification of the objects protected by this article, the Parties to the conflict may mark them with a special sign consisting of a group of three bright orange circles placed on the same axis, as specified in Article 16 of Annex I to this Protocol. The absence of such marking in no way relieves any Party to the conflict of its obligations under this Article.

Chapter IV

PRECAUTIONARY MEASURES

Article 57 - Precautions in attack

1. In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects.

2. With respect to attacks, the following precautions shall be taken:

(a) those who plan or decide upon an attack shall:

(i) do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects and are not subject to special protection but are military objectives within the meaning of paragraph 2 of Article 52 and that it is not prohibited by the provisions of this Protocol to attack them;

(ii) take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects;

(iii) refrain from deciding to launch any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated;

(b) an attack shall be cancelled or suspended if it becomes apparent that the objective is not a military one or is subject to special protection or that the attack may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated;

(c) effective advance warning shall be given of attacks which may affect the civilian population, unless circumstances do not permit.

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3. When a choice is possible between several military objectives for obtaining a similar military advantage, the objective to be selected shall be that the attack on which may be expected to cause the least danger to civilian lives and to civilian objects.

4. In the conduct of military operations at sea or in the air, each Party to the conflict shall, in conformity with its rights and duties under the rules of international law applicable in armed conflict, take all reasonable precautions to avoid losses of civilian lives and damage to civilian objects.

5. No provision of this article may be construed as authorizing any attacks against the civilian population, civilians or civilian objects.

Article 58 - Precautions against the effects of attacks

The Parties to the conflict shall, to the maximum extent feasible:

(a) without prejudice to Article 49 of the Fourth Convention, endeavour to remove the civilian population, individual civilians and civilian objects under their control from the vicinity of military objectives;

(b) avoid locating military objectives within or near densely populated areas;

(c) take the other necessary precautions to protect the civilian population, individual civilians and civilian objects under their control against the dangers resulting from military operations.

Chapter V

LOCALITIES AND ZONES UNDER SPECIAL PROTECTION

Article 59 - Non-defended localities

1. It is prohibited for the Parties to the conflict to attack, by any means whatsoever, non-defended localities.

2. The appropriate authorities of a Party to the conflict may declare as a non-defended locality any inhabited place near or in a zone where armed forces are in contact which is open for occupation by an adverse Party. Such a locality shall fulfil the following conditions:

(a) all combatants, as well as mobile weapons and mobile military equipment must have been evacuated;

(b) no hostile use shall be made of fixed military installations or establishments;

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(c) no acts of hostility shall be committed by the authorities or by the population; and

(d) no activities in support of military operations shall be undertaken.

3. The presence, in this locality, of persons specially protected under the Conventions and this Protocol, and of police forces retained for the sole purpose of maintaining law and order, is not contrary to the conditions laid down in paragraph 2.

4. The declaration made under paragraph 2 shall be addressed to the adverse Party and shall define and describe, as precisely as possible, the limits of the non-defended locality. The Party to the conflict to which the declaration is addressed shall acknowledge its receipt and shall treat the locality as a non-defended locality unless the conditions laid down in paragraph 2 are not in fact fulfilled, in which event it shall immediately so inform the Party making the declaration. Even if the conditions laid down in paragraph 2 are not fulfilled, the locality shall continue to enjoy the protection provided by the other provisions of this Protocol and the other rules of international law applicable in armed conflict.

5. The Parties to the conflict may agree on the establishment of non-defended localities even if such localities do not fulfil the conditions laid down in paragraph 2. The agreement should define and describe, as precisely as possible, the limits of the non-defended locality; if necessary, it may lay down the methods of supervision.

6. The Party which is in control of a locality governed by such an agreement shall mark it, so far as possible, by such signs as may be agreed upon with the other Party, which shall be displayed where they are clearly visible, especially on its perimeter and limits and on highways.

7. A locality loses its status as a non-defended locality when it ceases to fulfil the conditions laid down in paragraph 2 or in the agreement referred to in paragraph 5. In such an eventuality, the locality shall continue to enjoy the protection provided by the other provisions of this Protocol and the other rules of international law applicable in armed conflict.

Article 60 - Demilitarized zones

1. It is prohibited for the Parties to the conflict to extend their military operations to zones on which they have conferred by agreement the status of demilitarized zone, if such extension is contrary to the terms of this agreement.

2. The agreement shall be an express agreement, may be concluded verbally or in writing, either directly or through a Protecting Power or any impartial humanitarian organization, and may consist of reciprocal and concordant declarations. The agreement may be concluded in peacetime, as well as after the

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outbreak of hostilities, and should define and describe, as precisely as possible, the limits of the demilitarized zone and, if necessary, lay down the methods of supervision.

3. The subject of such an agreement shall normally be any zone which fulfils the following conditions:

(a) all combatants, as well as mobile weapons and mobile military equipment, must have been evacuated;

(b) no hostile use shall be made of fixed military installations or establishments;

(c) no acts of hostility shall be committed by the authorities or by the population; and

(d) any activity linked to the military effort must have ceased.

The Parties to the conflict shall agree upon the interpretation to be given to the condition laid down in subparagraph (d) and upon persons to be admitted to the demilitarized zone other than those mentioned in paragraph 4.

4. The presence, in this zone, of persons specially protected under the Conventions and this Protocol, and of police forces retained for the sole purpose of maintaining law and order, is not contrary to the conditions laid down in paragraph 3.

5. The Party which is in control of such a zone shall mark it, so far as possible, by such signs as may be agreed upon with the other Party, which shall be displayed where they are clearly visible, especially on its perimeter and limits and on highways.

6. If the fighting draws near to a demilitarized zone, and if the Parties to the conflict have so agreed, none of them may use the zone for purposes related to the conduct of military operations or unilaterally revoke its status.

7. If one of the Parties to the conflict commits a material breach of the provisions of paragraphs 3 or 6, the other Party shall be released from its obligations under the agreement conferring upon the zone the status of demilitarized zone. In such an eventuality, the zone loses its status but shall continue to enjoy the protection provided by the other provisions of this Protocol and the other rules of international law applicable in armed conflict.

Chapter VI

· CIVIL DEFENCE

Article 61 - Definitions and scope

For the purpose of this Protocol:

(1) "Civil defence" means the performance of some or all of the undermentioned humanitarian tasks intended to protect the civilian population against the dangers and to help it to recover from the immediate effects, of hostilities or disasters and also to provide the conditions necessary for its survival. These tasks are:

- (a) warning;
- (b) evacuation;
- (c) management of shelters;
- (d) management of blackout measures;
- (e) rescue;
- (f) medical services, including first aid, and religious assistance;
- (g) fire-fighting;
- (h) detection and marking of danger areas;
- (i) decontamination and similar protective measures;
- (j) provision of emergency accommodation and supplies;
- (k) emergency assistance in the restoration and maintenance of order in distressed areas;
- (l) emergency repair of indispensable public utilities;
- (m) emergency disposal of the dead;
- (n) assistance in the preservation of objects essential for survival;
- (o) complementary activities necessary to carry out any of the tasks mentioned above, including, but not limited to, planning and organization;

(2) "Civil defence organizations" means those establishments and other units which are organized or authorized by the competent authorities of a Party to the conflict

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to perform any of the tasks mentioned under (1), and which are assigned and devoted exclusively to such tasks;

(3) "Personnel" of civil defence organizations means those persons assigned by a Party to the conflict exclusively to the performance of the tasks mentioned under (1), including personnel assigned by the competent authority of that Party exclusively to the administration of these organizations;

(4) "Matériel" of civil defence organizations means equipment, supplies and transports used by these organizations for the performance of the tasks mentioned under (1).

Article 62 - General protection

1. Civilian civil defence organizations and their personnel shall be respected and protected, subject to the provisions of this Protocol, particularly the provisions of this section. They shall be entitled to perform their civil defence tasks except in case of imperative military necessity.

2. The provisions of paragraph 1 shall also apply to civilians who, although not members of civilian civil defence organizations, respond to an appeal from the competent authorities and perform civil defence tasks under their control.

3. Buildings and matériel used for civil defence purposes and shelters provided for the civilian population are covered by Article 52. Objects used for civil defence purposes may not be destroyed or diverted from their proper use except by the Party to which they belong.

Article 63 - Civil defence in occupied territories

1. In occupied territories, civilian civil defence organizations shall receive from the authorities the facilities necessary for the performance of their tasks. In no circumstances shall their personnel be compelled to perform activities which would interfere with the proper performance of these tasks. The Occupying Power shall not change the structure or personnel of such organizations in any way which might jeopardize the efficient performance of their mission. These organizations shall not be required to give priority to the nationals or interests of that Power.

2. The Occupying Power shall not compel, coerce or induce civilian civil defence organizations to perform their tasks in any manner prejudicial to the interests of the civilian population.

3. The Occupying Power may disarm civil defence personnel for reasons of security.

4. The Occupying Power shall neither divert from their proper use nor requisition buildings or matériel belonging to or used by civil defence organizations if such diversion or requisition would be harmful to the civilian population.

5. Provided that the general rule in paragraph 4 continues to be observed, the Occupying Power may requisition or divert these resources, subject to the following particular conditions:

(a) that the buildings or matériel are necessary for other needs of the civilian population; and

(b) that the requisition or diversion continues only while such necessity exists.

6. The Occupying Power shall neither divert nor requisition shelters provided for the use of the civilian population or needed by such population.

Article 64 - Civilian civil defence organizations of neutral or other States not Parties to the conflict and international co-ordinating organizations

1. Articles 62, 63, 65 and 66 shall also apply to the personnel and matériel of civilian civil defence organizations of neutral or other States not Parties to the conflict which perform civil defence tasks mentioned in Article 61 in the territory of a Party to the conflict, with the consent and under the control of that Party. Notification of such assistance shall be given as soon as possible to any adverse Party concerned. In no circumstances shall this activity be deemed to be an interference in the conflict. This activity should, however, be performed with due regard to the security interests of the Parties to the conflict concerned.

2. The Parties to the conflict receiving the assistance referred to in paragraph 1 and the High Contracting Parties granting it should facilitate international co-ordination of such civil defence actions when appropriate. In such cases the relevant international organizations are covered by the provisions of this Chapter.

3. In occupied territories, the Occupying Power may only exclude or restrict the activities of civilian civil defence organizations of neutral or other States not Parties to the conflict and of international co-ordinating organizations if it can ensure the adequate performance of civil defence tasks from its own resources or those of the occupied territory.

Article 65 - Cessation of protection

1. The protection to which civilian civil defence organizations, their personnel, buildings, shelters and matériel are entitled shall not cease unless they commit or are used to commit, outside their proper tasks, acts harmful to the enemy. Protection may, however, cease only after a warning has been given setting, whenever appropriate, a reasonable time-limit, and after such warning has remained unheeded.

2. The following shall not be considered as acts harmful to the enemy:

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(a) that civil defence tasks are carried out under the direction or control of military authorities;

(b) that civilian civil defence personnel co-operate with military personnel in the performance of civil defence tasks, or that some military personnel are attached to civilian civil defence organizations;

(c) that the performance of civil defence tasks may incidentally benefit military victims, particularly those who are hors de combat.

3. It shall also not be considered as an act harmful to the enemy that civilian civil defence personnel bear light individual weapons for the purpose of maintaining order or for self-defence. However, in areas where land fighting is taking place or is likely to take place, the Parties to the conflict shall undertake the appropriate measures to limit these weapons to handguns, such as pistols or revolvers, in order to assist in distinguishing between civil defence personnel and combatants. Although civil defence personnel bear other light individual weapons in such areas, they shall nevertheless be respected and protected as soon as they have been recognized as such.

4. The formation of civilian civil defence organizations along military lines, and compulsory service in them, shall also not deprive them of the protection conferred by this Chapter.

Article 66 - Identification

1. Each Party to the conflict shall endeavour to ensure that its civil defence organizations, their personnel, buildings and matériel, are identifiable while they are exclusively devoted to the performance of civil defence tasks. Shelters provided for the civilian population should be similarly identifiable.

2. Each Party to the conflict shall also endeavour to adopt and implement methods and procedures which will make it possible to recognize civilian shelters as well as civil defence personnel, buildings and matériel on which the international distinctive sign of civil defence is displayed.

3. In occupied territories and in areas where fighting is taking place or is likely to take place, civilian civil defence personnel should be recognizable by the international distinctive sign of civil defence and by an identity card certifying their status.

4. The international distinctive sign of civil defence is an equilateral blue triangle on an orange ground when used for the protection of civil defence organizations, their personnel, buildings and matériel and for civilian shelters.

5. In addition to the distinctive sign, Parties to the conflict may agree upon the use of distinctive signals for civil defence identification purposes.

6. The application of the provisions of paragraphs 1 to 4 is governed by Chapter V of Annex I to this Protocol.

7. In time of peace, the sign described in paragraph 4 may, with the consent of the competent national authorities, be used for civil defence identification purposes.

8. The High Contracting Parties and the Parties to the conflict shall take the measures necessary to supervise the display of the international distinctive sign of civil defence and to prevent and repress any misuse thereof.

9. The identification of civil defence medical and religious personnel, medical units and medical transports is also governed by Article 18.

Article 67 - Members of the armed forces and military units assigned to civil defence organizations

1. Members of the armed forces and military units assigned to civil defence organizations shall be respected and protected, provided that:

(a) such personnel and such units are permanently assigned and exclusively devoted to the performance of any of the tasks mentioned in Article 61;

(b) if so assigned, such personnel do not perform any other military duties during the conflict;

(c) such personnel are clearly distinguishable from the other members of the armed forces by prominently displaying the international distinctive sign of civil defence, which shall be as large as appropriate, and such personnel are provided with the identity card referred to in Chapter V of Annex I to this Protocol certifying their status;

(d) such personnel and such units are equipped only with light individual weapons for the purpose of maintaining order or for self-defence. The provisions of Article 65, paragraph 3 shall also apply in this case;

(e) such personnel do not participate directly in hostilities, and do not commit, or are not used to commit, outside their civil defence tasks, acts harmful to the adverse Party;

(f) such personnel and such units perform their civil defence tasks only within the national territory of their Party.

The non-observance of the conditions stated in (e) above by any member of the armed forces who is bound by the conditions prescribed in (a) and (b) above is prohibited.

2. Military personnel serving within civil defence organizations shall, if they

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fall into the power of an adverse Party, be prisoners of war. In occupied territory they may, but only in the interest of the civilian population of that territory, be employed on civil defence tasks in so far as the need arises, provided however that, if such work is dangerous, they volunteer for such tasks.

3. The buildings and major items of equipment and transports of military units assigned to civil defence organizations shall be clearly marked with the international distinctive sign of civil defence. This distinctive sign shall be as large as appropriate.

4. The matériel and buildings of military units permanently assigned to civil defence organizations and exclusively devoted to the performance of civil defence tasks shall, if they fall into the hands of an adverse Party, remain subject to the laws of war. They may not be diverted from their civil defence purpose so long as they are required for the performance of civil defence tasks, except in case of imperative military necessity, unless previous arrangements have been made for adequate provision for the needs of the civilian population.

SECTION II

RELIEF IN FAVOUR OF THE CIVILIAN POPULATION

Article 68 - Field of application

The provisions of this Section apply to the civilian population as defined in this Protocol and are supplementary to Articles 23, 55, 59, 60, 61 and 62 and other relevant provisions of the Fourth Convention.

Article 69 - Basic needs in occupied territories

1. In addition to the duties specified in Article 55 of the Fourth Convention concerning food and medical supplies, the Occupying Power shall, to the fullest extent of the means available to it and without any adverse distinction, also ensure the provision of clothing, bedding, means of shelter, other supplies essential to the survival of the civilian population of the occupied territory and objects necessary for religious worship.

2. Relief actions for the benefit of the civilian population of occupied territories are governed by Articles 59, 60, 61, 62, 108, 109, 110 and 111 of the Fourth Convention, and by Article 71 of this Protocol, and shall be implemented without delay.

Article 70 - Relief actions

1. If the civilian population of any territory under the control of a Party to the conflict, other than occupied territory, is not adequately provided with the supplies mentioned in Article 69, relief actions which are humanitarian and impartial in character and conducted without any adverse distinction shall be

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undertaken, subject to the agreement of the Parties concerned in such relief actions. Offers of such relief shall not be regarded as interference in the armed conflict or as unfriendly acts. In the distribution of relief consignments, priority shall be given to those persons, such as children, expectant mothers, maternity cases and nursing mothers, who, under the Fourth Convention or under this Protocol, are to be accorded privileged treatment or special protection.

2. The Parties to the conflict and each High Contracting Party shall allow and facilitate rapid and unimpeded passage of all relief consignments, equipment and personnel provided in accordance with this Section, even if such assistance is destined for the civilian population of the adverse Party.

3. The Parties to the conflict and each High Contracting Party which allows the passage of relief consignments, equipment and personnel in accordance with paragraph 2:

(a) shall have the right to prescribe the technical arrangements, including search, under which such passage is permitted;

(b) may make such permission conditional on the distribution of this assistance being made under the local supervision of a Protecting Power;

(c) shall, in no way whatsoever, divert relief consignments from the purpose for which they are intended nor delay their forwarding, except in cases of urgent necessity in the interest of the civilian population concerned.

4. The Parties to the conflict shall protect relief consignments and facilitate their rapid distribution.

5. The Parties to the conflict and each High Contracting Party concerned shall encourage and facilitate effective international co-ordination of the relief actions referred to in paragraph 1.

Article 71 - Personnel participating in relief actions

1. Where necessary, relief personnel may form part of the assistance provided in any relief action, in particular for the transportation and distribution of relief consignments; the participation of such personnel shall be subject to the approval of the Party in whose territory they will carry out their duties.

2. Such personnel shall be respected and protected.

3. Each Party in receipt of relief consignments shall, to the fullest extent practicable, assist the relief personnel referred to in paragraph 1 in carrying out their relief mission. Only in case of imperative military necessity may the activities of the relief personnel be limited or their movements temporarily restricted.

4. Under no circumstances may relief personnel exceed the terms of their mission.

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under this Protocol. In particular they shall take account of the security requirements of the Party in whose territory they are carrying out their duties. The mission of any of the personnel who do not respect these conditions may be terminated.

SECTION III

TREATMENT OF PERSONS IN THE POWER OF A PARTY TO THE CONFLICT

Chapter I

FIELD OF APPLICATION AND PROTECTION OF PERSONS AND OBJECTS

Article 72 - Field of application

The provisions of this Section are additional to the rules concerning humanitarian protection of civilians and civilian objects in the power of a Party to the conflict contained in the Fourth Convention, particularly Parts I and III thereof, as well as to other applicable rules of international law relating to the protection of fundamental human rights during international armed conflict.

Article 73 - Refugees and stateless persons

Persons who, before the beginning of hostilities, were considered as stateless persons or refugees under the relevant international instruments accepted by the Parties concerned or under the national legislation of the State of refuge or State of residence shall be protected persons within the meaning of Parts I and III of the Fourth Convention, in all circumstances and without any adverse distinction.

Article 74 - Reunion of dispersed families

The High Contracting Parties and the Parties to the conflict shall facilitate in every possible way the reunion of families dispersed as a result of armed conflicts and shall encourage in particular the work of the humanitarian organizations engaged in this task in accordance with the provisions of the Conventions and of this Protocol and in conformity with their respective security regulations.

Article 75 - Fundamental guarantees

1. In so far as they are affected by a situation referred to in Article 1 of this Protocol, persons who are in the power of a Party to the conflict and who do not benefit from more favourable treatment under the Conventions or under this Protocol shall be treated humanely in all circumstances and shall enjoy, as a minimum, the protection provided by this Article without any adverse distinction based upon race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria. Each Party shall respect the person, honour, convictions and religious practices of all such persons.

2. The following acts are and shall remain prohibited at any time and in any place whatsoever, whether committed by civilian or by military agents:

(a) violence to the life, health, or physical or mental well-being of persons, in particular:

(i) murder;

(ii) torture of all kinds, whether physical or mental;

(iii) corporal punishment; and

(iv) mutilation;

(b) outrages upon personal dignity, in particular humiliating and degrading treatment, enforced prostitution and any form of indecent assault;

(c) the taking of hostages;

(d) collective punishments; and

(e) threats to commit any of the foregoing acts.

3. Any person arrested, detained or interned for actions related to the armed conflict shall be informed promptly, in a language he understands, of the reasons why these measures have been taken. Except in cases of arrest or detention for penal offences, such persons shall be released with the minimum delay possible and in any event as soon as the circumstances justifying the arrest, detention or internment have ceased to exist.

4. No sentence may be passed and no penalty may be executed on a person found guilty of a penal offence related to the armed conflict except pursuant to a conviction pronounced by an impartial and regularly constituted court respecting the generally recognized principles of regular judicial procedure, which include the following:

(a) the procedure shall provide for an accused to be informed without delay of the particulars of the offence alleged against him and shall afford the accused before and during his trial all necessary rights and means of defence;

(b) no one shall be convicted of an offence except on the basis of individual penal responsibility;

(c) no one shall be accused or convicted of a criminal offence on account of any act or omission which did not constitute a criminal offence under the national or international law to which he was subject at the time when it was committed; nor shall a heavier penalty be imposed than that which was applicable at the time when the criminal offence was committed; if, after the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby;

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(d) anyone charged with an offence is presumed innocent until proved guilty according to law;

(e) anyone charged with an offence shall have the right to be tried in his presence;

(f) no one shall be compelled to testify against himself or to confess guilt;

(g) anyone charged with an offence shall have the right to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(h) no one shall be prosecuted or punished by the same Party for an offence in respect of which a final judgement acquitting or convicting that person has been previously pronounced under the same law and judicial procedure;

(i) anyone prosecuted for an offence shall have the right to have the judgement pronounced publicly; and

(j) a convicted person shall be advised on conviction of his judicial and other remedies and of the time-limits within which they may be exercised.

5. Women whose liberty has been restricted for reasons related to the armed conflict shall be held in quarters separated from men's quarters. They shall be under the immediate supervision of women. Nevertheless, in cases where families are detained or interned, they shall, whenever possible, be held in the same place and accommodated as family units.

6. Persons who are arrested, detained or interned for reasons related to the armed conflict shall enjoy the protection provided by this Article until their final release, repatriation or re-establishment, even after the end of the armed conflict.

7. In order to avoid any doubt concerning the prosecution and trial of persons accused of war crimes or crimes against humanity, the following principles shall apply:

(a) persons who are accused of such crimes should be submitted for the purpose of prosecution and trial in accordance with the applicable rules of international law; and

(b) any such persons who do not benefit from more favourable treatment under the Conventions or this Protocol shall be accorded the treatment provided by this Article, whether or not the crimes of which they are accused constitute grave breaches of the Conventions or of this Protocol.

8. No provision of this Article may be construed as limiting or infringing any other more favourable provision granting greater protection, under any applicable rules of international law, to persons covered by paragraph 1.

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Chapter II

MEASURES IN FAVOUR OF WOMEN AND CHILDREN

Article 76 - Protection of women

1. Women shall be the object of special respect and shall be protected in particular against rape, forced prostitution and any other form of indecent assault.
2. Pregnant women and mothers having dependent infants who are arrested, detained or interned for reasons related to the armed conflict, shall have their cases considered with the utmost priority.
3. To the maximum extent feasible, the Parties to the conflict shall endeavour to avoid the pronouncement of the death penalty on pregnant women or mothers having dependent infants, for an offence related to the armed conflict. The death penalty for such offences shall not be executed on such women.

Article 77 - Protection of children

1. Children shall be the object of special respect and shall be protected against any form of indecent assault. The Parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason.
2. The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years the Parties to the conflict shall endeavour to give priority to those who are oldest.
3. If, in exceptional cases, despite the provisions of paragraph 2, children who have not attained the age of fifteen years take a direct part in hostilities and fall into the power of an adverse Party, they shall continue to benefit from the special protection accorded by this Article, whether or not they are prisoners of war.
4. If arrested, detained or interned for reasons related to the armed conflict, children shall be held in quarters separate from the quarters of adults, except where families are accommodated as family units as provided in Article 75, paragraph 5.
5. The death penalty for an offence related to the armed conflict shall not be executed on persons who had not attained the age of eighteen years at the time the offence was committed.

Article 78 - Evacuation of children

1. No Party to the conflict shall arrange for the evacuation of children, other than its own nationals, to a foreign country except for a temporary evacuation where compelling reasons of the health or medical treatment of the children or, except in occupied territory, their safety, so require. Where the parents or legal guardians can be found, their written consent to such evacuation is required. If these persons cannot be found, the written consent to such evacuation of the persons who by law or custom are primarily responsible for the care of the children is required. Any such evacuation shall be supervised by the Protecting Power in agreement with the Parties concerned, namely, the Party arranging for the evacuation, the Party receiving the children and any Parties whose nationals are being evacuated. In each case, all Parties to the conflict shall take all feasible precautions to avoid endangering the evacuation.

2. Whenever an evacuation occurs pursuant to paragraph 1, each child's education, including his religious and moral education as his parents desire, shall be provided while he is away with the greatest possible continuity.

3. With a view to facilitating the return to their families and country of children evacuated pursuant to this Article, the authorities of the Party arranging for the evacuation and, as appropriate, the authorities of the receiving country shall establish for each child a card with photographs, which they shall send to the Central Tracing Agency of the International Committee of the Red Cross. Each card shall bear, whenever possible, and whenever it involves no risk of harm to the child, the following information:

- (a) surname(s) of the child;
- (b) the child's first name(s);
- (c) the child's sex;
- (d) the place and date of birth (or, if that date is not known, the approximate age);
- (e) the father's full name;
- (f) the mother's full name and her maiden name;
- (g) the child's next-of-kin;
- (h) the child's nationality;
- (i) the child's native language, and any other languages he speaks;
- (j) the address of the child's family;
- (k) any identification number for the child;

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- (l) the child's state of health;
- (m) the child's blood group;
- (n) any distinguishing features;
- (o) the date on which and the place where the child was found;
- (p) the date on which and the place from which the child left the country;
- (q) the child's religion, if any;
- (r) the child's present address in the receiving country;
- (s) should the child die before his return, the date, place and circumstances of death and place of interment.

Chapter III

JOURNALISTS

Article 79 - Measures of protection for journalists

1. Journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians within the meaning of Article 50, paragraph 1.
2. They shall be protected as such under the Conventions and this Protocol, provided that they take no action adversely affecting their status as civilians, and without prejudice to the right of war correspondents accredited to the armed forces to the status provided for in Article 4 (A) (4) of the Third Convention.
3. They may obtain an identity card similar to the model in Annex II of this Protocol. This card, which shall be issued by the government of the State of which the journalist is a national or in whose territory he resides or in which the news medium employing him is located, shall attest to his status as a journalist.

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PART V

EXECUTION OF THE CONVENTIONS AND OF THIS PROTOCOL

SECTION I

GENERAL PROVISIONS

Article 80 - Measures for execution

1. The High Contracting Parties and the Parties to the conflict shall without delay take all necessary measures for the execution of their obligations under the Conventions and this Protocol.
2. The High Contracting Parties and the Parties to the conflict shall give orders and instructions to ensure observance of the Conventions and this Protocol, and shall supervise their execution.

Article 81 - Activities of the Red Cross and other humanitarian organizations

1. The Parties to the conflict shall grant to the International Committee of the Red Cross all facilities within their power so as to enable it to carry out the humanitarian functions assigned to it by the Conventions and this Protocol in order to ensure protection and assistance to the victims of conflicts; the International Committee of the Red Cross may also carry out any other humanitarian activities in favour of these victims, subject to the consent of the Parties to the conflict concerned.
2. The Parties to the conflict shall grant to their respective Red Cross (Red Crescent, Red Lion and Sun) organizations the facilities necessary for carrying out their humanitarian activities in favour of the victims of the conflict, in accordance with the provisions of the Conventions and this Protocol and the fundamental principles of the Red Cross as formulated by the International Conferences of the Red Cross.
3. The High Contracting Parties and the Parties to the conflict shall facilitate in every possible way the assistance which Red Cross (Red Crescent, Red Lion and Sun) organizations and the League of Red Cross Societies extend to the victims of conflicts in accordance with the provisions of the Conventions and this Protocol and with the fundamental principles of the Red Cross as formulated by the International Conferences of the Red Cross.
4. The High Contracting Parties and the Parties to the conflict shall, as far as possible, make facilities similar to those mentioned in paragraphs 2 and 3 available to the other humanitarian organizations referred to in the Conventions and this Protocol which are duly authorized by the respective Parties to the conflict and which perform their humanitarian activities in accordance with the provisions of the Conventions and this Protocol.

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Article 82 - Legal advisers in armed forces

The High Contracting Parties at all times, and the Parties to the conflict in time of armed conflict, shall ensure that legal advisers are available, when necessary, to advise military commanders at the appropriate level on the application of the Conventions and this Protocol and on the appropriate instruction to be given to the armed forces on this subject.

Article 83 - Dissemination

1. The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate the Conventions and this Protocol as widely as possible in their respective countries and, in particular, to include the study thereof in their programmes of military instruction and to encourage the study thereof by the civilian population, so that those instruments may become known to the armed forces and to the civilian population.

2. Any military or civilian authorities who, in time of armed conflict, assume responsibilities in respect of the application of the Conventions and this Protocol shall be fully acquainted with the text thereof.

Article 84 - Rules of application

The High Contracting Parties shall communicate to one another, as soon as possible, through the depositary and, as appropriate, through the Protecting Powers, their official translations of this Protocol, as well as the laws and regulations which they may adopt to ensure its application.

SECTION II

REPRESSION OF BREACHES OF THE CONVENTIONS
AND OF THIS PROTOCOLArticle 85 - Repression of breaches of this Protocol

1. The provisions of the Conventions relating to the repression of breaches and grave breaches, supplemented by this Section, shall apply to the repression of breaches and grave breaches of this Protocol.

2. Acts described as grave breaches in the Conventions are grave breaches of this Protocol if committed against persons in the power of an adverse Party protected by Articles 44, 45 and 73 of this Protocol, or against the wounded, sick and shipwrecked of the adverse Party who are protected by this Protocol, or against those medical or religious personnel, medical units or medical transports which are under the control of the adverse Party and are protected by this Protocol.

3. In addition to the grave breaches defined in Article 11, the following acts shall be regarded as grave breaches of this Protocol, when committed wilfully, in

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violation of the relevant provisions of this Protocol, and causing death or serious injury to body or health:

- (a) making the civilian population or individual civilians the object of attack;
- (b) launching an indiscriminate attack affecting the civilian population or civilian objects in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects, as defined in Article 57, paragraph 2 (a) (iii);
- (c) launching an attack against works or installations containing dangerous forces in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects, as defined in Article 57, paragraph 2 (a) (iii);
- (d) making non-defended localities and demilitarized zones the object of attack;
- (e) making a person the object of attack in the knowledge that he is hors de combat;
- (f) the perfidious use, in violation of Article 37, of the distinctive emblem of the red cross, red crescent or red lion and sun or of other protective signs recognized by the Conventions or this Protocol.

4. In addition to the grave breaches defined in the preceding paragraphs and in the Conventions, the following shall be regarded as grave breaches of this Protocol, when committed wilfully and in violation of the Conventions or the Protocol:

- (a) the transfer by the occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory, in violation of Article 49 of the Fourth Convention;
- (b) unjustifiable delay in the repatriation of prisoners of war or civilians;
- (c) practices of apartheid and other inhuman and degrading practices involving outrages upon personal dignity, based on racial discrimination;
- (d) making the clearly-recognized historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples and to which special protection has been given by special arrangement, for example, within the framework of a competent international organization, the object of attack, causing as a result extensive destruction thereof, where there is no evidence of the violation by the adverse Party of Article 53, subparagraph (b), and when such historic monuments, works of art and places of worship are not located in the immediate proximity of military objectives;

(e) depriving a person protected by the Conventions or referred to in paragraph 2 of this Article of the rights of fair and regular trial.

5. Without prejudice to the application of the Conventions and of this Protocol, grave breaches of these instruments shall be regarded as war crimes.

Article 86 - Failure to act

1. The High Contracting Parties and the Parties to the conflict shall repress grave breaches, and take measures necessary to suppress all other breaches, of the Conventions or of this Protocol which result from a failure to act when under a duty to do so.

2. The fact that a breach of the Conventions or of this Protocol was committed by a subordinate does not absolve his superiors from penal disciplinary responsibility, as the case may be, if they knew, or had information which should have enabled them to conclude in the circumstances at the time, that he was committing or was going to commit such a breach and if they did not take all feasible measures within their power to prevent or repress the breach.

Article 87 - Duty of commanders

1. The High Contracting Parties and the Parties to the conflict shall require military commanders, with respect to members of the armed forces under their command and other persons under their control, to prevent and, where necessary, to suppress and to report to competent authorities breaches of the Conventions and of this Protocol.

2. In order to prevent and suppress breaches, High Contracting Parties and Parties to the conflict shall require that, commensurate with their level of responsibility, commanders ensure that members of the armed forces under their command are aware of their obligations under the Conventions and this Protocol.

3. The High Contracting Parties and Parties to the conflict shall require any commander who is aware that subordinates or other persons under his control are going to commit or have committed a breach of the Conventions or of this Protocol, to initiate such steps as are necessary to prevent such violations of the Conventions or this Protocol, and, where appropriate, to initiate disciplinary or penal action against violators thereof.

Article 88 - Mutual assistance in criminal matters

1. The High Contracting Parties shall afford one another the greatest measure of assistance in connexion with criminal proceedings brought in respect of grave breaches of the Conventions or of this Protocol.

2. Subject to the rights and obligations established in the Conventions and in Article 85, paragraph 1 of this Protocol, and when circumstances permit, the High

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Contracting Parties shall co-operate in the matter of extradition. They shall give due consideration to the request of the State in whose territory the alleged offence has occurred.

3. The law of the High Contracting Party requested shall apply in all cases. The provisions of the preceding paragraphs shall not, however, affect the obligations arising from the provisions of any other treaty of a bilateral or multilateral nature which governs or will govern the whole or part of the subject of mutual assistance in criminal matters.

Article 89 - Co-operation

In situations of serious violations of the Conventions or of this Protocol, the High Contracting Parties undertake to act jointly or individually, in co-operation with the United Nations and in conformity with the United Nations Charter.

Article 90 - International Fact-Finding Commission

1. (a) An International Fact-Finding Commission (hereinafter referred to as "the Commission") consisting of 15 members of high moral standing and acknowledged impartiality shall be established;

(b) When not less than 20 High Contracting Parties have agreed to accept the competence of the Commission pursuant to paragraph 2, the depositary shall then, and at intervals of five years thereafter, convene a meeting of representatives of those High Contracting Parties for the purpose of electing the members of the Commission. At the meeting, the representatives shall elect the members of the Commission by secret ballot from a list of persons to which each of those High Contracting Parties may nominate one person;

(c) The members of the Commission shall serve in their personal capacity and shall hold office until the election of new members at the ensuing meeting;

(d) At the election, the High Contracting Parties shall ensure that the persons to be elected to the Commission individually possess the qualifications required and that, in the Commission as a whole, equitable geographical representation is assured;

(e) In the case of a casual vacancy, the Commission itself shall fill the vacancy, having due regard to the provisions of the preceding subparagraphs;

(f) The depositary shall make available to the Commission the necessary administrative facilities for the performance of its functions.

2. (a) The High Contracting Parties may at the time of signing, ratifying or acceding to the Protocol, or at any other subsequent time, declare that they recognize ipso facto and without special agreement, in relation to any other High

Contracting Party accepting the same obligation, the competence of the Commission to inquire into allegations by such other Party, as authorized by this Article;

(b) The declarations referred to above shall be deposited with the depositary, which shall transmit copies thereof to the High Contracting Parties;

(c) The Commission shall be competent to:

(i) inquire into any facts alleged to be a grave breach as defined in the Conventions and this Protocol or other serious violation of the Conventions or of this Protocol;

(ii) facilitate, through its good offices, the restoration of an attitude of respect for the Conventions and this Protocol;

(d) In other situations, the Commission shall institute an inquiry at the request of a Party to the conflict only with the consent of the other Party or Parties concerned;

(e) Subject to the foregoing provisions of this paragraph, the provisions of Article 52 of the First Convention, Article 53 of the Second Convention, Article 132 of the Third Convention and Article 149 of the Fourth Convention shall continue to apply to any alleged violation of the Conventions and shall extend to any alleged violation of this Protocol.

3. (a) Unless otherwise agreed by the Parties concerned, all inquiries shall be undertaken by a Chamber consisting of seven members appointed as follows:

(i) five members of the Commission, not nationals of any Party to the conflict, appointed by the President of the Commission on the basis of equitable representation of the geographical areas, after consultation with the Parties to the conflict;

(ii) two ad hoc members, not nationals of any Party to the conflict, one to be appointed by each side;

(b) Upon receipt of the request for an inquiry, the President of the Commission shall specify an appropriate time-limit for setting up a Chamber. If any ad hoc member has not been appointed within the time-limit, the President shall immediately appoint such additional member or members of the Commission as may be necessary to complete the membership of the Chamber.

4. (a) The Chamber set up under paragraph 3 to undertake an inquiry shall invite the Parties to the conflict to assist it and to present evidence. The Chamber may also seek such other evidence as it deems appropriate and may carry out an investigation of the situation in loco;

(b) All evidence shall be fully disclosed to the Parties, which shall have the right to comment on it to the Commission;

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(c) Each Party shall have the right to challenge such evidence.

5. (a) The Commission shall submit to the Parties a report on the findings of fact of the Chamber, with such recommendations as it may deem appropriate;

(b) If the Chamber is unable to secure sufficient evidence for factual and impartial findings, the Commission shall state the reasons for that inability;

(c) The Commission shall not report its findings publicly, unless all the Parties to the conflict have requested the Commission to do so.

6. The Commission shall establish its own rules, including rules for the presidency of the Commission and the presidency of the Chamber. Those rules shall ensure that the functions of the President of the Commission are exercised at all times and that, in the case of an inquiry, they are exercised by a person who is not a national of a Party to the conflict.

7. The administrative expenses of the Commission shall be met by contributions from the High Contracting Parties which made declarations under paragraph 2, and by voluntary contributions. The Party or Parties to the conflict requesting an inquiry shall advance the necessary funds for expenses incurred by a Chamber and shall be reimbursed by the Party or Parties against which the allegations are made to the extent of 50 per cent of the costs of the Chamber. Where there are counter-allegations before the Chamber each side shall advance 50 per cent of the necessary funds.

Article 91 - Responsibility

A Party to the conflict which violates the provisions of the Conventions or of this Protocol shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.

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PART VI
FINAL PROVISIONS

Article 92 - Signature

This Protocol shall be open for signature by the Parties to the Conventions six months after the signing of the Final Act and will remain open for a period of twelve months.

Article 93 - Ratification

This Protocol shall be ratified as soon as possible. The instruments of ratification shall be deposited with the Swiss Federal Council, depositary of the Conventions.

Article 94 - Accession

This Protocol shall be open for accession by any Party to the Conventions which has not signed it. The instruments of accession shall be deposited with the depositary.

Article 95 - Entry into force

1. This Protocol shall enter into force six months after two instruments of ratification or accession have been deposited.
2. For each Party to the Conventions thereafter ratifying or acceding to this Protocol, it shall enter into force six months after the deposit by such Party of its instrument of ratification or accession.

Article 96 - Treaty relations upon entry into force of this Protocol

1. When the Parties to the Conventions are also Parties to this Protocol, the Conventions shall apply as supplemented by this Protocol.
2. When one of the Parties to the conflict is not bound by this Protocol, the Parties to the Protocol shall remain bound by it in their mutual relations. They shall furthermore be bound by this Protocol in relation to each of the Parties which are not bound by it, if the latter accepts and applies the provisions thereof.
3. The authority representing a people engaged against a High Contracting Party in an armed conflict of the type referred to in Article 1, paragraph 4, may undertake to apply the Conventions and this Protocol in relation to that conflict by means of a unilateral declaration addressed to the depositary. Such declaration shall, upon its receipt by the depositary, have in relation to that conflict the following effects:

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(a) the Conventions and this Protocol are brought into force for the said authority as a Party to the conflict with immediate effect;

(b) the said authority assumes the same rights and obligations as those which have been assumed by a High Contracting Party to the Conventions and this Protocol; and

(c) the Conventions and this Protocol are equally binding upon all Parties to the conflict.

Article 97 - Amendment

1. Any High Contracting Party may propose amendments to this Protocol. The text of any proposed amendment shall be communicated to the depositary, which shall decide, after consultation with all the High Contracting Parties and the International Committee of the Red Cross, whether a conference should be convened to consider the proposed amendment.

2. The depositary shall invite to that conference all the High Contracting Parties as well as the Parties to the Conventions, whether or not they are signatories of this Protocol.

Article 98 - Revision of Annex I

1. Not later than four years after the entry into force of this Protocol and thereafter at intervals of not less than four years, the International Committee of the Red Cross shall consult the High Contracting Parties concerning Annex I to this Protocol and, if it considers it necessary, may propose a meeting of technical experts to review Annex I and to propose such amendments to it as may appear to be desirable. Unless, within six months of the communication of a proposal for such a meeting to the High Contracting Parties, one third of them object, the International Committee of the Red Cross shall convene the meeting, inviting also observers of appropriate international organizations. Such a meeting shall also be convened by the International Committee of the Red Cross at any time at the request of one third of the High Contracting Parties.

2. The depositary shall convene a conference of the High Contracting Parties and the Parties to the Conventions to consider amendments proposed by the meeting of technical experts if, after that meeting, the International Committee of the Red Cross or one third of the High Contracting Parties so request.

3. Amendments to Annex I may be adopted at such a conference by a two-thirds majority of the High Contracting Parties present and voting.

4. The depositary shall communicate any amendment so adopted to the High Contracting Parties and to the Parties to the Conventions. The amendment shall be considered to have been accepted at the end of a period of one year after it

has been so communicated, unless within that period a declaration of non-acceptance of the amendment has been communicated to the depositary by not less than one third of the High Contracting Parties.

5. An amendment considered to have been accepted in accordance with paragraph 4 shall enter into force three months after its acceptance for all High Contracting Parties other than those which have made a declaration of non-acceptance in accordance with that paragraph. Any Party making such a declaration may at any time withdraw it and the amendment shall then enter into force for that Party three months thereafter.

6. The depositary shall notify the High Contracting Parties and the Parties to the Conventions of the entry into force of any amendment, of the Parties bound thereby, of the date of its entry into force in relation to each Party, of declarations of non-acceptance made in accordance with paragraph 4, and of withdrawals of such declarations.

Article 99 - Denunciation

1. In case a High Contracting Party should denounce this Protocol, the denunciation shall only take effect one year after receipt of the instrument of denunciation. If, however, on the expiry of that year the denouncing Party is engaged in one of the situations referred to in Article I, the denunciation shall not take effect before the end of the armed conflict or occupation and not, in any case, before operations connected with the final release, repatriation or re-establishment of the persons protected by the Convention or this Protocol have been terminated.

2. The denunciation shall be notified in writing to the depositary, which shall transmit it to all the High Contracting Parties.

3. The denunciation shall have effect only in respect of the denouncing Party.

4. Any denunciation under paragraph 1 shall not affect the obligations already incurred, by reason of the armed conflict, under this Protocol by such denouncing Party in respect of any act committed before this denunciation becomes effective.

Article 100 - Notifications

The depositary shall inform the High Contracting Parties as well as the Parties to the Conventions, whether or not they are signatories of this Protocol, of:

- (a) signatures affixed to this Protocol and the deposit of instruments of ratification and accession under Articles 93 and 94;
- (b) the date of entry into force of this Protocol under Article 95;

- (c) communications and declarations received under Articles 84, 90 and 97;
- (d) declarations received under Article 96, paragraph 3, which shall be communicated by the quickest methods; and
- (e) denunciations under Article 99.

Article 101 - Registration

1. After its entry into force, this Protocol shall be transmitted by the depositary to the Secretariat of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.
2. The depositary shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to this Protocol.

Article 102 - Authentic texts

The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the depositary, which shall transmit certified true copies thereof to all the Parties to the Conventions.

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

Annex I to Protocol I

REGULATIONS CONCERNING IDENTIFICATION

Chapter I

IDENTITY CARDS

Article 1 - Identity card for permanent civilian medical and religious personnel

1. The identity card for permanent civilian medical and religious personnel referred to in Article 13, paragraph 3, of the Protocol should:

(a) bear the distinctive emblem and be of such size that it can be carried in the pocket;

(b) be as durable as practicable;

(c) be worded in the national or official language (and may in addition be worded in other languages);

(d) mention the name, the date of birth (or, if that date is not available, the age at the time of issue) and the identity number, if any, of the holder;

(e) state in what capacity the holder is entitled to the protection of the Conventions and of the Protocol;

(f) bear the photograph of the holder as well as his signature or his thumbprint, or both;

(g) bear the stamp and signature of the competent authority;

(h) state the date of issue and date of expiry of the card.

2. The identity card shall be uniform throughout the territory of each High Contracting Party and, as far as possible, of the same type for all Parties to the conflict. The Parties to the conflict may be guided by the single-language model shown in Figure 1. At the outbreak of hostilities, they shall transmit to each other a specimen of the model they are using, if such model differs from that shown in Figure 1. The identity card shall be made out, if possible, in duplicate, one copy being kept by the issuing authority, which should maintain control of the cards which it has issued.

3. In no circumstances may permanent civilian medical and religious personnel be deprived of their identity cards. In the event of the loss of a card, they shall be entitled to obtain a duplicate copy.

Article 2 - Identity card for temporary civilian medical and religious personnel

1. The identity card for temporary civilian medical and religious personnel should, whenever possible, be similar to that provided for in Article 1 of these Regulations. The Parties to the conflict may be guided by the model shown in Figure 1.
2. When circumstances preclude the provision to temporary civilian medical and religious personnel of identity cards similar to those described in Article 1 of these Regulations, the said personnel may be provided with a certificate signed by the competent authority certifying that the person to whom it is issued is assigned to duty as temporary personnel and stating, if possible, the duration of such assignment and his right to wear the distinctive emblem. The certificate should mention the holder's name and date of birth (or if that date is not available, his age at the time when the certificate was issued), his function and identity number, if any. It shall bear his signature or his thumbprint, or both.



ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

FRONT

(space reserved for the name of the country and authority issuing this card)

IDENTITY CARD

for PERMANENT civilian medical personnel
TEMPORARY religious personnel

Name

Date of birth (or age)

Identity No. (if any)

The holder of this card is protected by the Geneva Conventions of 12 August 1949 and by the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) in his capacity as

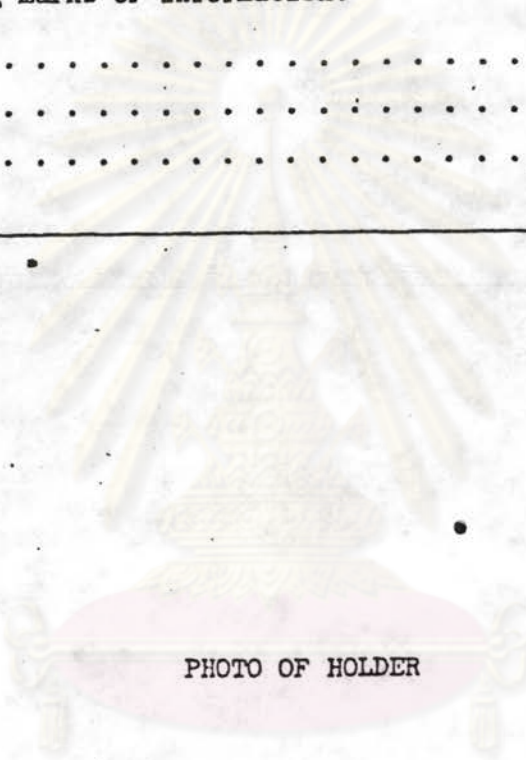
Date of issue No. of card

Signature of issuing authority

Date of expiry

Fig. 1: Model of identity card (format: 74 mm x 105 mm.)

REVERSE SIDE

Height	Eyes	Hair
Other distinguishing marks or information:		
 PHOTO OF HOLDER		
Stamp	Signature of holder or thumbprint or both	

ศูนย์วิทยพัชร์พยากร
จุฬาลงกรณ์มหาวิทยาลัย



Chapter II

THE DISTINCTIVE EMBLEM

Article 3 - Shape and nature

1. The distinctive emblem (red on a white ground) shall be as large as appropriate under the circumstances. For the shapes of the cross, the crescent or the lion and sun, the High Contracting Parties may be guided by the models shown in Figure 2.

2. At night or when visibility is reduced, the distinctive emblem may be lighted or illuminated; it may also be made of materials rendering it recognizable by technical means of detection.



Fig. 2: Distinctive emblems in red on a white ground

Article 4 - Use

1. The distinctive emblem shall, whenever possible, be displayed on a flat surface or on flags visible from as many directions and from as far away as possible.

2. Subject to the instructions of the competent authority, medical and religious personnel carrying out their duties in the battle area shall, as far as possible, wear headgear and clothing bearing the distinctive emblem.

Chapter III

DISTINCTIVE SIGNALS

Article 5 - Optional Use

1. Subject to the provisions of Article 6 of these Regulations, the signals specified in this Chapter for exclusive use by medical units and transports shall not be used for any other purpose. The use of all signals referred to in this Chapter is optional.
2. Temporary medical aircraft which cannot, either for lack of time or because of their characteristics, be marked with the distinctive emblem, may use the distinctive signals authorized in this Chapter. The best method of effective identification and recognition of medical aircraft is, however, the use of a visual signal, either the distinctive emblem or the light signal specified in Article 6, or both, supplemented by the other signals referred to in Articles 7 and 8 of these Regulations.

Article 6 - Light signal

1. The light signal, consisting of a flashing blue light, is established for the use of medical aircraft to signal their identity. No other aircraft shall use this signal. The recommended blue colour is obtained by using, as trichromatic co-ordinates:

green boundary	$y = 0.065 + 0.805x$
white boundary	$y = 0.400 - x$
purple boundary	$x = 0.133 + 0.600y$

The recommended flashing rate of the blue light is between 60 and 100 flashes per minute.

2. Medical aircraft should be equipped with such lights as may be necessary to make the light signal visible in as many directions as possible.
3. In the absence of a special agreement between the Parties to the conflict reserving the use of flashing blue lights for the identification of medical vehicles and ships and craft, the use of such signals for other vehicles or ships is not prohibited.

Article 7 - Radio signal

1. The radio signal shall consist of a radiotelephonic or radiotelegraphic message preceded by a distinctive priority signal to be designated and approved by a World Administrative Radio Conference of the International Telecommunication Union. It shall be transmitted three times before the call sign of the medical transport involved. This message shall be transmitted in English at appropriate intervals on a frequency or frequencies specified pursuant to paragraph 3. The use of the priority signal shall be restricted exclusively to medical units and transports.

/...

2. The radio message preceded by the distinctive priority signal mentioned in paragraph 1 shall convey the following data:

- (a) call sign of the medical transport;
- (b) position of the medical transport;
- (c) number and type of medical transports;
- (d) intended route;
- (e) estimated time en route and of departure and arrival, as appropriate;

(f) any other information such as flight altitude, radio frequencies guarded, languages and secondary surveillance, radar modes and codes.

3. In order to facilitate the communications referred to in paragraphs 1 and 2, as well as the communications referred to in Articles 22, 23, 25, 26, 27, 28, 29, 30 and 31 of the Protocol, the High Contracting Parties, the Parties to a conflict, or one of the Parties to a conflict, acting in agreement or alone, may designate, in accordance with the Table of Frequency Allocations in the Radio Regulations annexed to the International Telecommunication Convention, and publish selected national frequencies to be used by them for such communications. These frequencies shall be notified to the International Telecommunication Union in accordance with procedures to be approved by a World Administrative Radio Conference.

Article 8 - Electronic identification

1. The Secondary Surveillance Radar (SSR) system, as specified in Annex 10 to the Chicago Convention on International Civil Aviation of 7 December 1944, as amended from time to time, may be used to identify and to follow the course of medical aircraft. The SSR mode and code to be reserved for the exclusive use of medical aircraft shall be established by the High Contracting Parties, the Parties to a conflict, or one of the Parties to a conflict, acting in agreement or alone, in accordance with procedures to be recommended by the International Civil Aviation Organization.

2. Parties to a conflict may, by special agreement between them, establish for their use a similar electronic system for the identification of medical vehicles, and medical ships and craft.

Chapter IV

COMMUNICATIONS

Article 9 - Radiocommunications

The priority signal provided for in Article 7 of these Regulations may precede

/...

appropriate radiocommunications by medical units and transports in the application of the procedures carried out under Articles 22, 23, 25, 26, 27, 28, 29, 30 and 31 of the Protocol.

Article 10 - Use of international codes

Medical units and transports may also use the codes and signals laid down by the International Telecommunication Union, the International Civil Aviation Organization and the Inter-Governmental Maritime Consultative Organization. These codes and signals shall be used in accordance with the standards, practices and procedures established by these Organizations.

Article 11 - Other means of communication

When two-way radiocommunication is not possible, the signals provided for in the International Code of Signals adopted by the Inter-Governmental Maritime Consultative Organization or in the appropriate Annex to the Chicago Convention on International Civil Aviation of 7 December 1944, as amended from time to time, may be used.

Article 12 - Flight plans

The agreements and notifications relating to flight plans provided for in Article 29 of the Protocol shall as far as possible be formulated in accordance with procedures laid down by the International Civil Aviation Organization.

Article 13 - Signals and procedures for the interception of medical aircraft

If an intercepting aircraft is used to verify the identity of a medical aircraft in flight or to require it to land in accordance with Articles 30 and 31 of the Protocol, the standard visual and radio interception procedures prescribed by Annex 2 to the Chicago Convention on International Civil Aviation of 7 December 1944, as amended from time to time, should be used by the intercepting and the medical aircraft.

Chapter V

CIVIL DEFENCE

Article 14 - Identity card

1. The identity card of the civil defence personnel provided for in Article 16, paragraph 3, of the Protocol is governed by the relevant provisions of Article 1 of these Regulations.
2. The identity card for civil defence personnel may follow the model shown in Figure 3.
3. If civil defence personnel are permitted to carry light individual weapons, an entry to that effect should be made on the card mentioned.

FRONT

(space reserved for the name of the country and authority issuing this card)

IDENTITY CARD

for civil defence personnel

Name

.....

Date of birth (or age)

Identity No. (if any)

The holder of this card is protected by the Geneva Conventions of 12 August 1949 and by the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) in his capacity as

.....

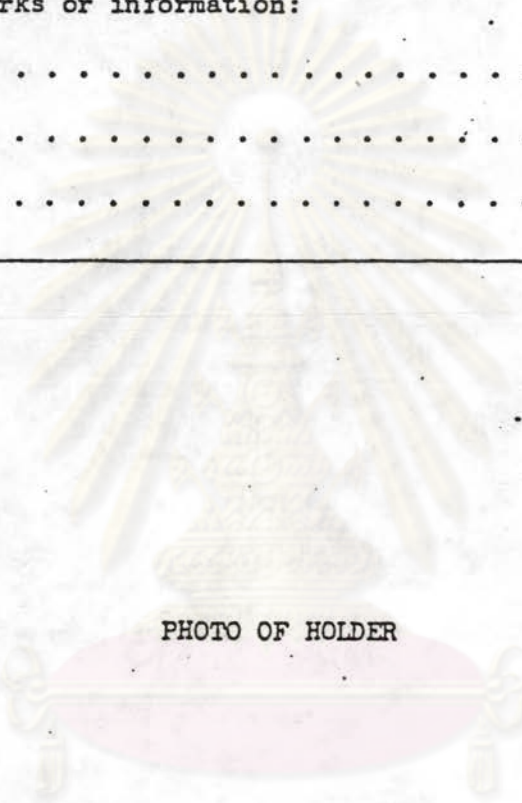
Date of issue No. of card

..... Signature of issuing authority

Date of expiry

Fig. 3: Model of identity card for civil defence personnel (format: 74 mm x 115 mm.)

REVERSE SIDE

Height	Eyes	Hair
Other distinguishing marks or information: Weapons		
 PHOTO OF HOLDER ศูนย์วิทยุตำรวจ จุฬาลงกรณ์มหาวิทยาลัย		
Stamp	Signature of holder or thumbprint or both	

Article 15 - International distinctive sign

1. The international distinctive sign of civil defence provided for in Article 66, paragraph 4, of the Protocol is an equilateral blue triangle on an orange ground. A model is shown in Figure 4:



Fig. 4: Blue triangle on an orange ground

2. It is recommended that:
- (a) if the blue triangle is on a flag or armlet or tabard, the ground to the triangle be the orange flag, armlet or tabard;
 - (b) one of the angles of the triangle be pointed vertically upwards;
 - (c) no angle of the triangle touch the edge of the orange ground.
3. The international distinctive sign shall be as large as appropriate under the circumstances. The distinctive sign shall, whenever possible, be displayed on flat surfaces or on flags visible from as many directions and from as far away as possible. Subject to the instructions of the competent authority, civil defence personnel shall, as far as possible, wear headgear and clothing bearing the international distinctive sign. At night or when visibility is reduced, the sign may be lighted or illuminated; it may also be made of materials rendering it recognizable by technical means of detection.

Chapter VI

WORKS AND INSTALLATIONS CONTAINING DANGEROUS FORCES

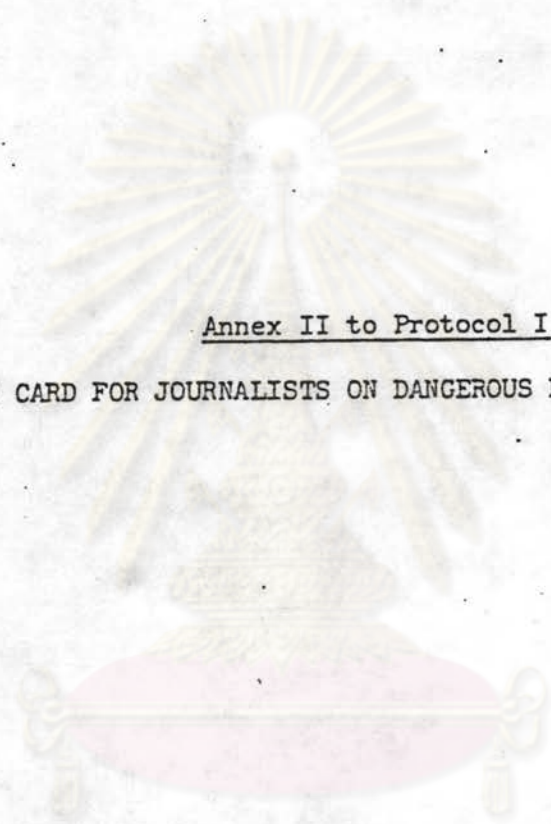
Article 16 - International special sign

1. The international special sign for works and installations containing dangerous forces, as provided for in Article 56, paragraph 7, of the Protocol, shall be a group of three bright orange circles of equal size, placed on the same axis, the distance between each circle being one radius, in accordance with Figure 5 illustrated below.
2. The sign shall be as large as appropriate under the circumstances. When displayed over an extended surface it may be repeated as often as appropriate under the circumstances. It shall, whenever possible, be displayed on flat surfaces or on flags so as to be visible from as many directions and from as far away as possible.
3. On a flag, the distance between the outer limits of the sign and the adjacent sides of the flag shall be one radius of a circle. The flag shall be rectangular and shall have a white ground.
4. At night or when visibility is reduced, the sign may be lighted or illuminated. It may also be made of materials rendering it recognizable by technical means of detection.



Fig. 5: International special sign for works and installations containing dangerous forces

/...



Annex II to Protocol I

IDENTITY CARD FOR JOURNALISTS ON DANGEROUS PROFESSIONAL MISSIONS

ศูนย์วิทยุทรพยากร
จุฬาลงกรณ์มหาวิทยาลัย


IDENTITY CARD FOR JOURNALISTS
ON DANGEROUS PROFESSIONAL MISSIONS

FRONT

<p style="text-align: center;">NOTICE</p> <p>This identity card is issued to journalists on dangerous professional missions in areas of armed conflicts. The holder is entitled to be treated as a civilian under the Geneva Conventions of 12 August 1949, and 1977, additional Protocols I. The card must be carried at all times by the bearer. If he is detained, he shall at once show it to the detaining authorities, to assist in his identification.</p> <p style="text-align: center;">ملاحظة</p> <p>تم إصدار هذه البطاقة للصحفيين الكثرين بمهام خطيرة في مناطق النزاع المسلحة. يحل صاحبها أن يعامل معاملة المدنيين وفقاً لاتفاقيات جنيف لعام 1949 و 1977، بروتوكولها الإضافي الأول. يجب أن يحتفظ صاحب البطاقة بها دوماً لأنه سيحتاج إليها في حالة اعتقاله لتسهيل عملية التعرف عليه.</p> <p style="text-align: center;">NOTA</p> <p>La presente tarjeta de identidad se concede a los periodistas en misión profesional peligrosa en zonas de conflictos armados. El titular tiene derecho a ser tratado como persona civil conforme a los Convenios de Ginebra del 12 de agosto de 1949 y su Protocolo adicional I. El titular debe llevar esta tarjeta consigo, en todo momento. En caso de ser detenido, la entregará inmediatamente a las autoridades que lo detengan a fin de facilitar su identificación.</p> <p style="text-align: center;">AVIS</p> <p>La présente carte d'identité est délivrée aux journalistes en mission professionnelle périlleuse dans des zones de conflit armé. Le porteur a le droit d'être traité comme une personne civile aux termes des Conventions de Genève de 12 août 1949 et de leur Protocole additionnel I. La carte doit être portée en tout temps par son titulaire. En cas de détention, il la remettra immédiatement aux autorités qui le retiennent afin qu'elles puissent l'identifier.</p> <p style="text-align: center;">УВЕДОМЛЕНИЕ</p> <p>Важнейшее удостоверение выдается журналистам, выполняющим в опасных профессиональных условиях журналистские обязанности. Его обладатель имеет право на дополнительное обращение в соответствии с Женевскими Конвенциями от 12 августа 1949 г. и Дополнительным Протоколом I к ним. Журналист должен всегда иметь при себе данное удостоверение и предъявлять его немедленно властям, которые его задержат.</p>	<p style="text-align: center;">(Name of country issuing this card) (اسم البلد المصدِّر لهذه البطاقة) (Nombre del país que expide esta tarjeta) (Nom du pays qui a délivré cette carte)</p> <p style="text-align: center;">IDENTITY CARD FOR JOURNALISTS ON DANGEROUS PROFESSIONAL MISSIONS</p> <p style="text-align: center;">بطاقة الهوية الخاصة بالصحفيين الكثرين بمهام خطيرة</p> <p style="text-align: center;">TARJETA DE IDENTIDAD DE PERIODISTA EN MISION PELIGROSA</p> <p style="text-align: center;">CARTE D'IDENTITE DE JOURNALISTE EN MISSION PERILLEUSE</p> <p style="text-align: center;">ТАЖЕТОБРАЩЕНИЕ ЖУРНАЛИСТА, НАХОДЯЩЕГОСЯ В ОПАСНОЙ ПРОФЕССИОНАЛЬНОЙ</p>
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REVERSE SIDE

<p>Issued by (competent authority) (مصدر البطاقة (السلطة المختصة)) Emitido por (autoridad competente) (سلطة الامتصاص المختصة)</p> <p>Photograph of bearer (التصوير الفوتوغرافي) Portrait photo of bearer (التصوير الفوتوغرافي) Signature of bearer (التوقيع) Official seal (imprint) (الختم الرسمي) (Seal official) (Timbre de l'autorité délivrante la carte) (الختم الرسمي) Signature of bearer (التوقيع) Signature of issuer (التوقيع)</p> <p>Name (الاسم) Surnames (الاسماء) Sex (الجنس) Nationality (الجنسية) First names (الاسماء) Date of birth (التاريخ) Place & date of birth (المكان والتاريخ) Last & first name of issuer (الاسم والتاريخ) Date & name of issuance (التاريخ والاسم) Correspondent of (الموافق) Correspondent of (الموافق) Specific destination (الوجهة) Category professional (الفئة المهنية) Place issued (المكان) Valid for (التاريخ) Date of validity (التاريخ)</p>	<p>Height (الطول) Stature (الطول) Weight (الوزن) Age (العمر) Sex (الجنس) Hair (الشعر) Eyes (العيون) Complexion (الجلد) Build (البنية) Blood type (مجموعة الدم) Blood group (مجموعة الدم) Distinguishing marks (العلامات المميزة)</p> <p>Religion (optional) (الديانة (اختياري)) Religion (mandatory) (الديانة (إلزامي)) Fingerprints (optional) (البصمات (اختياري)) Fingerprints (mandatory) (البصمات (إلزامي)) Left forefinger (إصبع الإبهام الأيسر) Right forefinger (إصبع الإبهام الأيمن) Other index equivalent (إصبع آخر مكافئ) Other index (إصبع آخر) Other middle (إصبع آخر) Other ring (إصبع آخر)</p> <p>Several marks of identification (العلامات المتعددة للتعريف)</p>
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12. พิธีสารฉบับที่ 2 เพิ่มเติมจากอนุสัญญากรุงเจนีวา เมื่อ 12 สิงหาคม ค.ศ.1949 และ
เกี่ยวข้องกับการคุ้มครองผู้เสียหายซึ่งไม่มีส่วนร่วมในความขัดแย้งทางการรบภายใน
ประเทศ ค.ศ.1977 (Protocol Additional to the Geneva Conventions of
12 August 1949, and Relating to the Protection of Victims of Non-
International Armed Conflicts-Protocol II)

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

Protocol Additional to the Geneva Conventions
of 12 August 1949, and Relating to the
Protection of Victims of Non-International
Armed Conflicts (Protocol II)

PREAMBLE

The High Contracting Parties,

Recalling that the humanitarian principles enshrined in Article 3 common to the Geneva Conventions of 12 August 1949, constitute the foundation of respect for the human person in cases of armed conflict not of an international character,

Recalling furthermore that international instruments relating to human rights offer a basic protection to the human person,

Emphasizing the need to ensure a better protection for the victims of those armed conflicts,

Recalling that, in cases not covered by the law in force, the human person remains under the protection of the principles of humanity and the dictates of the public conscience,

Have agreed on the following:

PART I — SCOPE OF THIS PROTOCOL

Article 1 — Material field of application

1. This Protocol, which develops and supplements Article 3 common to the Geneva Conventions of 12 August 1949 without modifying its existing conditions of application, shall apply to all armed conflicts which are not covered by Article 1 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) and which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to

enable them to carry out sustained and concerted military operations and to implement this Protocol.

2. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts.

Article 2 – Personal field of application

1. This Protocol shall be applied without any adverse distinction founded on race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria (hereinafter referred to as 'adverse distinction') to all persons affected by an armed conflict as defined in Article 1.

2. At the end of the armed conflict, all the persons who have been deprived of their liberty or whose liberty has been restricted for reasons related to such conflict, as well as those deprived of their liberty or whose liberty is restricted after the conflict for the same reasons, shall enjoy the protection of Articles 5 and 6 until the end of such deprivation or restriction of liberty.

Article 3 – Non-intervention

1. Nothing in this Protocol shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.

2. Nothing in this Protocol shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs.

PART II – HUMANE TREATMENT

Article 4 – Fundamental guarantees

1. All persons who do not take a direct part or who have ceased to take part in hostilities, whether or not their liberty has been restricted, are entitled to respect for their person, honour and convictions and religious practices. They shall in all circumstances be treated humanely, without any adverse distinction. It is prohibited to order that there shall be no survivors.

2. Without prejudice to the generality of the foregoing, the following acts against the persons referred to in paragraph 1 are and shall remain prohibited at any time and in any place whatsoever:

- (a) violence to the life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;
 - (b) collective punishments;
 - (c) taking of hostages;
 - (d) acts of terrorism;
 - (e) outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;
 - (f) slavery and the slave trade in all their forms;
 - (g) pillage;
 - (h) threats to commit any of the foregoing acts.
3. Children shall be provided with the care and aid they require, and in particular:
- (a) they shall receive an education, including religious and moral education, in keeping with the wishes of their parents, or in the absence of parents, of those responsible for their care;
 - (b) all appropriate steps shall be taken to facilitate the reunion of families temporarily separated;
 - (c) children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities;
 - (d) the special protection provided by this Article to children who have not attained the age of fifteen years shall remain applicable to them if they take a direct part in hostilities despite the provisions of sub-paragraph (c) and are captured;
 - (e) measures shall be taken, if necessary, and whenever possible with the consent of their parents or persons who by law or custom are primarily responsible for their care, to remove children temporarily from the area in which hostilities are taking place to a safer area within the country and ensure that they are accompanied by persons responsible for their safety and well-being.

Article 5 – Persons whose liberty has been restricted

1. In addition to the provisions of Article 4, the following provisions shall be respected as a minimum with regard to persons deprived of their liberty for reasons related to the armed conflict, whether they are interned or detained:

- (a) the wounded and the sick shall be treated in accordance with Article 7;

- (b) the persons referred to in this paragraph shall, to the same extent as the local civilian population, be provided with food and drinking water and be afforded safeguards as regards health and hygiene and protection against the rigours of the climate and the dangers of the armed conflict;
- (c) they shall be allowed to receive individual or collective relief;
- (d) they shall be allowed to practise their religion and, if requested and appropriate, to receive spiritual assistance from persons, such as chaplains, performing religious functions;
- (e) they shall, if made to work, have the benefit of working conditions and safeguards similar to those enjoyed by the local civilian population.

2. Those who are responsible for the internment or detention of the persons referred to in paragraph 1 shall also, within the limits of their capabilities, respect the following provisions relating to such persons:

- (a) except when men and women of a family are accommodated together, women shall be held in quarters separated from those of men and shall be under the immediate supervision of women;
- (b) they shall be allowed to send and receive letters and cards, the number of which may be limited by competent authority if it deems necessary;
- (c) places of internment and detention shall not be located close to the combat zone. The persons referred to in paragraph 1 shall be evacuated when the places where they are interned or detained become particularly exposed to danger arising out of the armed conflict, if their evacuation can be carried out under adequate conditions of safety;
- (d) they shall have the benefit of medical examinations;
- (e) their physical or mental health and integrity shall not be endangered by any unjustified act or omission. Accordingly, it is prohibited to subject the persons described in this Article to any medical procedure which is not indicated by the state of health of the person concerned, and which is not consistent with the generally accepted medical standards applied to free persons under similar medical circumstances.

3. Persons who are not covered by paragraph 1 but whose liberty

has been restricted in any way whatsoever for reasons related to the armed conflict shall be treated humanely in accordance with Article 4 and with paragraphs 1(a), (c) and (d), and 2(b) of this Article.

4. If it is decided to release persons deprived of their liberty, necessary measures to ensure their safety shall be taken by those so deciding.

Article 6 – Penal prosecutions

1. This Article applies to the prosecution and punishment of criminal offences related to the armed conflict.

2. No sentence shall be passed and no penalty shall be executed on a person found guilty of an offence except pursuant to a conviction pronounced by a court offering the essential guarantees of independence and impartiality. In particular:

- (a) the procedure shall provide for an accused to be informed without delay of the particulars of the offence alleged against him and shall afford the accused before and during his trial all necessary rights and means of defence;
- (b) no one shall be convicted of an offence except on the basis of individual penal responsibility;
- (c) no one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under the law, at the time when it was committed; nor shall a heavier penalty be imposed than that which was applicable at the time when the criminal offence was committed; if, after the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby;
- (d) anyone charged with an offence is presumed innocent until proved guilty according to law;
- (e) anyone charged with an offence shall have the right to be tried in his presence;
- (f) no one shall be compelled to testify against himself or to confess guilt.

3. A convicted person shall be advised on conviction of his judicial and other remedies and of the time-limits within which they may be exercised.

4. The death penalty shall not be pronounced on persons who were under the age of eighteen years at the time of the offence and shall not be carried out on pregnant women or mothers of young children.

5. At the end of hostilities, the authorities in power shall

endeavour to grant the broadest possible amnesty to persons who have participated in the armed conflict, or those deprived of their liberty for reasons related to the armed conflict, whether they are interned or detained.

PART III – WOUNDED, SICK AND SHIPWRECKED

Article 7 – Protection and care

1. All the wounded, sick and shipwrecked, whether or not they have taken part in the armed conflict, shall be respected and protected.

2. In all circumstances they shall be treated humanely and shall receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition. There shall be no distinction among them founded on any grounds other than medical ones.

Article 8 – Search

Whenever circumstances permit, and particularly after an engagement, all possible measure shall be taken, without delay, to search for and collect the wounded, sick and shipwrecked, to protect them against pillage and ill-treatment, to ensure their adequate care, and to search for the dead, prevent their being despoiled, and decently dispose of them.

Article 9 – Protection of medical and religious personnel

1. Medical and religious personnel shall be respected and protected and shall be granted all available help for the performance of their duties. They shall not be compelled to carry out tasks which are not compatible with their humanitarian mission.

2. In the performance of their duties medical personnel may not be required to give priority to any person except on medical grounds.

Article 10 – General protection of medical duties

1. Under no circumstances shall any person be punished for having carried out medical activities compatible with medical ethics, regardless of the person benefiting therefrom.

2. Persons engaged in medical activities shall neither be compelled to perform acts or to carry out work contrary to, nor be compelled to refrain from acts required by, the rules of medical ethics or other rules designed for the benefit of the wounded and sick, or this Protocol.

3. The professional obligations of persons engaged in medical

activities regarding information which they may acquire concerning the wounded and sick under their care shall, subject to national law, be respected.

4. Subject to national law, no person engaged in medical activities may be penalized in any way for refusing or failing to give information concerning the wounded and sick who are, or who have been, under his care.

Article 11 — Protection of medical units and transports

1. Medical units and transports shall be respected and protected at all times and shall not be the object of attack.

2. The protection to which medical units and transports are entitled shall not cease unless they are used to commit hostile acts, outside their humanitarian function. Protection may, however, cease only after a warning has been given setting, whenever appropriate, a reasonable time-limit, and after such warning has remained unheeded.

Article 12 — The distinctive emblem

Under the direction of the competent authority concerned, the distinctive emblem of the red cross, red crescent or red lion and sun on a white ground shall be displayed by medical and religious personnel and medical units, and on medical transports. It shall be respected in all circumstances. It shall not be used improperly.

PART IV — CIVILIAN POPULATION

Article 13 — Protection of the civilian population

1. The civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations. To give effect to this protection, the following rules shall be observed in all circumstances.

2. The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.

3. Civilians shall enjoy the protection afforded by this Part, unless and for such time as they take a direct part in hostilities.

Article 14 — Protection of objects indispensable to the survival of the civilian population

Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian



population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works.

Article 15 – Protection of works and installations containing dangerous forces

Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population.

Article 16 – Protection of cultural objects and of places of worship

Without prejudice to the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, it is prohibited to commit any acts of hostility directed against historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples, and to use them in support of the military effort.

Article 17 – Prohibition of forced movement of civilians

1. The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.

2. Civilians shall not be compelled to leave their own territory for reasons connected with the conflict.

Article 18 – Relief societies and relief actions

1. Relief societies located in the territory of the High Contracting Party, such as Red Cross (Red Crescent, Red Lion and Sun) organizations, may offer their services for the performance of their traditional functions in relation to the victims of the armed conflict. The civilian population may, even on its own initiative, offer to collect and care for the wounded, sick and shipwrecked.

2. If the civilian population is suffering undue hardship owing to a lack of the supplies essential for its survival, such as foodstuffs and medical supplies, relief actions for the civilian population which are of an exclusively humanitarian and impartial nature and which are conducted without any adverse distinction shall be undertaken subject to the consent of the High Contracting Party concerned.

PART V — FINAL PROVISIONS

Article 19 — Dissemination

This Protocol shall be disseminated as widely as possible.

Article 20 — Signature

This Protocol shall be open for signature by the Parties to the Conventions six months after the signing of the Final Act and will remain open for a period of twelve months.

Article 21 — Ratification

This Protocol shall be ratified as soon as possible. The instruments of ratification shall be deposited with the Swiss Federal Council, depositary of the Conventions.

Article 22 — Accession

This Protocol shall be open for accession by any Party to the Conventions which has not signed it. The instruments of accession shall be deposited with the depositary.

Article 23 — Entry into force

1. This Protocol shall enter into force six months after two instruments of ratification or accession have been deposited.

2. For each Party to the Conventions thereafter ratifying or acceding to this Protocol, it shall enter into force six months after the deposit by such Party of its instrument of ratification or accession.

Article 24 — Amendment

1. Any High Contracting Party may propose amendments to this Protocol. The text of any proposed amendment shall be communicated to the depositary which shall decide, after consultation with all the High Contracting Parties and the International Committee of the Red Cross, whether a conference should be convened to consider the proposed amendment.

2. The depositary shall invite to that conference all the High Contracting Parties as well as the Parties to the Conventions, whether or not they are signatories of this Protocol.

Article 25 — Denunciation

1. In case a High Contracting Party should denounce this Protocol, the denunciation shall only take effect six months after receipt of the instrument of denunciation. If, however, on the expiry of six months, the denouncing Party is engaged in the situation referred to in Article 1, the denunciation shall not take effect before the end of the armed conflict. Persons who have been deprived of liberty,

or whose liberty has been restricted, for reasons related to the conflict shall nevertheless continue to benefit from the provisions of this Protocol until their final release.

2. The denunciation shall be notified in writing to the depositary, which shall transmit it to all the High Contracting Parties.

Article 26 – Notifications

The depositary shall inform the High Contracting Parties as well as the Parties to the Conventions, whether or not they are signatories of this Protocol, of:

- (a) signatures affixed to this Protocol and the deposit of instruments of ratification and accession under Articles 21 and 22;
- (b) the date of entry into force of this Protocol under Article 23; and
- (c) communications and declarations received under Article 24.

Article 27 – Registration

1. After its entry into force, this Protocol shall be transmitted by the depositary to the Secretariat of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

2. The depositary shall also inform the Secretariat of the United Nations of all ratifications and accessions received by it with respect to this Protocol.

Article 28 – Authentic texts

The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic shall be deposited with the depositary, which shall transmit certified true copies thereof to all the Parties to the Conventions.

[Annexes omitted]

CONCLUDING NOTES
relating to the 1977 Geneva Protocols I and II

Except where otherwise stated, all entries in this list apply *both* to the 1977 Geneva Protocol I *and* to the 1977 Geneva Protocol II.

*Signatures, Ratifications and Accessions*¹

State (* denotes Reservation etc.: see below)	Date of Signature	Date of Ratification (r), or Accession (a) ²
*Australia	7 December 1978	—
Austria	12 December 1977	—
Bahamas		10 April 1980 a
Bangladesh		8 September 1980 a
Belgium	12 December 1977	—
Botswana		23 May 1979 a
Bulgaria	11 December 1978	—
Byelorussian SSR	12 December 1977	—
*Canada	12 December 1977	—
Chile	12 December 1977	—
Cyprus (Prot. I)	12 July 1978	1 June 1979 r
Czechoslovakia	6 December 1978	—
Denmark	12 December 1977	—
Ecuador	12 December 1977	10 April 1979 r
Egypt	12 December 1977	—
El Salvador	12 December 1977	23 November 1978 r
*Finland	12 December 1977	7 August 1980 r
Gabon		8 April 1980 a
German Democratic Republic	12 December 1977	—
*Germany, Federal Republic of	23 December 1977	—
Ghana	12 December 1977	28 February 1978 r
*Greece (Prot. I)	22 March 1978	—
Guatemala	12 December 1977	—
Holy See	12 December 1977	—
Honduras	12 December 1977	—
Hungary	12 December 1977	—
Iceland	12 December 1977	—
Iran	12 December 1977	—
Ireland	12 December 1977	—
*Italy	12 December 1977	—
Ivory Coast	12 December 1977	—
Jordan	12 December 1977	1 May 1979 r
Korea, Republic of (South)	7 December 1978	—
Laos	18 April 1978	18 November 1980 r

¹ Information supplied in communications from the Swiss Federal Department for Foreign Affairs between January 1980 and March 1981.

² There have been no declarations of succession in respect of these two agreements.

State (* denotes Reservation etc.: see below)	Date of Signature	Date of Ratification (r), or Accession (a)	
Libya		7 June	1978 a
Liechtenstein	12 December 1977	—	—
Luxembourg	12 December 1977	—	—
Madagascar	13 October 1978	—	—
Mauritania		14 March	1980 a
Mongolia	12 December 1977	—	—
Morocco	12 December 1977	—	—
Netherlands	12 December 1977	—	—
New Zealand	27 November 1978	—	—
Nicaragua	12 December 1977	—	—
Niger	16 June 1978	8 June	1979 r
Norway	12 December 1977	—	—
Pakistan	12 December 1977	—	—
Panama	12 December 1977	—	—
Peru	12 December 1977	—	—
Philippines (Prot. I)	12 December 1977	—	—
Poland	12 December 1977	—	—
* Portugal	12 December 1977	—	—
Romania	28 March 1978	—	—
San Marino	22 June 1978	—	—
Senegal	12 December 1977	—	—
* Spain	7 November 1978	—	—
* Sweden	12 December 1977	31 August	1979 r
* Switzerland	12 December 1977	—	—
Togo	12 December 1977	—	—
Tunisia	12 December 1977	9 August	1979 r
Ukrainian SSR	12 December 1977	—	—
* United Kingdom	12 December 1977	—	—
Upper Volta	11 January 1978	—	—
* USA	12 December 1977	—	—
USSR	12 December 1977	—	—
Vietnam (Prot. I)	12 December 1977	—	—
Yemen Arab Republic (North)	14 February 1978	—	—
* Yugoslavia	12 December 1977	11 June	1979 r

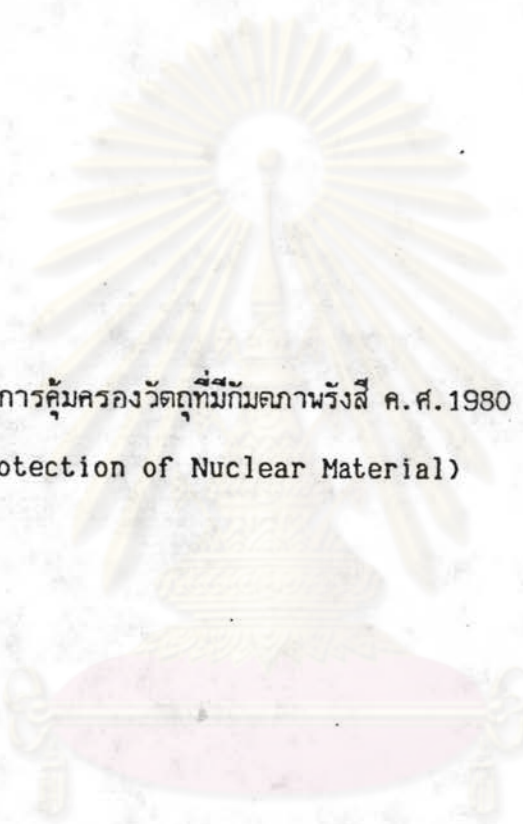
Total Number of Parties Listed: 17 for Protocol I; 16 for Protocol II.

Note on Entry into Force for States Parties

In accordance with Articles 95 in Protocol I and 23 in Protocol II, each Protocol entered into force on 7 December 1978 for the two states which had ratified or acceded six months earlier. For each of the other ratifying and acceding states, the Protocols formally entered into force six months after the date indicated in the right-hand column above.

Denunciations

None

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13. อนุสัญญาว่าด้วยการคุ้มครองวัตถุที่มีกัมมาฟรังสี ค.ศ.1980 (Convention on the Physical Protection of Nuclear Material)

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

THE STATES PARTIES TO THIS CONVENTION,

RECOGNIZING the right of all States to develop and apply nuclear energy for peaceful purposes and their legitimate interests in the potential benefits to be derived from the peaceful application of nuclear energy,

CONVINCED of the need for facilitating international co-operation in the peaceful application of nuclear energy,

DESIRING to avert the potential dangers posed by the unlawful taking and use of nuclear material,

CONVINCED that offences relating to nuclear material are a matter of grave concern and that there is an urgent need to adopt appropriate and effective measures to ensure the prevention, detection and punishment of such offences,

AWARE OF THE NEED FOR international co-operation to establish, in conformity with the national law of each State Party and with this Convention, effective measures for the physical protection of nuclear material,

CONVINCED that this Convention should facilitate the safe transfer of nuclear material,

STRESSING also the importance of the physical protection of nuclear material in domestic use, storage and transport,

RECOGNIZING the importance of effective physical protection of nuclear material used for military purposes, and understanding that such material is and will continue to be accorded stringent physical protection,

HAVE AGREED as follows:

Article 1

For the purposes of this Convention:

- (a) "nuclear material" means plutonium except that with isotopic concentration exceeding 80% in plutonium-238; uranium-233; uranium enriched in the isotope 235 or 233; uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore-residue; any material containing one or more of the foregoing;
- (b) "uranium enriched in the isotope 235 or 233" means uranium containing the isotope 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature;
- (c) "international nuclear transport" means the carriage of a consignment of nuclear material by any means of transportation intended to go beyond the territory of the State where the shipment originates beginning with the

IAEA

ACTIVITIES UNDER ARTICLE III OF NPT

CONVENTION
ON THE PHYSICAL PROTECTION
OF NUCLEAR MATERIAL

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

THE STATES PARTIES TO THIS CONVENTION,

RECOGNIZING the right of all States to develop and apply nuclear energy for peaceful purposes and their legitimate interests in the potential benefits to be derived from the peaceful application of nuclear energy,

CONVINCED of the need for facilitating international co-operation in the peaceful application of nuclear energy,

DESIRING to avert the potential dangers posed by the unlawful taking and use of nuclear material,

CONVINCED that offences relating to nuclear material are a matter of grave concern and that there is an urgent need to adopt appropriate and effective measures to ensure the prevention, detection and punishment of such offences,

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CONVINCED that this Convention should facilitate the safe transfer of nuclear material,

STRESSING also the importance of the physical protection of nuclear material in domestic use, storage and transport,

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- (b) "uranium enriched in the isotope 235 or 233" means uranium containing the isotope 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature;
- (c) "international nuclear transport" means the carriage of a consignment of nuclear material by any means of transportation intended to go beyond the territory of the State where the shipment originates beginning with the

departure from a facility of the shipper in that State and ending with the arrival at a facility of the receiver within the State of ultimate destination.

Article 2

1. This Convention shall apply to nuclear material used for peaceful purposes while in international nuclear transport.
2. With the exception of articles 3 and 4 and paragraph 3 of article 5, this Convention shall also apply to nuclear material used for peaceful purposes while in domestic use, storage and transport.
3. Apart from the commitments expressly undertaken by States Parties in the articles covered by paragraph 2 with respect to nuclear material used for peaceful purposes while in domestic use, storage and transport, nothing in this Convention shall be interpreted as affecting the sovereign rights of a State regarding the domestic use, storage and transport of such nuclear material.

Article 3

Each State Party shall take appropriate steps within the framework of its national law and consistent with international law to ensure as far as practicable that, during international nuclear transport, nuclear material within its territory, or on board a ship or aircraft under its jurisdiction insofar as such ship or aircraft is engaged in the transport to or from that State, is protected at the levels described in Annex I.

Article 4

1. Each State Party shall not export or authorize the export of nuclear material unless the State Party has received assurances that such material will be protected during the international nuclear transport at the levels described in Annex I.
2. Each State Party shall not import or authorize the import of nuclear material from a State not party to this Convention unless the State Party has received assurances that such material will during the international nuclear transport be protected at the levels described in Annex I.
3. A State Party shall not allow the transit of its territory by land or internal waterways or through its airports or seaports of nuclear material between States that are not parties to this Convention unless the State Party has received assurances as far as practicable that this nuclear material will be protected during international nuclear transport at the levels described in Annex I.
4. Each State Party shall apply within the framework of its national law the levels of physical protection described in Annex I to nuclear material being transported from a part of that State to another part of the same State through international waters or airspace.
5. The State Party responsible for receiving assurances that the nuclear material will be protected at the levels described in Annex I according to paragraphs 1 to 3 shall identify and inform in advance States which the nuclear material is expected to transit by land or internal waterways, or whose airports or seaports it is expected to enter.
6. The responsibility for obtaining assurances referred to in paragraph 1 may be transferred, by mutual agreement, to the State Party involved in the transport as the importing State.
7. Nothing in this article shall be interpreted as in any way affecting the territorial sovereignty and jurisdiction of a State, including that over its airspace and territorial sea.

Article 5

1. States Parties shall identify and make known to each other directly or through the International Atomic Energy Agency their central authority and point of contact having responsibility for physical protection of nuclear material and for co-ordinating recovery and response operations in the event of any unauthorized removal, use or alteration of nuclear material or in the event of credible threat thereof.

2. In the case of theft, robbery or any other unlawful taking of nuclear material or of credible threat thereof, States Parties shall, in accordance with their national law, provide co-operation and assistance to the maximum feasible extent in the recovery and protection of such material to any State that so requests. In particular:

- (a) a State Party shall take appropriate steps to inform as soon as possible other States, which appear to it to be concerned, of any theft, robbery or other unlawful taking of nuclear material or credible threat thereof and to inform, where appropriate, international organizations;
- (b) as appropriate, the States Parties concerned shall exchange information with each other or international organizations with a view to protecting threatened nuclear material, verifying the integrity of the shipping container, or recovering unlawfully taken nuclear material and shall:
 - (i) co-ordinate their efforts through diplomatic and other agreed channels;
 - (ii) render assistance, if requested;
 - (iii) ensure the return of nuclear material stolen or missing as a consequence of the above-mentioned events.

The means of implementation of this co-operation shall be determined by the States Parties concerned.

3. States Parties shall co-operate and consult as appropriate, with each other directly or through international organizations, with a view to obtaining guidance on the design, maintenance and improvement of systems of physical protection of nuclear material in international transport.

Article 6

1. States Parties shall take appropriate measures consistent with their national law to protect the confidentiality of any information which they receive in confidence by virtue of the provisions of this Convention from another State Party or through participation in an activity carried out for the implementation of this Convention. If States Parties provide information to international organizations in confidence, steps shall be taken to ensure that the confidentiality of such information is protected.

2. States Parties shall not be required by this Convention to provide any information which they are not permitted to communicate pursuant to national law or which would jeopardize the security of the State concerned or the physical protection of nuclear material.

Article 7

1. The intentional commission of:

- (a) an act without lawful authority which constitutes the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear material and which causes

or is likely to cause death or serious injury to any person or substantial damage to property;

- (b) a theft or robbery of nuclear material;
- (c) an embezzlement or fraudulent obtaining of nuclear material;
- (d) an act constituting a demand for nuclear material by threat or use of force or by any other form of intimidation;
- (e) a threat:
 - (i) to use nuclear material to cause death or serious injury to any person or substantial property damage, or
 - (ii) to commit an offence described in sub-paragraph (b) in order to compel a natural or legal person, international organization or State to do or to refrain from doing any act;
- (f) an attempt to commit any offence described in paragraphs (a), (b) or (c); and
- (g) an act which constitutes participation in any offence described in paragraphs (a) to (f)

shall be made a punishable offence by each State Party under its national law.

2. Each State Party shall make the offences described in this article punishable by appropriate penalties which take into account their grave nature.

Article 8

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 7 in the following cases:

- (a) when the offence is committed in the territory of that State or on board a ship or aircraft registered in that State;
- (b) when the alleged offender is a national of that State.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over these offences in cases where the alleged offender is present in its territory and it does not extradite him pursuant to article 11 to any of the States mentioned in paragraph 1.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

4. In addition to the States Parties mentioned in paragraphs 1 and 2, each State Party may, consistent with international law, establish its jurisdiction over the offences set forth in article 7 when it is involved in international nuclear transport as the exporting or importing State.

Article 9

Upon being satisfied that the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take appropriate measures, including detention, under its national law to ensure his presence for the purpose of prosecution or extradition. Measures taken according to this article shall be notified without delay to the

States required to establish jurisdiction pursuant to article 8 and, where appropriate, all other States concerned.

Article 10

The State Party in whose territory the alleged offender is present shall, if it does not extradite him, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State.

Article 11

1. The offences in article 7 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include those offences as extraditable offences in every future extradition treaty to be concluded between them.
2. If 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, it may at its option consider this Convention as the legal basis for extradition in respect of those offences. 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 those offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.
4. Each of the offences shall be treated, for the purpose of extradition between States Parties, as if it had been committed not only in the place in which it occurred but also in the territories of the States Parties required to establish their jurisdiction in accordance with paragraph 1 of article 8.

Article 12

Any person regarding whom proceedings are being carried out in connection with any of the offences set forth in article 7 shall be guaranteed fair treatment at all stages of the proceedings.

Article 13

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences set forth in article 7, including the supply of evidence at their disposal necessary for the proceedings. The law of the State requested shall apply in all cases.
2. The provisions of paragraph 1 shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

Article 14

1. Each State Party shall inform the depositary of its laws and regulations which give effect to this Convention. The depositary shall communicate such information periodically to all States Parties.
2. The State Party where an alleged offender is prosecuted shall, wherever practicable, first communicate the final outcome of the proceedings to the States directly concerned. The State Party shall also communicate the final outcome to the depositary who shall inform all States.

3. Where an offence involves nuclear material used for peaceful purposes in domestic use, storage or transport, and both the alleged offender and the nuclear material remain in the territory of the State Party in which the offence was committed, nothing in this Convention shall be interpreted as requiring that State Party to provide information concerning criminal proceedings arising out of such an offence.

Article 15

The Annexes constitute an integral part of this Convention.

Article 16

1. A conference of States Parties shall be convened by the depositary five years after the entry into force of this Convention to review the implementation of the Convention and its adequacy as concerns the preamble, the whole of the operative part and the annexes in the light of the then prevailing situation.
2. At intervals of not less than five years thereafter, the majority of States Parties may obtain, by submitting a proposal to this effect to the depositary, the convening of further conferences with the same objective.

Article 17

1. In the event of a dispute between two or more States Parties concerning the interpretation or application of this Convention, such States Parties shall consult with a view to the settlement of the dispute by negotiation, or by any other peaceful means of settling disputes acceptable to all parties to the dispute.
2. Any dispute of this character which cannot be settled in the manner prescribed in paragraph 1 shall, at the request of any party to such dispute, be submitted to arbitration or referred to the International Court of Justice for decision. Where a dispute is submitted to arbitration, if, within six months from the date of the request, the parties to the dispute are unable to agree on the organization of the arbitration, a party may request the President of the International Court of Justice or the Secretary-General of the United Nations to appoint one or more arbitrators. In case of conflicting requests by the parties to the dispute, the request to the Secretary-General of the United Nations shall have priority.
3. Each State Party 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 either or both of the dispute settlement procedures provided for in paragraph 2. The other States Parties shall not be bound by a dispute settlement procedure provided for in paragraph 2, with respect to a State Party which has made a reservation to that procedure.
4. Any State Party which has made a reservation in accordance with paragraph 3 may at any time withdraw that reservation by notification to the depositary.

Article 18

1. This Convention shall be open for signature by all States at the Headquarters of the International Atomic Energy Agency in Vienna and at the Headquarters of the United Nations in New York from 3 March 1980 until its entry into force.
2. This Convention is subject to ratification, acceptance or approval by the signatory States.
3. After its entry into force, this Convention will be open for accession by all States.

4. (a) This Convention shall be open for signature or accession by international organizations and regional organizations of an integration or other nature, provided that any such organization is constituted by sovereign States and has competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.
 - (b) In matters within their competence, such organizations shall, on their own behalf, exercise the rights and fulfil the responsibilities which this Convention attributes to States Parties.
 - (c) When becoming party to this Convention such an organization shall communicate to the depositary a declaration indicating which States are members thereof and which articles of this Convention do not apply to it.
 - (d) Such an organization shall not hold any vote additional to those of its Member States.
5. Instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.

Article 19

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

Article 20

1. Without prejudice to article 16 a State Party may propose amendments to this Convention. The proposed amendment shall be submitted to the depositary who shall circulate it immediately to all States Parties. If a majority of States Parties request the depositary to convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin not sooner than thirty days after the invitations are issued. Any amendment adopted at the conference by a two-thirds majority of all States Parties shall be promptly circulated by the depositary to all States Parties.
2. The amendment shall enter into force for each State Party that deposits its instrument of ratification, acceptance or approval of the amendment on the thirtieth day after the date on which two thirds of the States Parties have deposited their instruments of ratification, acceptance or approval with the depositary. Thereafter, the amendment shall enter into force for any other State Party on the day on which that State Party deposits its instrument of ratification, acceptance or approval of the amendment.

Article 21

1. Any State Party may denounce this Convention by written notification to the depositary.
2. Denunciation shall take effect one hundred and eighty days following the date on which notification is received by the depositary.

Article 22

The depositary shall promptly notify all States of:

- (a) each signature of this Convention;
- (b) each deposit of an instrument of ratification, acceptance, approval or accession;
- (c) any reservation or withdrawal in accordance with article 17;
- (d) any communication made by an organization in accordance with paragraph 4(c) of article 18;
- (e) the entry into force of this Convention;
- (f) the entry into force of any amendment to this Convention; and
- (g) any denunciation made under article 21.

Article 23

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Director General of the International Atomic Energy Agency who shall send certified copies thereof to all States.

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Convention, opened for signature at Vienna and at New York on 3 March 1980.

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

ANNEX I

Levels of Physical Protection to be Applied in International Transport of Nuclear Material as Categorized in Annex II

1. Levels of physical protection for nuclear material during storage incidental to international nuclear transport include:
 - (a) For Category III materials, storage within an area to which access is controlled;
 - (b) For Category II materials, storage within an area under constant surveillance by guards or electronic devices, surrounded by a physical barrier with a limited number of points of entry under appropriate control or any area with an equivalent level of physical protection;
 - (c) For Category I material, storage within a protected area as defined for Category II above, to which, in addition, access is restricted to persons whose trustworthiness has been determined, and which is under surveillance by guards who are in close communication with appropriate response forces. Specific measures taken in this context should have as their object the detection and prevention of any assault, unauthorized access or unauthorized removal of material.

2. Levels of physical protection for nuclear material during international transport include:
 - (a) For Category II and III materials, transportation shall take place under special precautions including prior arrangements among sender, receiver, and carrier, and prior agreement between natural or legal persons subject to the jurisdiction and regulation of exporting and importing States, specifying time, place and procedures for transferring transport responsibility;
 - (b) For Category I materials, transportation shall take place under special precautions identified above for transportation of Category II and III materials, and in addition, under constant surveillance by escorts and under conditions which assure close communication with appropriate response forces;
 - (c) For natural uranium other than in the form of ore or ore-residue, transportation protection for quantities exceeding 500 kilograms uranium shall include advance notification of shipment specifying mode of transport, expected time of arrival and confirmation of receipt of shipment.

จุฬาลงกรณ์มหาวิทยาลัย

ANNEX II

TABLE: CATEGORIZATION OF NUCLEAR MATERIAL

Material	Form	Category		
		I	II	III ^{c/}
1. Plutonium ^{a/}	Unirradiated ^{b/}	2 kg or more	Less than 2 kg but more than 500 g	500 g or less but more than 15 g
2. Uranium-235	Unirradiated ^{b/}			
	- uranium enriched to 20% ²³⁵ U or more	5 kg or more	Less than 5 kg but more than 1 kg	1 kg or less but more than 15 g
	- uranium enriched to 10% ²³⁵ U but less than 20%		10 kg or more	Less than 10 kg but more than 1 kg
	- uranium enriched above natural, but less than 10% ²³⁵ U			10 kg or more
3. Uranium-233	Unirradiated ^{b/}	2 kg or more	Less than 2 kg but more than 500 g	500 g or less but more than 15 g
4. Irradiated fuel			Depleted or natural uranium, thorium or low-enriched fuel (less than 10% fissile content) ^{d/e/}	

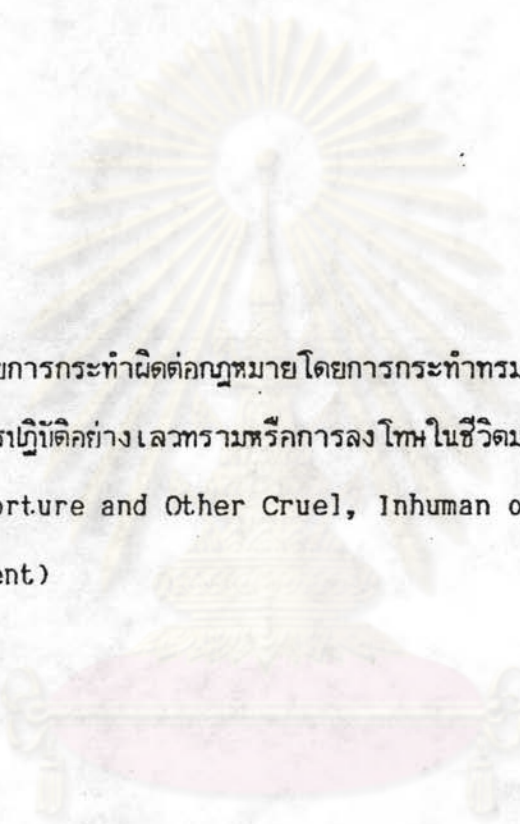
^{a/} All plutonium except that with isotopic concentration exceeding 80% in plutonium-238.

^{b/} Material not irradiated in a reactor or material irradiated in a reactor but with a radiation level equal to or less than 100 rads/hour at one metre unshielded.

^{c/} Quantities not falling in Category III and natural uranium should be protected in accordance with prudent management practice.

^{d/} Although this level of protection is recommended, it would be open to States, upon evaluation of the specific circumstances, to assign a different category of physical protection.

^{e/} Other fuel which by virtue of its original fissile material content is classified as Category I and II before irradiation may be reduced one category level while the radiation level from the fuel exceeds 100 rads/hour at one metre unshielded.

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14. อนุสัญญาว่าด้วยการกระทำผิดต่อกฎหมาย โดยการกระทำทรมานและการกระทำทารุณโหดร้าย
อื่น ๆ หรือการปฏิบัติอย่างเลวทรามหรือการลงโทษในชีวิตมนุษย์ ค.ศ.1984 (Convention
against Torture and Other Cruel, Inhuman or Degrading Treatment
or Punishment)

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

Convention against Torture and Other Cruel,
Inhuman or Degrading Treatment or
Punishment

The General Assembly,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Recalling also its resolution 32/62 of 8 December 1977, in which it requested the Commission on Human Rights to draw up a draft convention against torture and other cruel, inhuman or degrading treatment or punishment, in the light of the principles embodied in the Declaration,

Recalling further that, in its resolution 38/119 of 16 December 1983, it requested the Commission on Human Rights to complete, at its fortieth session, as a matter of highest priority, the drafting of such a convention, with a view to submitting a draft, including provisions for the effective implementation of the future convention, to the General Assembly at its thirty-ninth session,

Taking note with satisfaction of Commission on Human Rights resolution 1984/21 of 6 March 1984,⁵⁴ by which the Commission decided to transmit the text of a draft convention against torture and other cruel, inhuman or degrading treatment or punishment, contained in the annex to the report of the Working Group,⁵⁷ to the General Assembly for its consideration,

Desirous of achieving a more effective implementation of the existing prohibition under international and national law of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

1. *Expresses its appreciation* for the work achieved by the Commission on Human Rights in preparing the text of a draft convention against torture and other cruel, inhuman or degrading treatment or punishment;

2. *Adopts* and opens for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment contained in the annex to the present resolution;

3. *Calls upon* all Governments to consider signing and ratifying the Convention as a matter of priority.

*93rd plenary meeting
10 December 1984*

ANNEX

**Convention against Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment**

The States Parties to this Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that those rights derive from the inherent dignity of the human person,

Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to article 5 of the Universal Declaration of Human Rights⁵⁸ and article 7 of the International Covenant on Civil and Political Rights,⁵⁹ both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,⁶⁰

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,

Have agreed as follows:

PART I

Article 1

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

Article 3

1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.
2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Article 4

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.
2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Article 5

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:
 - (a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;
 - (b) When the alleged offender is a national of that State;
 - (c) When the victim is a national of that State if that State considers it appropriate.
2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction 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, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.
2. Such State shall immediately make a preliminary inquiry into the facts.
3. 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, or, if he is a stateless person, with the representative of the State where he usually resides.
4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 7

1. The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.
2. These 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. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.
3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

Article 8

1. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.
2. If 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, it may consider this Convention as the

legal basis for extradition in respect of such offences. 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 such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Such offences shall be treated, for the purpose of extradition between States Parties, 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. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

Article 10

1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such persons.

Article 11

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

Article 12

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Article 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Article 14

1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.

2. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

Article 15

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

Article 16

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

PART II

Article 17

1. There shall be established a Committee against Torture (hereinafter referred to as the Committee) which shall carry out the functions hereinafter provided. The Committee shall consist of ten experts of high moral standing and recognized competence in the field of human rights, who shall serve in their personal capacity. The experts shall be elected by the States Parties, consideration being given to equitable geographical distribution and to the usefulness of the participation of some persons having legal experience.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals. States Parties shall bear in mind the usefulness of nominating persons who are also members of the Human Rights Committee established under the International Covenant on Civil and Political Rights and who are willing to serve on the Committee against Torture.
3. Elections of the members of the Committee shall be held at biennial meetings of States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
4. The initial election shall be held no later than six months after the date of the entry into force of this Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
5. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the chairman of the meeting referred to in paragraph 3 of this article.
6. If a member of the Committee dies or resigns or for any other cause can no longer perform his Committee duties, the State Party which nominated him shall appoint another expert from among its nationals to serve for the remainder of his term, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.
7. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 18

1. The Committee shall elect its officers for a term of two years. They may be re-elected.
2. The Committee shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that:
 - (a) Six members shall constitute a quorum;
 - (b) Decisions of the Committee shall be made by a majority vote of the members present.
3. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under this Convention.
4. The Secretary-General of the United Nations shall convene the initial meeting of the Committee. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.
5. The States Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement to the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 3 of this article.

Article 19

1. The States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request.

2. The Secretary-General of the United Nations shall transmit the reports to all States Parties.

3. Each report shall be considered by the Committee which may make such general comments on the report as it may consider appropriate and shall forward these to the State Party concerned. That State Party may respond with any observations it chooses to the Committee.

4. The Committee may, at its discretion, decide to include any comments made by it in accordance with paragraph 3 of this article, together with the observations thereon received from the State Party concerned, in its annual report made in accordance with article 24. If so requested by the State Party concerned, the Committee may also include a copy of the report submitted under paragraph 1 of this article.

Article 20

1. If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State Party, the Committee shall invite that State Party to co-operate in the examination of the information and to this end to submit observations with regard to the information concerned.

2. Taking into account any observations which may have been submitted by the State Party concerned, as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently.

3. If an inquiry is made in accordance with paragraph 2 of this article, the Committee shall seek the co-operation of the State Party concerned. In agreement with that State Party, such an inquiry may include a visit to its territory.

4. After examining the findings of its member or members submitted in accordance with paragraph 2 of this article, the Committee shall transmit these findings to the State Party concerned together with any comments or suggestions which seem appropriate in view of the situation.

5. All the proceedings of the Committee referred to in paragraphs 1 to 4 of this article shall be confidential, and at all stages of the proceedings the co-operation of the State Party shall be sought. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report made in accordance with article 24.

Article 21

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention. Such communications may be received and considered according to the procedures laid down in this article only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be dealt with by the Committee under this article if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

(a) If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending or available in the matter;

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

(c) The Committee shall deal with a matter referred to it under this article only after it has ascertained that all domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention;

(d) The Committee shall hold closed meetings when examining communications under this article;

(e) Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for the obliga-

tions provided for in this Convention. For this purpose, the Committee may, when appropriate, set up an *ad hoc* conciliation commission;

(f) In any matter referred to it under this article, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

(g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:

(i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 22

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

2. The Committee shall consider inadmissible any communication under this article which is anonymous or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of this Convention.

3. Subject to the provisions of paragraph 2, the Committee shall bring any communications submitted to it under this article to the attention of the State Party to this Convention which has made a declaration under paragraph 1 and is alleged to be violating any provisions of the Convention. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

4. The Committee shall consider communications received under this article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned.

5. The Committee shall not consider any communications from an individual under this article unless it has ascertained that:

(a) The same matter has not been, and is not being, examined under another procedure of international investigation or settlement;

(b) The individual has exhausted all available domestic remedies; this shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention.

6. The Committee shall hold closed meetings when examining communications under this article.

7. The Committee shall forward its views to the State Party concerned and to the individual.

8. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication

by or on behalf of an individual shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party has made a new declaration.

Article 23

The members of the Committee and of the *ad hoc* conciliation commissions which may be appointed under article 21, paragraph 1 (e), shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.⁶¹

Article 24

The Committee shall submit an annual report on its activities under this Convention to the States Parties and to the General Assembly of the United Nations.

PART III

Article 25

1. This Convention is open for signature by all States.
2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 26

This Convention is open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 27

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying this Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20.
2. Any State Party having made a reservation in accordance with paragraph 1 of this article may, at any time, withdraw this reservation by notification to the Secretary-General of the United Nations.

Article 29

1. Any State Party to this Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted by the Secretary-General to all the States Parties for acceptance.
2. An amendment adopted in accordance with paragraph 1 of this article shall enter into force when two thirds of the States Parties to this Convention have notified the Secretary-General of the United Nations that they have accepted it in accordance with their respective constitutional processes.
3. When amendments enter into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted.

Article 30

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation 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 request in conformity with the Statute of the Court.
2. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound

by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party having made such a reservation.

3. Any State Party having made a reservation in accordance with paragraph 2 of this article may at any time withdraw this reservation by notification to the Secretary-General of the United Nations.

Article 31

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under this Convention in regard to any act or omission which occurs prior to the date at which the denunciation becomes effective, nor shall denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.

3. Following the date at which the denunciation of a State Party becomes effective, the Committee shall not commence consideration of any new matter regarding that State.

Article 32

The Secretary-General of the United Nations shall inform all States Members of the United Nations and all States which have signed this Convention or acceded to it of the following:

- (a) Signatures, ratifications and accessions under articles 25 and 26;
- (b) The date of entry into force of this Convention under article 27 and the date of the entry into force of any amendments under article 29;
- (c) Denunciations under article 31.

Article 33

1. 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.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States.

CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT

Adopted by the General Assembly of the United Nations on 10 December 1984

Not yet in force (see article 27).
TEXT: A/RES/39/46

Note: The Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, was adopted by resolution 39/46¹ of 10 December 1984 at the thirty-ninth session of the General Assembly of the United Nations, the Convention is open for signature by all States, in accordance with its article 25.

<u>Participant</u>	<u>Signature</u>	<u>Ratification, accession (a)</u>	<u>Participant</u>	<u>Signature</u>	<u>Ratification, accession (a)</u>
Afghanistan	4 Feb 1985		Iceland	4 Feb 1985	
Algeria	26 Nov 1985		Indonesia	23 Oct 1985	
Argentina	4 Feb 1985	24 Sep 1986	Israel	22 Oct 1986	
Australia	10 Dec 1985		Italy	4 Feb 1985	
Austria	14 Mar 1985		Liechtenstein	27 Jun 1985	
Belgium	4 Feb 1985		Luxembourg	22 Feb 1985	
Belize		17 Mar 1986 ^a	Marocco	8 Jan 1986	
Bolivia	4 Feb 1985		Mexico	18 Mar 1985	23 Jan 1986
Brazil	23 Sep 1985		Netherlands	4 Feb 1985	
Bulgaria	10 Jun 1986	16 Dec 1986	New Zealand	14 Jan 1986	
Byelorussian SSR	19 Dec 1985		Nicaragua	15 Apr 1985	
Cameroon		19 Dec 1986 ^a	Norway	4 Feb 1985	9 Jul 1986
Canada	23 Aug 1985		Panama	22 Feb 1985	
China	12 Dec 1986		Peru	29 May 1985	
Colombia	10 Apr 1985		Philippines		18 Jun 1986 ^a
Costa Rica	4 Feb 1985		Poland	13 Jan 1986	
Cuba	27 Jan 1986		Portugal	4 Feb 1985	
Cyprus	9 Oct 1985		Senegal	4 Feb 1985	21 Aug 1986
Czechoslovakia	8 Sep 1986		Sierra Leone	18 Mar 1985	
Denmark	4 Feb 1985		Spain	4 Feb 1985	
Dominican Republic	4 Feb 1985		Sudan	4 Jun 1986	
Ecuador	4 Feb 1985		Sweden	4 Feb 1985	8 Jan 1986
Egypt		25 Jun 1986 ^a	Switzerland	4 Feb 1985	2 Dec 1986
Finland	4 Feb 1985		Uganda		3 Nov 1986 ^a
France	4 Feb 1985	18 Feb 1986	Ukrainian		
Gabon	21 Jan 1986		Soviet Socialist		
Gambia	23 Oct 1985		Republic	27 Feb 1986	
German Democratic			Union of Soviet		
Republic	7 Apr 1986		Socialist		
Germany, Federal			Republics	10 Dec 1985	
Republic of	13 Oct 1986		United Kingdom	15 Mar 1985	
Greece	4 Feb 1985		Uruguay	4 Feb 1985	24 Oct 1986
Guinea	30 May 1986		Venezuela	15 Feb 1985	
Hungary	28 Nov 1986				

Declarations and Reservations

(Unless otherwise indicated, the declarations and reservations were made upon ratification or accession)

BIELORUSSIAN SOVIET SOCIALIST REPUBLIC

Upon signature and confirmed upon ratification:

1. The Byelorussian Soviet Socialist Republic does not recognize the competence of the Committee against Torture as defined by article 20 of the Convention.
2. The Byelorussian Soviet Socialist Republic does not consider itself bound by the provisions of paragraph 1 of article 30 of the Convention.

BULGARIA

Upon signature and confirmed upon ratification:

1. Pursuant to article 28 of the Convention, the People's Republic of Bulgaria states that it does not recognize the competence of the Committee against Torture provided for in article 20 of the Convention, as it considers that the provisions of article 20 are not consistent with the principle of respect for sovereignty of the States - parties to the Convention.

2. Pursuant to article 30, paragraph 2 of the Convention, the People's Republic of Bulgaria states that it does not consider itself bound by the provisions of article 30, paragraph 1 of the Convention, establishing compulsory jurisdiction of international arbitration or the International Court of Justice in the settlement of disputes between States - parties to the Convention. The People's Republic of Bulgaria maintains its position that disputes between two or more States can be submitted for consideration and settlement by international arbitration or the International Court of Justice only provided all parties to the dispute, in each individual case, have explicitly agreed to that.

CHINA

Upon signature:

"(1) The Chinese Government does not recognize the competence of the Committee against Torture as provided for in article 20 of the Convention.

(2) The Chinese Government does not consider itself bound by paragraph 1 of article 30 of the Convention.

CZECHOSLOVAKIA

Upon signature:

"The Czechoslovak Socialist Republic does not recognize the competence of the Committee against Torture as defined by article 20 of the Convention and it does not consider itself bound by the provisions of paragraph 1 of article 30 of the Convention.

FRANCE

Reservation:

The Government of France declares [...] that it shall not be bound by the provisions of paragraph 2 of [article 30].

GERMAN DEMOCRATIC REPUBLIC

Upon signature:

The German Democratic Republic declares in accordance with article 28, paragraph 1 of the Convention that it does not recognize the competence of the Committee provided for in article 20.

The German Democratic Republic declares in accordance with article 30, paragraph 2 of the Convention that it does not consider itself bound by paragraph 1 of this article.

GERMANY, FEDERAL REPUBLIC OF

Upon signature:

The Government of the Federal Republic of Germany reserves the right to communicate, upon ratification, such reservations or declarations

Declarations recognizing the competence of the Committee against torture under articles 21 and 22

ARGENTINA

...The Argentine Republic recognizes the competence of the Committee against torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations

of interpretation as are deemed necessary especially with respect to the applicability of article 3.

HUNGARY

Upon signature:

The Hungarian People's Republic does not recognize the competence of the Committee against Torture as defined by article 20 of the Convention.

The Hungarian People's Republic does not consider itself bound by the provisions of paragraph 1 of the article 30 of the Convention.

MOROCCO

Upon signature:

In accordance with article 28, paragraph 1, the Government of the Kingdom of Morocco declares that it does not recognize the competence of the Committee provided for in article 20.

In accordance with article 30, paragraph 2, the Government of the Kingdom of Morocco declares further that it does not consider itself bound by paragraph 1 of the same article.

POLAND

Upon signature:

Under article 28, the Polish People's Republic does not consider itself bound by article 20 of the Convention.

Furthermore, the Polish People's Republic does not consider itself bound by article 30, paragraph 1, of the Convention.

UKRAINIAN SOVIET SOCIALIST REPUBLIC

Upon signature:

1. The Ukrainian Soviet Socialist Republic does not recognize the competence of the Committee against torture as defined by article 20 of the Convention.

2. The Ukrainian Soviet Socialist Republic does not consider itself bound by the provisions of paragraph 1 article 30 of the Convention.

UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELANDUpon signature:

"The United Kingdom reserves the right to formulate, upon ratifying the Convention, any reservations or interpretative declarations which it might consider necessary."

UNION OF SOVIET SOCIALIST REPUBLICS

Upon signature:

[Same reservations, mutatis mutandis, as those made by the Byelorussian Soviet Socialist Republic.]

under this Convention. It also recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

FRANCE

The Government of France declares [...] that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Convention.

The Government of France declares [...] that it recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

NORWAY

"...Norway recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention.

...Norway recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention."

SWEDEN

"Sweden recognizes the competence of the Committee to receive and consider communications

to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention.

Sweden recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention."

SWITZERLAND

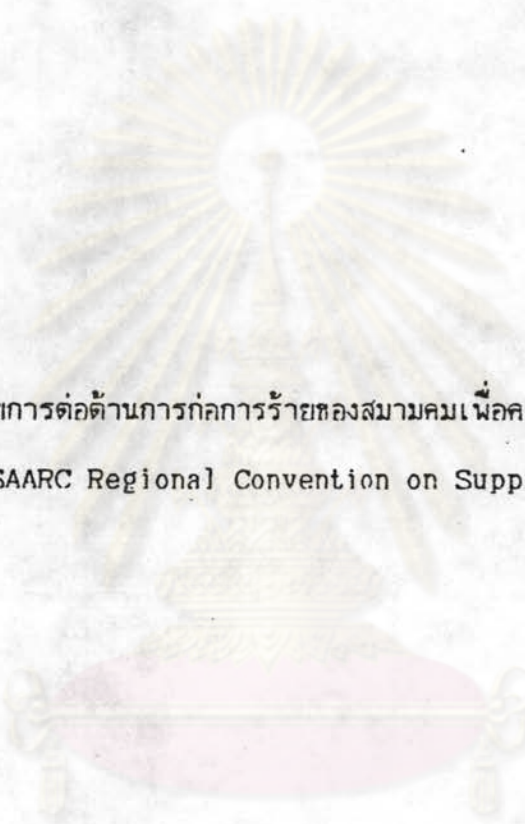
(a) Pursuant to the Federal Decree of 6 October 1986 on the approval of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Federal Council declares, in accordance with article 21, paragraph 1, of the Convention, that Switzerland recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that Switzerland is not fulfilling its obligations under this Convention.

(b) Pursuant to the above-mentioned Federal Decree, the Federal Council declares, in accordance with article 22, paragraph 1, of the Convention, that Switzerland recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by Switzerland of the provisions of the Convention.

NOTES:

1/ Official Records of the General Assembly of the United Nations, Thirty-ninth session, Supplement No. 51 (A/39/51), p. 197.

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

- 
15. อนุสัญญาว่าด้วยการต่อต้านการก่อการร้ายของสมาคมเพื่อความร่วมมือแห่งภูมิภาคเอเชียใต้
พ.ศ.2530 (SAARC Regional Convention on Suppression of Terrorism)

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

SAARC REGIONAL CONVENTION ON SUPPRESSION
OF
TERRORISM

THE MEMBER STATES OF THE SOUTH ASIAN ASSOCIATION
FOR REGIONAL COOPERATION (SAARC)

MINDFUL of the principles of cooperation enshrined
in the SAARC Charter;

RECALLING that at the Dhaka Summit on December 7 -
8, 1985, the Heads of State or Government of the
member States of the SAARC recognised the
seriousness of the problem of terrorism as it affects
the security and stability of the region;

ALSO RECALLING the Bangalore Summit Declaration
of 17 November 1985, in which the Heads of State or
Government of SAARC agreed that cooperation among
SAARC States was vital if terrorism was to be prevented
and eliminated from the region; unequivocally condemned
all acts, methods and practices of terrorism as criminal
and deplored their impact on life and property,
socio-economic development, political stability,
regional and international peace and cooperation; and
recognised the importance of the principles laid down in
UN Resolution 2625 (XXV) which among others required
that each state should refrain from organising,
instigating, assisting or participating in acts of civil
strife or terrorist acts in another state or acquiescing
in organised activities within its territory directed
towards the commission of such acts;

AWARE of the danger posed by the spread of terrorism and its harmful effect on peace, cooperation, friendship and good neighbourly relations and which could also jeopardise the sovereignty and territorial integrity of states;

HAVE RESOLVED to take effective measures to ensure that perpetrators of terroristic acts do not escape prosecution and punishment by providing for their extradition or prosecution, and to this end;

HAVE AGREED as follows :-

Article I

Subject to the overall requirements of the law of extradition, conduct constituting any of the following offences, according to the law of the Contracting State, shall be regarded as terroristic and for the purpose of extradition shall not be regarded as a political offence or as an offence connected with a political offence or as an offence inspired by political motives:-

- (a) An offence within the scope of the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on December 16, 1970;
- (b) An offence within the scope of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on September 23, 1971;

- (c) An offence within the scope of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, signed at New York on December 14, 1973;
- (d) An offence within the scope of any Convention to which the SAARC member States concerned are parties and which obliges the parties to prosecute or grant extradition;
- (e) Murder, manslaughter, assault causing bodily harm, kidnapping, hostage-taking and offences relating to firearms, weapons, explosives and dangerous substances when used as a means to perpetrate indiscriminate violence involving death or serious bodily injury to persons or serious damage to property;
- (f) An attempt or conspiracy to commit an offence described in sub-paragraphs (a) to (e), aiding, abetting or counselling the commission of such an offence or participating as an accomplice in the offences so described.

Article II

For the purpose of extradition between SAARC member States, any two or more Contracting States may, by agreement, decide to include any other serious offence involving violence, which shall not be regarded as a political offence or an offence connected with a political offence or an offence inspired by political motives.



Article III

1. The provisions of all extradition treaties and arrangements applicable between Contracting States are hereby amended as between Contracting States to the extent that they are incompatible with this Convention.
2. For the purpose of this Convention and to the extent that any offence referred to in Article I or agreed to in terms of Article II is not listed as an extraditable offence in any extradition treaty existing between Contracting States, it shall be deemed to be included as such therein.
3. Contracting States undertake to include these offences as extraditable offences in any future extradition treaty to be concluded between them.
4. 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, the requested State may, at its option, consider this Convention as the basis for extradition in respect of the offences set forth in Article I or agreed to in terms of Article II. Extradition shall be subject to the law of the requested State.
5. Contracting States which do not make extradition conditional on the existence of a treaty, shall recognise the offences set forth in Article I or agreed to in terms of Article II as extraditable offences between themselves, subject to the law of the requested State.

Article IV

A Contracting State in whose territory a person suspected of having committed an offence referred to in Article I or agreed to in terms of Article II is found and which has received a request for extradition from another Contracting State, shall, if it does not extradite that person, submit the case without exception and without delay, to its competent authorities, so that prosecution may be considered. These authorities shall take their decisions in the same manner as in the case of any offence of a serious nature under the law of that State.

Article V

For the purpose of Article IV, each Contracting State may take such measures as it deems appropriate, consistent with its national laws, subject to reciprocity, to exercise its jurisdiction in the case of an offence under Article I or agreed to in terms of Article II.

Article VI

A Contracting State in whose territory an alleged offender is found, shall, upon receiving a request for extradition from another Contracting State, take appropriate measures, subject to its national laws, so as to ensure his presence for purposes of extradition or prosecution. Such measures shall immediately be notified to the requesting State.

Article VII

Contracting States shall not be obliged to extradite, if it appears to the requested State that by reason of the trivial nature of the case or by reason of the request for the surrender or return of a fugitive offender not being made in good faith or in the interests of justice or for any other reason it is unjust or inexpedient to surrender or return the fugitive offender.

Article VIII

1. Contracting States shall, subject to their national laws, afford one another the greatest measure of mutual assistance in connection with proceedings brought in respect of the offences referred to in Article I or agreed to in terms of Article II, including the supply of all evidence at their disposal necessary for the proceedings.

2. Contracting States shall cooperate among themselves, to the extent permitted by their national laws, through consultations between appropriate agencies, exchange of information, intelligence and expertise and such other cooperative measures as may be appropriate, with a view to preventing terroristic activities through precautionary measures.

Article IX

1. The Convention shall be open for signature by the member States of SAARC at the SAARC Secretariat in Kathmandu.

2. It shall be subject to ratification. Instruments of Ratification shall be deposited with the Secretary-General of SAARC.

Article X

This Convention shall enter into force on the fifteenth day following the date of the deposit of the seventh Instrument of Ratification with the Secretary-General of SAARC.

Article XI

The Secretary-General of SAARC shall be the depository of this Convention and shall notify member States of signatures to this Convention and all deposits of Instruments of Ratification. The Secretary-General shall transmit certified copies of such Instruments to each member State. The Secretary-General shall also inform member States of the date on which this Convention will have entered into force in accordance with Article X.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Convention.

DONE at Kathmandu on this Fourth Day of November One Thousand Nine Hundred and Eighty Seven, in eight originals, in the English Language, all texts being equally authentic.

HUMAYUN RASHEED CHOUDHURY
Minister of Foreign Affairs
People's Republic of Bangladesh

DWA TSERING
Minister of Foreign Affairs
Kingdom of Bhutan


K. NATWAR-SINGH
Minister of State for External Affairs
Republic of India

FATHULLA JAMEEL
Minister of Foreign Affairs
Republic of Maldives

SHAIENDRA KUMAR UFADHYAYA
Minister for Foreign Affairs and Land Reforms
His Majesty's Government of Nepal

ZAIN NOORANI
Minister of State for Foreign Affairs
Islamic Republic of Pakistan

A. C. SHAHUL HAMEED
Minister of Foreign Affairs
Democratic Socialist Republic of Sri Lanka

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16. พิธีสารเพิ่มเติมจากอนุสัญญากรุงมอนทรีออลว่าด้วยการปราบปรามการกระทำความผิดกฎหมาย
โดยให้วิธีการรุนแรงเพื่อความปลอดภัยของท่าอากาศยานในการบินพลเรือนระหว่าง
ประเทศ ค.ศ.1988 (Protocol for the Suppression of Unlawful Acts of
Violence at Airports Serving International Civil Aviation,
Supplementary to the Convention for the Suppression of Unlawful
Acts against the Safety of Civil Aviation, Done at Montreal on 23
September 1971)

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

PROTOCOL

for the Suppression of Unlawful Acts of Violence
at Airports Serving International Civil Aviation,
Supplementary to the Convention for the Suppression of Unlawful Acts
against the Safety of Civil Aviation, Done at Montreal on 23 September 1971

THE STATES PARTIES TO THIS PROTOCOL

CONSIDERING that unlawful acts of violence which endanger or are likely to endanger the safety of persons at airports serving international civil aviation or which jeopardize the safe operation of such airports undermine the confidence of the peoples of the world in safety at such airports and disturb the safe and orderly conduct of civil aviation for all States;

CONSIDERING that the occurrence of such acts is a matter of grave concern to the international community and that, for the purpose of deterring such acts, there is an urgent need to provide appropriate measures for punishment of offenders;

CONSIDERING that it is necessary to adopt provisions supplementary to those of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971, to deal with such unlawful acts of violence at airports serving international civil aviation;

HAVE AGREED AS FOLLOWS:

Article I

This Protocol supplements the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971 (hereinafter referred to as "the Convention"), and, as between the Parties to this Protocol, the Convention and the Protocol shall be read and interpreted together as one single instrument.

Article II

1. In Article I of the Convention, the following shall be added as new paragraph 1 *bis*:

"1 *bis*. Any person commits an offence if he unlawfully and intentionally, using any device, substance or weapon:

- (a) performs an act of violence against a person at an airport serving international civil aviation which causes or is likely to cause serious injury or death; or

(b) destroys or seriously damages the facilities of an airport serving international civil aviation or aircraft not in service located thereon or disrupts the services of the airport,

if such an act endangers or is likely to endanger safety at that airport."

2. In paragraph 2 (a) of Article 1 of the Convention, the following words shall be inserted after the words "paragraph 1":

"or paragraph 1 *bis*".

Article III

In Article 5 of the Convention, the following shall be added as paragraph 2 *bis*:

"2 *bis*. Each Contracting State shall likewise take such measures as may be necessary to establish its jurisdiction over the offences mentioned in Article 1, paragraph 1 *bis*, and in Article 1, paragraph 2, in so far as that paragraph relates to those offences, in the case where the alleged offender is present in its territory and it does not extradite him pursuant to Article 8 to the State mentioned in paragraph 1 (a) of this Article."

Article IV

This Protocol shall be open for signature at Montreal on 24 February 1988 by States participating in the International Conference on Air Law held at Montreal from 9 to 24 February 1988. After 1 March 1988, the Protocol shall be open for signature to all States in London, Moscow, Washington and Montreal, until it enters into force in accordance with Article VI.

Article V

1. This Protocol shall be subject to ratification by the signatory States.
2. Any State which is not a Contracting State to the Convention may ratify this Protocol if at the same time it ratifies or accedes to the Convention in accordance with Article 15 thereof.
3. Instruments of ratification shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America or with the International Civil Aviation Organization, which are hereby designated the Depositories.

Article VI

1. As soon as ten of the signatory States have deposited their instruments of ratification of this Protocol, it shall enter into force between them on the thirtieth day after the date of the deposit of the tenth instrument of ratification. It shall enter into force for each State which deposits its instrument of ratification after that date on the thirtieth day after deposit of its instrument of ratification.
2. As soon as this Protocol enters into force, it shall be registered by the Depositories pursuant to Article 102 of the Charter of the United Nations and pursuant to Article 83 of the Convention on International Civil Aviation (Chicago, 1944).

Article VII

1. This Protocol shall, after it has entered into force, be open for accession by any non-signatory State.
2. Any State which is not a Contracting State to the Convention may accede to this Protocol if at the same time it ratifies or accedes to the Convention in accordance with Article 15 thereof.
3. Instruments of accession shall be deposited with the Depositaries and accession shall take effect on the thirtieth day after the deposit.

Article VIII

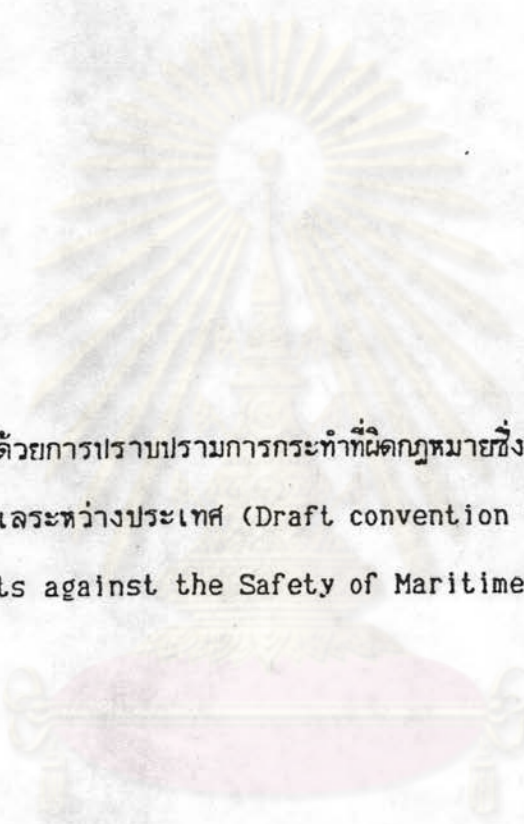
1. Any Party to this Protocol may denounce it by written notification addressed to the Depositaries.
2. Denunciation shall take effect six months following the date on which notification is received by the Depositaries.
3. Denunciation of this Protocol shall not of itself have the effect of denunciation of the Convention.
4. Denunciation of the Convention by a Contracting State to the Convention as supplemented by this Protocol shall also have the effect of denunciation of this Protocol.

Article IX

1. The Depositaries shall promptly inform all signatory and acceding States to this Protocol and all signatory and acceding States to the Convention:
 - (a) of the date of each signature and the date of deposit of each instrument of ratification of, or accession to, this Protocol, and
 - (b) of the receipt of any notification of denunciation of this Protocol and the date thereof.
2. The Depositaries shall also notify the States referred to in paragraph 1 of the date on which this Protocol enters into force in accordance with Article VI.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their Governments, have signed this Protocol.

DONE at Montreal on the twenty-fourth day of February of the year One Thousand Nine Hundred and Eighty-eight, in four originals, each being drawn up in four authentic texts in the English, French, Russian and Spanish languages.

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17. ร่างสนธิสัญญาว่าด้วยการปราบปรามการกระทำที่ผิดกฎหมายซึ่งมุ่งกระทำต่อความปลอดภัยในการเดินเรือทะเลระหว่างประเทศ (Draft convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation)

ศูนย์วิทยพัชร์พยากร
จุฬาลงกรณ์มหาวิทยาลัย

DRAFT CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS
AGAINST THE SAFETY OF MARITIME NAVIGATION

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 friendly relations and co-operation among States,

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

DEEPLY CONCERNED about the world-wide escalation of acts of terrorism in all its forms, which endanger or take innocent human lives, jeopardize fundamental freedoms and seriously impair the dignity of human beings,

CONSIDERING that unlawful acts against the safety of maritime navigation jeopardize the safety of persons and property, seriously affect the operation of maritime services, and undermine the confidence of the peoples of the world in the safety of maritime navigation,

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

BEING CONVINCED of the urgent need to develop international co-operation between States in devising and adopting effective and practical measures for the prevention of all unlawful acts against the safety of maritime navigation, and the prosecution and punishment of their perpetrators,

RECALLING resolution 40/61 of 9 December 1985, of the General Assembly of the United Nations in which, inter alia, the International Maritime Organization was invited "to study the problem of terrorism aboard or against ships with a view to making recommendations on appropriate measures",

RECALLING FURTHER resolution A.584(14) of 20 November 1985, of the Assembly of the International Maritime Organization, which called for development of Measures to Prevent Unlawful Acts which Threaten the Safety of Ships and the Security of their Passengers and Crews,

AFFIRMING the desirability of monitoring rules and standards relating to the prevention and control of unlawful acts against ships and persons on board ships, with a view to updating them as necessary, and, to this effect, taking note with satisfaction, of the Measures to Prevent Unlawful Acts Against Passengers and Crews on Board Ships, recommended by the Maritime Safety Committee of the International Maritime Organization,

AFFIRMING FURTHER that matters not regulated by this Convention continue to be governed by the rules and principles of general international law,

RECOGNIZING the need for all States, in combating unlawful acts against the safety of maritime navigation, strictly to comply with rules and principles of general international law,

HAVE AGREED as follows:

Article 1

For the purposes of this Convention, "ship" means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or any other floating craft.

Article 2

1 This Convention shall not apply to:

- (a) a warship or a ship owned or operated by a State when being used as a naval auxiliary or for customs or police purposes; or
- (b) a ship which has been withdrawn from navigation or laid up.

2 Nothing in this Convention shall affect the immunities of warships and other Government ships operated for non-commercial purposes.

Article 3

1 Any person commits an offence if that person unlawfully and intentionally:

- (a) by force or threat thereof or any other form of intimidation seizes or exercises control over a ship; or
- (b) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of the ship; or
- (c) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of the ship; or
- (d) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of the ship; or
- (e) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if any such act is likely to endanger the safe navigation of ships; or^{1/}
- (f) communicates information which he knows to be false, thereby endangering the safe navigation of ships; or^{1/}
- (g) injures or kills any person, in connection with the commission or the attempted commission of any of the offences set forth in subparagraphs (a) to (f).

2 Any person also commits an offence if that person:

- (a) attempts to commit any of the offences set forth in paragraph 1 if that attempt is likely to endanger the safe navigation of the ship; or

^{1/} Subparagraphs (e) and (f), are to be reviewed in light of the text finally agreed for article 4.

- (b) abets the commission of any such offence perpetrated by any person or is otherwise an accomplice of a person who commits such an offence; or
- (c) threatens to commit any of the offences set forth in paragraph 1, subparagraphs (b) and (c), if that threat is likely to endanger the safe navigation of the ship.

Article 4

1 This Convention shall apply if the ship is navigating in waters beyond the outer or lateral limits of the territorial sea of the flag State or its schedule includes navigation in those waters.

2 In cases where the Convention does not apply pursuant to paragraph 1, it shall nevertheless apply, with the exception of articles 13, 14 and 15, if the offender or the alleged offender is found in a State Party other than the flag State.

Article 5

1 A State may at the time of signature or ratification, acceptance or approval of this Convention or accession thereto declare that it shall not apply the Convention where the ship is navigating in internal waters and its schedule does not include navigation beyond the outer or lateral limits of the territorial sea.

2 A State may at the time of signature or ratification, acceptance or approval of the Convention or accession thereto declare that it shall apply the Convention where the ship is navigating in straits used for international navigation in cases not covered by article 4, paragraph 1.

3 Any State which has made a declaration in accordance with paragraph 1 or 2 may at any time withdraw that declaration by notification to the Secretary-General of the International Maritime Organization (hereinafter referred to as the Secretary-General).

Article 6

Each State Party shall make the offences set forth in article 3 punishable by appropriate penalties which take into account the grave nature of those offences.

Article 7

1 Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 3 when the offence is committed:

- (a) against or on board a ship flying the flag of the State at the time the offence is committed; or
- (b) in the territory of that State, or inside the outer or lateral limits of its territorial sea; or
- (c) by a national of that State.

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

- (a) it is committed by a stateless person whose habitual residence is in that State;
- (b) during its commission a national of that State is seized, threatened, injured or killed;
- (c) it is committed in an attempt to compel that State to do or abstain from doing any act; or
- [(d) the demise-charterer in possession of the ship concerned in the offence [is a national of that State and] has its principal place of business in that State.]

3 Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 3 in cases where the alleged offender is present in its territory and it does not extradite him to any of the States Parties which have established their jurisdiction in accordance with paragraphs 1 and 2 of this article.

4 This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

Article 8

1 Upon being satisfied that the circumstances so warrant, any State Party in the territory of which the offender or the alleged offender is present, shall take him into custody or take other measures to ensure his presence for such time as is necessary to enable any criminal or extradition proceeding to be instituted.

2 Such State shall immediately make a preliminary enquiry into the facts, in accordance with its own legislation.

3 Any person regarding whom the measures referred to in paragraph 1 are being taken shall be entitled to:

(a) communicate without delay with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to establish such communication or, if he is a stateless person, the State in the territory of which he has his habitual residence;

(b) be visited by a representative of that State.

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 the alleged offender is present, subject to the proviso 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 When a State Party, pursuant to this article, has taken a person into custody, it shall immediately notify the States which have established jurisdiction in accordance with article 7, paragraph 1 and, if it considers it advisable, any other interested States of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary enquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 9

Nothing in this Convention shall be construed as affecting in any way the existing rules of international law pertaining to the competence of States to exercise investigative or enforcement jurisdiction on board ships not flying their flag.

Article 10

1 The State Party in the territory of which the offender or the alleged offender is found shall, in cases to which article 7 applies, 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 without 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 ordinary offence of a grave nature under the law of that State.

2 Any person regarding whom proceedings are being carried out in connection with any of the offences set forth in article 3 shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided for such proceedings by the law of the State in the territory of which he is present.

Article 11

1 The offences set forth in article 3 shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

2 If 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 shall consider this Convention as a legal basis for extradition in respect of the offences set forth in article 3. 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 3 as extraditable offences subject to the conditions provided by the law of the requested State.

4 If circumstances require, the offences set forth in article 3 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 a place within the jurisdiction of the State Party requesting extradition.

5 A State Party which receives more than one request for extradition from States which have established jurisdiction in accordance with article 7 and which decides not to prosecute shall, in selecting the State to which the offender or the alleged offender is to be extradited, pay due regard to the interests and responsibilities of the State Party whose flag the ship was flying at the time of the commission of the offence.

Article 12

1 States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences set forth in article 3, including the supply of the evidence at their disposal necessary for the proceedings.

2 States Parties shall carry out their obligations under paragraph 1 in conformity with any treaties on mutual judicial assistance that may exist between them.

Article 13

1 States Parties shall co-operate in the prevention of the offences set forth in article 3, particularly by:

- (a) taking all practicable measures to prevent preparation in their respective territories for the commission of those offences within or outside their territories;
- (b) exchanging information in accordance with their national law, and co-ordinating administrative and other measures taken as appropriate to prevent the commission of offences set forth in article 3.

2 When, due to the commission of an offence set forth in article 3, the passage of a ship has been delayed or interrupted, any State Party in whose territory the ship or passengers or crew are present shall be bound to exercise all possible efforts to avoid a ship, its passengers, crew or cargo being unduly detained or delayed.

Article 14

Any State Party having reason to believe that an offence set forth in article 3 will be committed shall, in accordance with its national law, furnish any relevant information in its possession to those States which it believes would be the States establishing jurisdiction in accordance with article 7.

Article 15

1 Each State Party shall, in accordance with its national law, provide to the Secretary-General as promptly as possible, any relevant information in its possession concerning:

- (a) the circumstances of the offence;
- (b) the action taken pursuant to article 13, paragraph 2;
- (c) the measures taken in relation to the offender or the alleged offender, and, in particular, the results of any extradition proceedings or other legal proceedings.

2 The State Party where the alleged offender is prosecuted shall, in accordance with its national law, communicate the final outcome of the proceedings to the Secretary-General.

3 The information transmitted in accordance with paragraphs 1 and 2 shall be communicated by the Secretary-General to all States Parties, to members of the International Maritime Organization (hereinafter referred to as the Organization), to the other States concerned, and to the appropriate international intergovernmental organizations.

Article 16

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 request in conformity with the Statute of the Court.

2 Each State may at the time of signature or 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.

Article 17

1 This Convention shall be open for signature by all States at the Headquarters of the Organization from ... to ...^{1/} and shall thereafter remain open for accession. States may become Parties to this Convention by:

- (a) signature without reservation as to ratification, acceptance or approval; or

^{1/} The Committee suggests that the Convention remain open for signature for one year.



- (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
- (c) accession.

2 Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

Article 18^{1/}

1 This Convention shall enter into force ninety days following the date on which fifteen States have either signed it without reservation as to ratification, acceptance or approval, or have deposited an instrument of ratification, acceptance, approval or accession in respect thereof.

2 For a State which deposits an instrument of ratification, acceptance, approval or accession in respect of this Convention after the conditions for entry into force thereof have been met, the ratification, acceptance, approval or accession shall take effect ninety days after the date of such deposit.

Article 19

1 This Convention may be denounced by any State Party at any time after the expiry of one year from the date on which this Convention enters into force for that State.

2 Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General.

3 A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after the receipt of the instrument of denunciation by the Secretary-General.

^{1/} This article was approved by the Committee subject to further discussion as to the number of States required to bring the Convention into force.

Article 20

- 1 A conference for the purpose of revising or amending this Convention may be convened by the Organization.
- 2 The Secretary-General shall convene a conference of the States Parties to this Convention for revising or amending the Convention, at the request of one third of the States Parties, or ten States Parties, whichever is the higher figure.
- 3 Any instrument of ratification, acceptance, approval or accession, deposited after the date of the entry into force of an amendment to this Convention, shall be deemed to apply to the Convention as amended, unless a contrary intention is expressed in the instrument.^{2/}

Article 21

- 1 This Convention shall be deposited with the Secretary-General.
- 2 The Secretary-General shall:
 - (a) inform all States which have signed this Convention or acceded thereto, and all Members of the Organization, of:
 - (i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;
 - (ii) the date of the entry into force of this Convention;
 - (iii) the deposit of any instrument of denunciation of this Convention together with the date on which it is received and the date on which the denunciation takes effect;

^{2/} The view was expressed in the Committee that the words "unless a contrary intention is expressed in the instrument" should be given further consideration.

(iv) the receipt of any declaration or notification made under articles 5 and 16;

(b) transmit certified true copies of this Convention to all States which have signed this Convention or acceded thereto.


3 As soon as this Convention enters into force, a certified true copy thereof shall be transmitted by the Depository to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 22

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed this Convention.

ศูนย์วิทยุโทรพยากร
จุฬาลงกรณ์มหาวิทยาลัย

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18. ร่างพิธีสารสำหรับการปราบปรามการกระทำผิดกฎหมายที่มุ่งกระทำต่อความปลอดภัยใน
อาณาเขตของการสำรวจทรัพยากรธรรมชาติเพื่อวัตถุประสงค์ทางเศรษฐกิจซึ่งตั้งอยู่บนไหล่
ทวีป (Draft Protocol for the Suppression of Unlawful Acts against
the Safety of Fixed Platforms Located on the Continental Shelf)



ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

DRAFT PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL
ACTS AGAINST THE SAFETY OF FIXED PLATFORMS
LOCATED ON THE CONTINENTAL SHELF

The States Parties to this Protocol,

BEING PARTIES to the Convention for the Suppression of Unlawful Acts
Against the Safety of Maritime Navigation,

RECOGNIZING that the reasons for which the Convention was elaborated also
apply to fixed platforms located on the continental shelf,

TAKING ACCOUNT of the provisions of that Convention,

HAVE AGREED as follows:

ARTICLE 1

1 The provisions of article 6 and of articles 8 to 16 of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (hereinafter referred to as the Convention) shall apply also to the offences set forth in article 2 of this Protocol where such offences are committed on board or against fixed platforms located on the continental shelf.

2 For the purposes of this Protocol, "fixed platform" means an artificial island, installation or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.

ARTICLE 2

- 1 Any person commits an offence if that person unlawfully and intentionally:
- (a) by force or threat thereof or any other form of intimidation seizes or exercises control over a fixed platform; or
 - (b) performs an act of violence against a person on board a fixed platform if that act is likely to endanger its safety; or
 - (c) destroys a fixed platform or causes damage to it which is likely to endanger its safety; or
 - (d) places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance which is likely to destroy that fixed platform or likely to endanger its safety; or
 - (e) injures or kills any person in connection with the commission or the attempted commission of any of the offences set forth in subparagraphs (a) to (d).
- 2 Any person also commits an offence if that person:
- (a) attempts to commit any of the offences set forth in paragraph 1 if that attempt is likely to endanger the safety of the fixed platform; or
 - (b) abets the commission of any such offence perpetrated by any person or is otherwise an accomplice of a person who commits such an offence; or
 - (c) threatens to commit any of the offences set forth in paragraph 1(b) and (c) if that threat is likely to endanger the safety of the fixed platform.

ARTICLE 3

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 the offence is committed:

- (a) against or on board a fixed platform while it is located on the continental shelf of that State: or
- (b) by a national of that State.

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

- (a) it is committed by a stateless person whose habitual residence is in that State;
- (b) during its commission a national of that State is seized, threatened, injured or killed; or
- (c) it is committed in an attempt to compel that State to do or abstain from doing any act.

3 Each State Party shall 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 him to any of the States Parties which have established their jurisdiction in accordance with paragraphs 1 and 2 of this article.

4 This Protocol does not exclude any criminal jurisdiction exercised in accordance with national law.

ARTICLE 4

5 Nothing in this Protocol shall be construed as affecting in any way the existing rules of international law pertaining to the competence of States to exercise investigative or enforcement jurisdiction on fixed platforms located on their continental shelf.

ARTICLE 5

1 This Protocol shall be open for signature at the Headquarters of the International Maritime Organization (hereinafter referred to as the Organization) from ... to ... and shall thereafter remain open for accession. States may become Parties to this Protocol by:

- (a) signature without reservation as to ratification, acceptance or approval; or
- (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
- (c) accession.

2 Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General of the Organization (hereinafter referred to as the Secretary-General).

3 Only States which have signed the Convention without reservation as to ratification, acceptance or approval, or have ratified, accepted, approved or acceded to the Convention may become a Party to this Protocol.

ARTICLE 6

1 This Protocol shall enter into force ninety days following the date on which two States have either signed it without reservation as to ratification, acceptance or approval, or have deposited an instrument of ratification, acceptance, approval or accession in respect thereof, or on the date on which the Convention enters into force, whichever is the later date.

2 For any State which deposits an instrument of ratification, acceptance, approval or accession in respect of this Protocol after the conditions for entry into force thereof have been met, the ratification, acceptance, approval or accession shall take effect ninety days after the date of such deposit.

ARTICLE 7

- 1 This Protocol may be denounced by any State Party at any time after the expiry of one year from the date on which this Protocol enters into force for that State.
- 2 Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General.
- 3 A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after the receipt of the instrument of denunciation by the Secretary-General.
- 4 A denunciation of the Convention by a State Party shall be deemed to be a denunciation of this Protocol by that Party.

ARTICLE 8

- 1 A conference for the purpose of revising or amending this Protocol may be convened by the Organization.
- 2 The Secretary-General shall convene a conference of the States Parties to this Protocol for revising or amending the Protocol, at the request of [one third of the States Parties] [or ... States Parties, whichever is the higher figure].^{1/}
- 3 Any instrument of ratification, acceptance, approval or accession, deposited after the date of the entry into force of an amendment to this Protocol, shall be deemed to apply to the Protocol as amended, unless a contrary intention is expressed in the instrument.^{2/}

^{1/} This matter was not discussed by the Committee.

^{2/} The view was expressed in the Committee that the words "unless a contrary intention is expressed in the instrument" should be given further consideration.

ARTICLE 9

1 This Protocol shall be deposited with the Secretary-General.

2 The Secretary-General shall:

(a) inform all States which have signed this Protocol or acceded thereto, and all Members of the Organization, of:

(i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;

(ii) the date of the entry into force of this Protocol;

(iii) the deposit of any instrument of denunciation of this Protocol together with the date on which it is received and the date on which the denunciation takes effect;

(iv) the receipt of any declaration or notification made under article 16 of the Convention, concerning this Protocol;

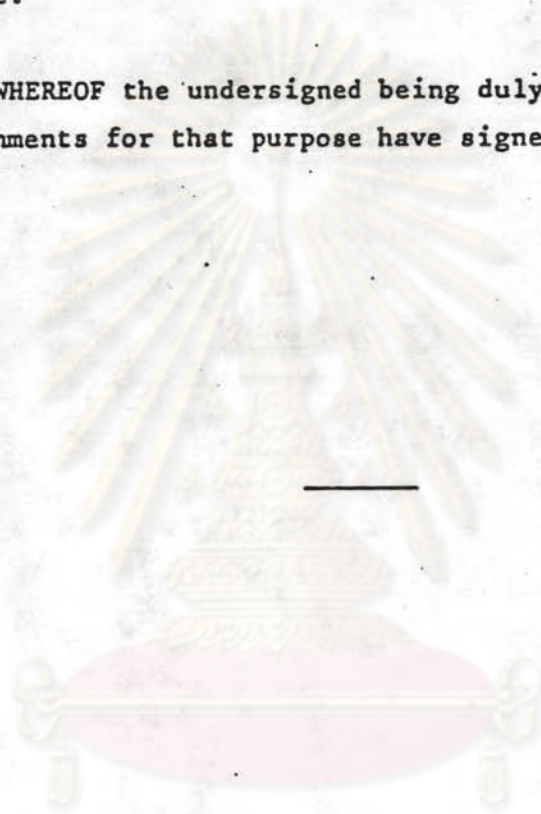
(b) transmit certified true copies of this Protocol to all States which have signed this Protocol or acceded thereto.

3 As soon as this Protocol enters into force, a certified true copy thereof shall be transmitted by the Depositary to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

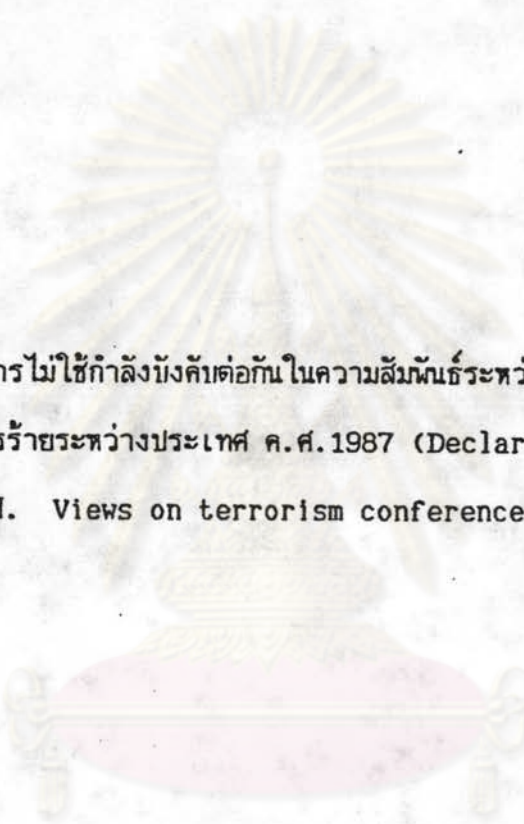
ARTICLE 10

This Protocol is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed this Protocol.



ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

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19. ปฏิญญาว่าด้วยการไม่ใช้กำลังบังคับต่อกันในความสัมพันธ์ระหว่างประเทศในการประชุม
ปัญหาการก่อการร้ายระหว่างประเทศ ค.ศ.1987 (Declaration on Non-Use of
Force adopted. Views on terrorism conference sought)

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

19. Declaration on Non-Use of Force adopted, Views on terrorism conference sought

A declaration on the non-use of force in international relations was adopted without vote by the General Assembly on 18 November. The 33-article document sets out principles elaborated over the course of a number of years in a special committee reporting to the Assembly's Sixth (Legal) Committee.

In 1987, the world body adopted 15 texts covering a wide variety of legal issues. Among other things, it condemned as criminal all acts, methods and practices of terrorism wherever and by whomever committed, including those which jeopardized friendly relations among States and their security. States were called upon to refrain from organizing, instigating, assisting or participating in terrorist acts in other States, or acquiescing in activities within their territory directed towards the commission of such acts.

The world body also condemned acts of violence against diplomatic and consular missions and representatives, and against missions and representatives to international intergovernmental organizations and officials of such organizations, emphasizing that such acts could never be justified. States were urged to take measures to ensure effectively the protection, security and safety of all diplomatic representatives.

Declaration

The Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in

International Relations—a major achievement of the forty-second Assembly—states that:

- Every State has the duty to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the United Nations purposes. Such a threat or use of force constituted a violation of international law and the Charter and entailed international responsibility.

- States should fulfil their obligations under international law to refrain from organizing, instigating, assisting or participating in paramilitary, terrorist or subversive acts, including acts of mercenaries, in other States, or acquiescing in organized activities within their territory directed towards the commission of such acts.

- The principle of refraining from the threat or use of force in international relations is universal in character and binding regardless of each State's political, economic, social or cultural system or relation of alliance.

- No consideration of whatever nature may be invoked to warrant resorting to the threat or use of force in violation of the Charter.

- All peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development.

- Neither acquisition nor any occupation of territory resulting from the threat or use of force in contravention of international law will be recognized as legal acquisition or occupation.

(For more details, see UN Chronicle 1987, No. 2.)

Terrorism

Israel and the United States voted against the resolution on international terrorism, the vote on which was 153 to 2, with 1 abstention (Honduras). Under its other provisions, States were urged to take effective and resolute measures for the speedy and final elimination of international terrorism. The Assembly said that nothing in the resolution could prejudice the right of peoples, particularly those under colonial and racist regimes, or under foreign occupation or other forms of domination, to struggle for self-determination, freedom and independence, or to seek and receive support to that end.

The international community was called on to pay special attention to situations that might give rise to international terrorism, including situations involving colonialism, racism, violations of human rights and fundamental freedoms, as well as alien domination and occupation.

The Secretary-General was asked to seek views of Member States on ways to combat international terrorism, including the convening of an international conference on the subject.

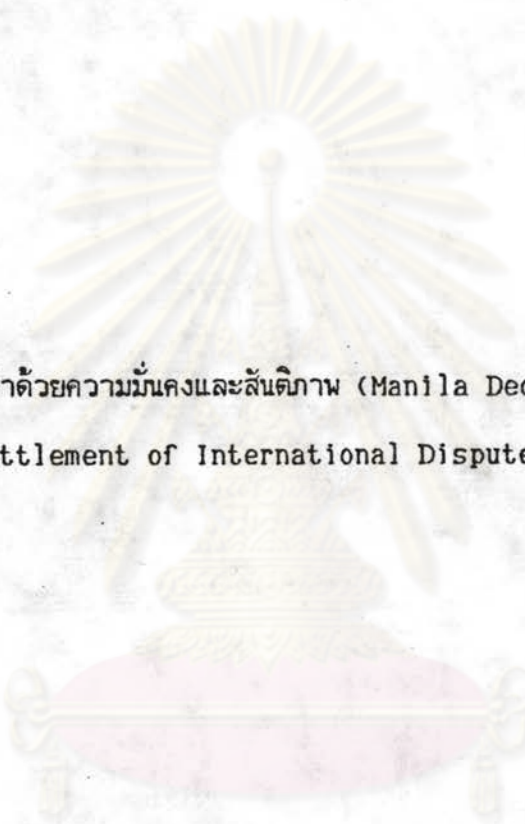
Other action

In other action, the Assembly asked for continued work on a draft code of crimes against the peace and security of mankind, a draft convention on international bills of exchange and promissory notes, a convention against mercenaries, and principles to protect persons who have been detained or imprisoned.

It also favoured work on principles of international law relating to a new international economic order, development and strengthening of good-neighbourliness between States, and strengthening the process of peaceful settlement of disputes. The Secretary-General was asked to update a 1971 survey of international law.



ศูนย์วิทยพัธพยากร
จุฬาลงกรณ์มหาวิทยาลัย



20. ปฏิญญาที่นิโลว่าด้วยความมั่นคงและสันติภาพ (Manila Declaration on the Peaceful Settlement of International Disputes, 1982)

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

20. MANILA DECLARATION ON THE PEACEFUL SETTLEMENTS OF INTERNATIONAL DISPUTES, 1982.

A Declaration negotiated by Special Committee on the Charter of the UN and Strengthening of the Role of the Organization over a two year period, beginning its work in Manila in 1980 and accepting the draft at a meeting in Geneva in 1981; adopted on Oct. 27, 1982 with the consensus by the UN General Assembly. Peaceful Settlement of International Disputes. The text of the Manila Declaration is as follows:

"The General Assembly,

Reaffirming the principle of the Charter of the United Nations that all States shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered. Conscious that the Charter of the United Nations embodies the means and an essential framework for the peaceful settlement of international disputes, the continuance of which is likely to endanger the maintenance of international peace and security, Recognizing the important role of the United Nations and the need to enhance its effectiveness in the peaceful settlement of international disputes and the maintenance of international peace and security, in accordance with the principles of justice and international law, in conformity with the Charter of the United Nations,

Reaffirming the principle of the Charter of the United Nations that all States shall refrain in their international relations from

the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations,

Reiterating that no State or group of States has the right to intervene, directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other State. Reaffirming the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. Bearing in mind the importance of maintaining and strengthening international peace and security and the development of friendly relations among States irrespective of their political, economic and social systems or levels of economic development,

Reaffirming the principle of equal rights and self-determination of peoples as enshrined in the Charter of the United Nations and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations and in other relevant resolutions of the General Assembly, Stressing the need for all States to desist from any forcible action which deprives peoples, particularly peoples under colonial and racist regimes or other forms of alien domination, of their inalienable right to self-determination, freedom and independence, as referred to in the Declaration on Principles of International Law concerning Friendly Relation and Co-operation among States in accordance with the Charter of the United Nations,

Mindful of existing international instruments as well as respective principles and rules concerning the peaceful settlement of

international disputes, including the exhaustion of local remedies whenever applicable, Determined to promote international co-operation in the political field and to encourage the progressive development of international law and its codification, particularly in relation to the peaceful settlement of international disputes, Solemnly declares:

I. (1) All States shall act in good faith and in conformity with the purposes and principles enshrined in the Charter of the United Nations with a view to avoiding disputes among themselves likely to affect friendly relations among States, thus contributing to the maintenance of international peace and security. They shall live together in peace with one another as good neighbours and strive for the adoption of meaningful measures for strengthening international peace and security.

(2) Every State shall settle its international disputes exclusively by peaceful means in such a manner that international peace and security, and justice, are not endangered.

(3) International disputes shall be settled on the basis of the sovereign equality of States and in accordance with the principle of free choice of means in conformity with obligations under the Charter of the United Nations and with the principles of justice and international law. Recourse to, or acceptance of, a settlement procedure freely agreed to by states with regard to existing or future disputes to which they are parties shall not be regarded as incompatible with the sovereign equality of States.

(4) States parties to a dispute shall continue to observe in their mutual relations their obligations under the fundamental

principles of international law concerning the sovereignty, independence and territorial integrity of States, as well as other generally recognized principles and rules of contemporary international law.

(5) States shall seek in good faith and in a spirit of co-operation an early and equitable settlement of their international disputes by any of the following means: negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice, including good offices. In seeking such a settlement, the parties shall agree on such peaceful means as may be appropriate to the circumstances and the nature of their dispute.

(6) States parties to regional arrangements or agencies shall make every effort to achieve pacific settlement of their local disputes through such regional arrangements or agencies before referring them to the Security Council. This does not preclude States from bringing any dispute to the attention of the attention of the Security Council or of the General Assembly in accordance with the Charter of the United Nations.

(7) In the event of failure of the parties to a dispute to reach an early solution by any of the above means of settlement, they shall continue to seek a peaceful solution and shall consult forth with on mutually agreed means to settle the dispute peacefully. Should the parties fail to settle by any of the above means a dispute the continuance of which is likely to endanger the maintenance of international peace and security, they shall refer it to the Security Council in accordance with the Charter of the United Nations and without prejudice to the functions and powers of the Security Council

set forth in the relevant provisions of Chapter VI of the Charter of the United Nations.

(8) States parties to an international dispute, as well as other States shall refrain from any action whatsoever which may aggravate the situation so as to endanger the maintenance of international peace and security and make more difficult or impede the peaceful settlement of the dispute, and shall act in this respect in accordance with the purposes and principles of the United Nations.

(9) States should consider concluding agreements for the peaceful settlement of disputes among them. They should also include in bilateral agreements and multilateral conventions to be concluded, as appropriate, effective provisions for the peaceful settlement of disputes arising from the interpretation or application thereof.

(10) States should, without prejudice to the right of free choice of means, bear in mind that direct negotiations are a flexible and effective means of peaceful settlement of their disputes. When they choose to resort to direct negotiations, States should negotiate meaningfully, in order to arrive at an early settlement acceptable to the parties. States should be equally prepared to seek the settlement of their disputes by the other means mentioned in the present Declaration.

(11) States shall in accordance with international law implement in good faith all the provisions of agreements concluded by them for the settlement of their disputes.

(12) In order to facilitate the exercise by the peoples concerned of the right to self-determination as referred to in the Declaration on Principles of International Law concerning Friendly

Relations and Co-operation among States in accordance with the Charter of the United Nations, the parties to a dispute may have the possibility, if they agree to do so and as appropriate, to have recourse to relevant procedures mentioned in the present Declaration, for the peaceful settlement of the dispute.

(13) Neither the existence of a dispute nor the failure of a procedure of peaceful settlement of disputes shall permit the use of force or threat of force by any of the States parties to the dispute.

II. (1) Member States should make full use of the provisions of the Charter of the United Nations, including the procedures and means provided for therein, particularly Chapter VI, concerning peaceful settlement of disputes.

(2) Member States shall fulfil in good faith the obligations assumed by them in accordance with the Charter of the United Nations. They should, in accordance with the Charter, as appropriate, duly take into account the recommendations of the Security Council relating to the peaceful settlement of disputes. They should also, in accordance with the Charter, as appropriate, duly take into account the recommendations adopted by the General Assembly, subject to Articles 11 and 12 of the Charter in the field of peaceful settlement of disputes.

(3) Member States reaffirm the important role conferred on the General Assembly by the Charter of the United Nations in the field of peaceful settlement of disputes and stress the need for it to discharge effectively its responsibilities. Accordingly, they should :

(a) Bear in mind that the General Assembly may discuss any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations and, subject to article 12 of the Charter, recommend measures for its peaceful adjustment:

(b) Consider making use, when they deem it appropriate, of the possibility of bringing to the attention of the General Assembly and dispute or any situation which might lead to international friction or give rise to a dispute:

(c) Consider utilizing, for the peaceful settlement of their disputes, the subsidiary organs established by the General Assembly in the performance of its functions under the Charter:

(d) Consider, when they are parties to a dispute brought to the attention of the General Assembly, making use of consultations within the framework of making use of the General Assembly, with the view to facilitating an early settlement of their dispute.

(4) Member States should strengthen the primary role of the Security Council so that it may fully and effectively discharge its responsibilities, in accordance with the Charter of the United Nations, in the area of the settlement of disputes or of any situation the continuance of disputes or of any situation the continuance of which is likely to endanger the maintenance of international peace and security. To this end they should :

(a) Be fully aware of their obligation to refer to the Security Council such a dispute to which they are parties if they fail to settle it by the means indicated in Article 33 of the Charter:

(b) Make greater use of the possibility of bringing to the attention of the Security Council any dispute or any situation which might lead to international friction or give rise to a dispute:

(c) Encourage the Security Council to make wider use of the opportunities provided for by the Charter in order to review disputes or situations the continuance of which is likely to endanger international peace and security:

(d) Consider making greater use of the fact-finding capacity of the Security Council in accordance with the Charter:

(e) Encourage the Security Council to make wide use, as a means to promote peaceful settlement of disputes, of the subsidiary organs established by it in the performance of its functions under the Charter

(f) Bear in mind the Security Council may, at any stage of a dispute of the nature referred to in Article 33 of the Charter or a situation of like nature, recommend appropriate procedures of methods of adjustment:

(g) Encourage the Security Council to act without delay, in accordance with its functions and powers, particularly in cases where international disputes develop into armed conflicts.

(5) States should be fully aware of the role of the International Court of Justice which is the principal judicial organ of the United Nations. Their attention is drawn to the facilities offered by the International Court of Justice for the settlement of legal disputes States may entrust the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future. States should bear in mind:

(a) That legal disputes should as a general rule be referred by the parties to the International Court of Justice, in accordance with the provisions of the Statute of the Court;

(b) That it is desirable that they:

(i) Consider the possibility of inserting in treaties, whenever appropriate, clauses providing for the submission to the International Court of Justice of disputes which may arise from the interpretation of application of such treaties;

(ii) Study the possibility of crossing in the free exercise of their sovereignty, to recognize as compulsory the jurisdiction of the International Court of Justice in accordance with Article 36 of its Statute;

(iii) Review the possibility of identifying cases in which use may be made of the International Court of Justice. The organs of the United Nations and the Specialized agencies should study the advisability of making use of the possibility of requesting advisory opinions of the International Court of Justice on legal questions arising within the scope of their activities, provided that they are duly authorized to do so.

Recourse to judicial settlement of legal disputes, particularly referral to the International Court of Justice should not be considered an unfriendly act between States.

(6) The Secretary - General should make full use of the provisions of the Charter of the United Nations concerning the responsibilities entrusted to him. The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security. He

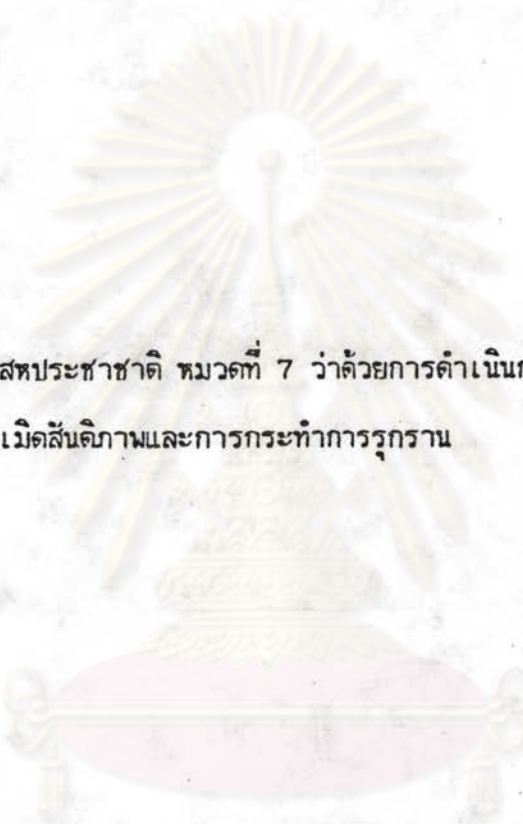
shall perform such other functions as are entrusted to him by the Security Council or by the General Assembly. Reports in this connexion shall be made whenever requested to the Security Council or the General Assembly.

Urges all States to observe and promote in good faith the provisions of the present Declaration in the peaceful settlement of their international disputes.

Declares that nothing in the present Declaration shall be construed as prejudicing in any manner the relevant provisions of the Charter or the rights and duties of States, or the scope of the functions and powers of the United Nations organs under the Charter, in particular those relating to the peaceful settlement of disputes.

Declares that nothing in the present Declaration could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter, of peoples forcibly deprived of that right and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation; nor the right to receive support, in accordance with the principles of the Charter and in conformity with the above-mentioned Declaration,

Stresses the need, in accordance with the Charter of the United Nations, to continue efforts to strengthen the process of the peaceful settlement of disputes through progressive development and codification of international law, as appropriate, and through enhancing the effectiveness of the United Nations in this field."

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21. กฎบัตรองค์การสหประชาชาติ หมวดที่ 7 ว่าด้วยการดำเนินการเกี่ยวกับการคุ้มครองต่อ
สันติภาพการละเมิดสันติภาพและการกระทำการรุกราน

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

21. กฎบัตรองค์กรสหประชาชาติ หมวดที่ 7 ว่าด้วย

การดำเนินการเกี่ยวกับการคุกคามต่อสันติภาพ
การละเมิดสันติภาพ และ การกระทำการรุกราน

มาตรา 39

คณะมนตรีความมั่นคงจักกำหนดว่าการคุกคามต่อสันติภาพ การละเมิดสันติภาพหรือการกระทำการรุกราน ได้มีขึ้นหรือไม่ และจักทำคำแนะนำหรือวินิจฉัยว่าจะใช้มาตรการอันใดตามมาตรา 41 และมาตรา 42 เพื่อขจัดไว้หรือสถาปนากลับคืนมาซึ่งสันติภาพ และความมั่นคงระหว่างประเทศ

มาตรา 40

เพื่อป้องกันมิให้สถานการณ์ทวีความรุนแรงยิ่งขึ้น คณะมนตรีความมั่นคงอาจเรียกร้องให้คู่กรณีเกี่ยวข้อง อนุวัติตามมาตรการชั่วคราวเช่นที่เห็นจำเป็น หรือพึงปรารถนาก่อนที่จะทำคำแนะนำ หรือวินิจฉัยมาตรการตามที่บัญญัติไว้ในมาตรา 39 มาตรการชั่วคราวเช่นว่านี้จักไม่ทำให้กระทบกระเทือนต่อสิทธิ อำนาจ เรียกร้องหรือฐานะของคู่กรณีที่เกี่ยวข้อง คณะมนตรีความมั่นคงจักต้องคำนึงถึงการไม่อนุวัติตามมาตรการชั่วคราวเช่นว่านั้น

มาตรา 41

คณะมนตรีความมั่นคง อาจวินิจฉัยว่าจะต้องใช้มาตรการอันใดอันไม่มีการใช้กำลังอาวุธ เพื่อยังผลให้เกิดแก่คำวินิจฉัยของคณะมนตรี และอาจเรียกร้องให้สมาชิกแห่งสหประชาชาติใช้มาตรการเช่นว่านั้น มาตรการเหล่านี้อาจรวมถึงการตัดความสัมพันธ์ทางเศรษฐกิจ และการคมนาคมทางรถไฟ ทางทะเล ทางอากาศ ทางไปรษณีย์ ทางโทรเลข ทางวิทยุ และวิถีทางคมนาคมอย่างอื่น โดยสิ้นเชิงหรือแต่บางส่วน และการตัดความสัมพันธ์ทางการทูต

มาตรา 42

หากคณะมนตรีความมั่นคงพิจารณาเห็นว่า มาตรการที่บัญญัติไว้ในมาตรา 41 น่าจะไม่เพียงพอ หรือ ได้พิสูจน์แล้วว่าไม่เพียงพอ คณะมนตรีก็อาจดำเนินการใช้กำลังทางอากาศ ทางทะเล

หรือทางพื้นดิน เช่นที่เห็นจำเป็นเพื่อการขำรงไว้หรือสถาปนากลับคืนมาซึ่งสันติภาพและความมั่นคงระหว่างประเทศ การดำเนินมาตรการเช่นนี้อาจรวมถึงการแสดงแสนยานุภาพ การปิดล้อม และการปฏิบัติอย่างอื่น โดยกำลังทางอากาศ ทางทะเลหรือทางพื้นดิน ของบรรดาสมาชิกสหประชาชาติ

มาตรา 43

1. เพื่อได้มีส่วนร่วมในการขำรงไว้ซึ่งสันติภาพ และความมั่นคงระหว่างประเทศ สมาชิกทั้งปวงของสหประชาชาติรับที่จะจัดสรรกำลังอาวุธ ความช่วยเหลือ และความสะดวก รวมทั้งสิทธิในการผ่านดินแดนตามที่จำเป็นเพื่อขำรงไว้ซึ่งสันติภาพและความมั่นคงระหว่างประเทศให้แก่คณะมนตรีความมั่นคงเมื่อคณะมนตรีเรียกร้อง และเป็นไปตามความตกลงพิเศษฉบับเดียวหรือหลายฉบับ
2. ความตกลงฉบับเดียวหรือหลายฉบับเช่นว่านั้น จะกำหนดจำนวนและประเภทของกำลังขึ้นแห่งความเตรียมพร้อม และตำบลที่ตั้งโดยทั่วไปของกำลัง และลักษณะของความสะดวกและความช่วยเหลือที่จัดหาไว้ให้
3. ให้ดำเนินมาตรการเจรจาความตกลงฉบับเดียวหรือหลายฉบับนั้น โดยความริเริ่มของคณะมนตรีความมั่นคงโดยเร็วที่สุดเท่าที่ทำได้ ความตกลงเหล่านี้จักได้ลงนามกันระหว่างคณะมนตรีความมั่นคงและสมาชิก หรือระหว่างคณะมนตรีความมั่นคงและกลุ่มสมาชิก และจักต้องได้รับสัตยาบันโดยรัฐที่ลงนามตามกระบวนการทางรัฐธรรมนูญของรัฐเหล่านั้น

มาตรา 44

เมื่อคณะมนตรีความมั่นคงได้วินิจฉัยที่จะใช้กำลังแล้ว ก่อนที่จะเรียกร้องให้สมาชิกซึ่งมิได้มีผู้แทนอยู่ในคณะมนตรีความมั่นคงจัดส่งกำลังทหารเพื่อปฏิบัติ เป็นไปตามข้อผูกพันที่ได้รับไว้ตามมาตรา 43 คณะมนตรีจะต้องเชิญสมาชิกนั้นให้ เข้าร่วมในการวินิจฉัยของคณะมนตรีความมั่นคงเกี่ยวกับการใช้หน่วยกำลังทหารของสมาชิกนั้น หากสมาชิกนั้นประสงค์เช่นนี้

มาตรา 45

เพื่อที่จะทำให้สหประชาชาติสามารถดำเนินมาตรการทางทหารได้โดยด่วน สมาชิกจักต้องจัดสรรหน่วยกำลังทางอากาศแห่งชาติไว้ให้ทั้งรักพร้อมโดยทันที สำหรับการดำเนินการบังคับระหว่าง

ประเทศรวมกัน กำลังและชั้นแห่งการเตรียมพร้อมของหน่วยกำลังเหล่านี้ และแผนการสำหรับการดำเนินการโดยรวมกัน จักได้กำหนดโดยคณะกรรมการความมั่นคงด้วยความช่วยเหลือของคณะกรรมการเสนาธิการทหาร ทั้งนี้ภายในขอบจำกัดที่วางไว้ในความตกลงพิเศษฉบับเดียวหรือหลายฉบับที่อ้างถึงในมาตรา 43

มาตรา 46

แผนการสำหรับการใช้กำลังทหาร จักได้จัดทำโดยคณะกรรมการความมั่นคง ด้วยความช่วยเหลือของคณะกรรมการเสนาธิการทหาร

มาตรา 47

1. ให้จัดสถาปนากิจกรรมการเสนาธิการทหารขึ้น เพื่อให้คำปรึกษาและช่วยเหลือคณะกรรมการความมั่นคง ในปัญหาทั้งปวงที่เกี่ยวกับความต้องการทางทหารของคณะกรรมการความมั่นคง สำหรับการชำระไว้ซึ่งสันติภาพและความมั่นคงระหว่างประเทศ ในการใช้และการบังคับบัญชากำลังทหารที่มอบให้คณะกรรมการ ในกำหนดกฎเกณฑ์ว่าด้วยอาวุธยุทธภัณฑ์ และในการลดอาวุธอันมิเป็นไปได้อื่น
2. คณะกรรมการเสนาธิการทหารจักประกอบด้วยเสนาธิการกลาโหมของสมาชิกประจำของคณะกรรมการความมั่นคงหรือผู้แทนของบุคคลเหล่านี้ คณะกรรมการจักต้องเชิญสมาชิกสหประชาชาติที่มีได้มีผู้แทนประจำอยู่ในคณะกรรมการเข้าร่วมกับคณะกรรมการด้วย เมื่อใดที่การปฏิบัติหน้าที่ตามความรับผิดชอบของคณะกรรมการให้ประสิทธิผล เรียกร้องให้สมาชิกนั้นเข้าร่วมในงานของคณะกรรมการ
3. คณะกรรมการเสนาธิการทหารจักต้องรับฟังข้อ เสนอแนะของคณะกรรมการความมั่นคง สำหรับการอำนวยความสะดวกทางยุทธศาสตร์ เกี่ยวกับการใช้กำลังทหารซึ่งได้มอบไว้ให้กับคณะกรรมการความมั่นคง ปัญหาเกี่ยวกับการบังคับบัญชากำลังทหาร เช่นว่านั้น จักได้พิจารณาดำเนินการในภายหลัง
4. คณะกรรมการเสนาธิการทหาร อาจสถาปนาคณะกรรมการส่วนภูมิภาคขึ้นได้ ทั้งนี้โดยได้รับอำนาจจากคณะกรรมการความมั่นคง และหลังจากได้ปรึกษาหารือกับทบวงการส่วนภูมิภาคที่เหมาะสมแล้ว

มาตรา 48

1. การดำเนินการที่พึงประสงค์เพื่อปฏิบัติตามคำวินิจฉัยของคณะกรรมการความมั่นคงในการชำระไว้ซึ่งสันติภาพและความมั่นคงระหว่างประเทศ จักได้กระทำโดยสมาชิกสหประชาชาติทั้งปวงหรือแต่บางประเทศ ตามแต่คณะกรรมการความมั่นคงจะพึงกำหนด
2. คำวินิจฉัยเช่นว่านี้จักต้องปฏิบัติโดยสมาชิกสหประชาชาติโดยตรง และโดยผ่านการดำเนินการของสมาชิกเหล่านั้นในทบวงการระหว่างประเทศที่เหมาะสม ซึ่งตนเป็นสมาชิกอยู่

มาตรา 49

สมาชิกสหประชาชาติจักร่วมกันอำนวยความสะดวกซึ่งกันและกันในทางปฏิบัติมาตรการที่คณะกรรมการความมั่นคงได้วินิจฉัยไว้แล้ว

มาตรา 50

หากคณะกรรมการความมั่นคงได้ดำเนินการมาตรการป้องกัน หรือบังคับต่อรัฐใด รัฐอื่นไม่ว่าจะเป็นสมาชิกแห่งสหประชาชาติหรือไม่ ซึ่งต้องเผชิญกับปัญหาพิเศษทางเศรษฐกิจเนื่องมาแต่การปฏิบัติมาตรการเหล่านั้น ย่อมมีสิทธิที่จะหารือกับคณะกรรมการความมั่นคงเกี่ยวกับการแก้ไขปัญหานั้น

มาตรา 51

ไม่มีข้อความใดในกฎบัตรฉบับปัจจุบัน อันจักรอนสิทธิประจำตัวในการป้องกันตนเองโดยลำพัง หรือโดยร่วมกัน หากการโจมตีโดยกำลังอาวุธบังเกิดแก่สมาชิกของสหประชาชาติจนกว่าคณะกรรมการความมั่นคงจะได้ดำเนินการที่จำเป็นเพื่อชำระไว้ซึ่งสันติภาพและความมั่นคงระหว่างประเทศ มาตรการที่สมาชิกได้ดำเนินไปในการใช้สิทธิป้องกันตนเองนี้ จักต้องรายงานให้คณะกรรมการความมั่นคงทราบโดยทันที และจักไม่กระทบกระเทือนอำนาจและความรับผิดชอบของคณะกรรมการความมั่นคงภายใต้กฎบัตรฉบับปัจจุบันแต่ทางหนึ่งทางใด ในอันที่จักดำเนินการ เช่นที่เห็นจำเป็นเพื่อชำระไว้หรือสถาปนากลับคืนมาซึ่งสันติภาพและความมั่นคงระหว่างประเทศในขณะใด



22. ปฏิญญาสากลว่าด้วยสิทธิมนุษยชน (Universal Declaration of Human Rights)

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

22. ปฏิญญาสากลว่าด้วยสิทธิมนุษยชน (Universal Declaration of Human Rights)

คำปรารภ

โดยที่การยอมรับนับถือเกียรติศักดิ์ประจำตัว และสิทธิเท่าเทียมกันและโอนมิได้ของบรรดาสมาชิกทั้งหลายแห่งครอบครัวมนุษย์เป็นหลักมูลเหตุแห่งอิสรภาพ ความยุติธรรม และสันติภาพในโลก

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

โดยที่การไม่นำพาและการเหยียดหยามต่อสิทธิมนุษยชน ยังผลให้มีการกระทำอันป่าเถื่อน ซึ่งเป็นการละเมิดมโนธรรมของมนุษยชาติอย่างร้ายแรง และได้มีการประกาศว่า มาตรฐานสูงสุดของสามัญชน ได้แก่ความต้องการให้มนุษย์มีชีวิตอยู่ในโลกด้วยอิสรภาพในการพูดและความเชื่อถือและอิสรภาพนั้นจากความหวาดกลัวและความต้องการ

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

โดยที่เป็นการจำเป็นอย่างยิ่งที่สิทธิมนุษยชนควรได้รับความคุ้มครองโดยหลังบังคับของกฎหมาย ถ้าไม่ประสงค์จะให้คนตกอยู่ในบังคับให้หันเข้าหาการขบถขัดขืนต่อทราชและการกดขี่เป็นวิถีทางสุดท้าย

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

โดยที่ความจำเป็นอย่างยิ่งที่จะส่งเสริมวิวัฒนาการแห่งสัมพันธไมตรีระหว่างนานาชาติ

Whereas it is essential to promote the development of friendly relations between nations,

โดยที่ประชากรแห่งสหประชาชาติได้เชื่อมั่นไว้ในกฎบัตรถึงความเชื่อมั่นในสิทธิมนุษยชน

อันเป็นหลักมูล ในเกียรติศักดิ์และคุณค่าของมนุษย์และในสิทธิเท่าเทียมกันของบรรดาชายและหญิง และได้ตกลงใจที่จะส่งเสริมความก้าวหน้าทางสังคมและมาตรฐานแห่งชีวิตที่ดีขึ้นด้วยในอิสรภาพอันกว้างขวางยิ่งขึ้น

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

โดยที่รัฐสมาชิกต่างปฏิญาณจะให้บรรลุถึงซึ่งการส่งเสริมการเคารพและการปฏิบัติตามทั่วสากลต่อสิทธิมนุษยชนและอิสรภาพหลักมูล โดยร่วมมือกับสหประชาชาติ

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human right and fundamental freedoms,

โดยที่ความเข้าใจร่วมกันในสิทธิ และอิสรภาพเหล่านี้เป็นสิ่งสำคัญอย่างยิ่ง เพื่อให้ปฏิญาณนี้สำเร็จผลเต็มบริบูรณ์

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realisation of this pledge,

ฉะนั้น บัดนี้ สมัชชาจึงประกาศว่า

Now, Therefore

ปฏิญาณสากลว่าด้วยสิทธิมนุษยชนนี้ เป็นมาตรฐานร่วมกันแห่งความสำเร็จสำหรับบรรดาประชากรและประชาชาติทั้งหลาย เพื่อจุดหมายปลายทางที่ว่า เอกชนทุกคนและองค์การของสังคมทุกองค์การ โดยการรำลึกถึงปฏิญานี้เป็นเนืองนิจ จะบากบั่นพยายามด้วยการสอนและศึกษา ในอันที่จะส่งเสริมการเคารพสิทธิและอิสรภาพเหล่านี้ และด้วยมาตรการอันก้าวหน้าทั้งในประเทศและระหว่างประเทศ ในอันที่จะให้มีการยอมรับนับถือ และการปฏิบัติตามโดยสากลและอย่างเป็นผลจริงจัง ทั้งในบรรดาประชาชนของรัฐสมาชิกด้วยกันเอง และในบรรดาประชาชนของดินแดนที่อยู่ใต้อำนาจของรัฐนั้น ๆ

THE GENERAL ASSEMBLY

proclaims

THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

ข้อ 1. มนุษย์ทั้งหลายเกิดมามีอิสระและเสมอภาคกันในเกียรติศักดิ์และสิทธิ ต่างมีเหตุผลและมีโนธรรม และควรปฏิบัติต่อกันด้วยเจตนารมณ์แห่งภราดรภาพ

Article I

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

ข้อ 2. (1) ทุกคนย่อมมีสิทธิและอิสระภาพบรรดาที่กำหนดไว้ในปฏิญญานี้ โดยปราศจากความแตกต่างไม่ว่าชนิดใด ๆ ดังเช่น เชื้อชาติ ผิว เผ่า ภาษา ศาสนา ความคิดเห็นทางการเมืองหรือทางอื่น เผ่าพันธุ์แห่งชาติ หรือสังคม ทวีปสีน กำเนิด หรือสถานะอื่น ๆ

(2) หนึ่งจะไม่มี ความแตกต่างใด ๆ ตามมูลฐานแห่งสถานะทางการเมือง การศาล หรือทางการระหว่างประเทศของประเทศหรือดินแดนที่บุคคลสังกัด ไม่ว่าดินแดนนั้นจะเป็นเอกราช อยู่ในความพิทักษ์มิได้ปกครองตนเอง หรืออยู่ภายใต้การจำกัดอธิปไตยใด ๆ ทั้งสิ้น

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as

race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

ข้อ 3. คนทุกคนมีสิทธิในการดำรงชีวิต เสรีภาพ และความมั่นคงแห่งตัวตน

Article 3

Everyone has the right to life, liberty and security of person.

ข้อ 4. บุคคลใด ๆ จะถูกยึดเป็นทาส หรือต้องภาระจำยอมไม่ได้ ความเป็นทาส และการค้าทาสเป็นห้ามขาดทุกรูป

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

ข้อ 5. บุคคลใด ๆ จะถูกทรมานหรือได้รับผลปฏิบัติ หรือการลงโทษที่โหดร้ายผิดมนุษยธรรมหรือด่าซ้ำไม่ได้

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

ข้อ 6. ทุกคนมีสิทธิที่จะได้รับการยอมรับทั่วถึงว่าเป็นบุคคลตามกฎหมายทุกแห่งหน

Article 6

Everyone has the right to recognition everywhere as a person before the law.

ข้อ 7. ทุกคนเสมอกันตามกฎหมายและวิธีปฏิบัติที่จะได้รับความคุ้มครองของกฎหมายเท่าเทียมกัน โดยปราศจากการเลือกปฏิบัติใด ๆ ทุกคนมีสิทธิที่จะได้รับความคุ้มครองเท่าเทียมกันจาก

การเลือกปฏิบัติใด ๆ อันเป็นการล่วงละเมิดปฏิญญา และจากการยุ้งให้เกิดการเลือกปฏิบัติดังกล่าว

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

ข้อ 8. ทุกคนมีสิทธิที่จะได้รับบำนาญอันเป็นผลจริงจากศาลที่มีอำนาจแห่งชาติต่อการกระทำอันละเมิดสิทธิหลักมูล ซึ่งตนได้รับตามรัฐธรรมนูญหรือกฎหมาย

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

ข้อ 9. บุคคลใดจะถูกจับกุม กักขัง หรือเนรเทศไปต่างถิ่นโดยพลการไม่ได้

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

ข้อ 10. ทุกคนมีสิทธิโดยเสมอภาคเต็มที่ในอันที่จะได้รับการพิจารณาที่เป็นธรรมและเปิดเผยจากศาลที่อิสระและเที่ยงธรรมในการกำหนดสิทธิและหน้าที่ของตนและการกระทำผิดอาญาใด ๆ ที่ตนถูกกล่าวหา

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

ข้อ 11. (1) ทุกคนที่ถูกกล่าวหาว่ากระทำผิดทางอาญา มีสิทธิที่จะได้รับสันนิษฐานไว้ก่อนว่าบริสุทธิ์จนกว่าจะพิสูจน์ได้ว่ามีผิดตามกฎหมายในการพิจารณาเปิดเผย ซึ่งตนได้รับหลัก

ประกันบรรดาที่จำเป็นสำหรับการต่อสู้คดี

Article 11

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he had all the guarantees necessary for his defence.

(2) จะถือบุคคลใด ๆ ว่ามีความผิดทางอาญาเนื่องด้วยการกระทำหรือละเว้นใด ๆ อันมิได้จัดเป็นความผิดทางอาญาตามกฎหมายแห่งชาติ หรือกฎหมายระหว่างประเทศ ในขณะที่ได้กระทำการนั้นนั้นไม่ได้ และจะลงโทษอันหนักกว่าที่ใช้อยู่ในขณะที่ได้กระทำความผิดทางอาญานั้นไม่ได้

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

ข้อ 12. บุคคลใด ๆ จะถูกแทรกสอดโดยผลการใช้ความเป็นอยู่ส่วนตัวในครอบครัว ในเคหสถานหรือในการสื่อสาร หรือจะถูกลบล้างในเกียรติยศและชื่อเสียงไม่ได้ ทุกคนมีสิทธิที่จะได้รับควบคุมครองของกฎหมายต่อการแทรกสอดหรือการลบล้างดังกล่าวนั้น

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

ข้อ 13. (1) ทุกคนมีสิทธิในอิสรภาพแห่งการเคลื่อนไหวและสถานที่อยู่ภายในเขตของแต่ละรัฐ

Article 13

(1) Everyone has the right to freedom of movement and

residence within the borders of each state.

(2) ทุกคนมีสิทธิที่จะออกจากประเทศใด ๆ ไป รวมทั้งประเทศของตนเองด้วย และที่จะกลับยังประเทศตน

(2) Everyone has the right to leave any country, including his own, and to return to his country.

ข้อ 14. (1) ทุกคนมีสิทธิที่จะแสวงหา และที่จะ ได้อาศัยพำนักในประเทศอื่นเพื่อ ลี้ภัยจากการประหัตประหาร

Article 14

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) จะอ้างสิทธินี้ไม่ได้ ในกรณีที่การดำเนินคดีสืบเนื่องอย่างแท้จริงมาจากความผิดที่ไม่ใช่ทางการเมือง หรือจากการกระทำอันขัดต่อวัตถุประสงค์และหลักการของ สหประชาชาติ

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

ข้อ 15. (1) ทุกคนมีสิทธิในการถือสัญชาติหนึ่ง

Article 15

(1) Everyone has the right to a nationality.

(2) บุคคลใด ๆ จะถูกตัดสัญชาติของตนโดยพลการ หรือถูกปฏิเสธสิทธิที่จะเปลี่ยนสัญชาติไม่ได้

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

ข้อ 16. (1) ชายและหญิงที่มีอายุเต็มบริบูรณ์แล้ว มีสิทธิที่จะทำการสมรส และจะ ก่อตั้งครอบครัว โดยปราศจากการจำกัดใด ๆ อันเนื่องมาจากเชื้อชาติ สัญชาติ หรือศาสนา ต่างมี สิทธิเท่าเทียมกันในการสมรส ระหว่างการสมรสและในการขาดจากการสมรส

Article 16

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) การสมรสจะกระทำกันก็แต่ด้วยความยินยอมโดยอิสระและเต็มใจของผู้ที่เจตนาจะเป็นคู่สมรส

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) ครอบครัวเป็นหน่วยธรรมชาติ และหลักมูลของสังคมและมีสิทธิที่จะได้รับคุ้มครองจากสังคมและรัฐ

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

ข้อ 17. (1) ทุกคนมีสิทธิที่จะเป็นเจ้าของทรัพย์สินโดยลำพังตนเอง เช่นเดียวกับโดยร่วมกับผู้อื่น

Article 17

(1) Everyone has the right to own property alone as well as in association with others.

(2) บุคคลใด ๆ จะถูกริบทรัพย์สินโดยพลการไม่ได้

(2) No one shall be arbitrarily deprived of his property.

ข้อ 18. ทุกคนมีสิทธิในอิสรภาพแห่งความคิดมโนธรรมและศาสนา สิทธินี้รวมถึงอิสรภาพในการเปลี่ยนศาสนาหรือความเชื่อถือ และอิสรภาพในการที่จะประกาศศาสนา หรือความเชื่อถือของตน โดยการสอน การปฏิบัติ การสักการบูชา และการประกอบพิธีกรรม ไม่ว่าจะโดยลำพังตนเองหรือในประชาคมร่วมกับผู้อื่น และเป็นการสาธารณะหรือส่วนบุคคล

Article 18

Everyone has the right to freedom of thought,

conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

ข้อ 19. ทุกคนมีสิทธิในอิสรภาพแห่งความเห็นและการแสดงออก สิทธินี้รวมถึงอิสรภาพในการที่จะถือเอาความเห็นโดยปราศจากการแทรกสอด และที่จะแสวงหา รับและแจกจ่ายข่าวสารและความคิดเห็นไม่ว่าโดยวิธีใด ๆ และโดยไม่คำนึงถึงเขตแดน

Article 19

Everyone has the right to freedom of opinion and expression: tis right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regard regardless of frontiers.

ข้อ 20. (1) ทุกคนมีสิทธิในอิสรภาพแห่งการร่วมประชุมและการตั้งสมาคมโดยสันติ

Article 20

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) บุคคลใด ๆ จะถูกบังคับให้สังกัดสมาคมหนึ่งสมาคมใดไม่ได้

(2) No one may be compelled to belong to an association.

ข้อ 21. (1) ทุกคนมีสิทธิที่จะมีส่วนร่วมในรัฐบาลของประเทศตน จะเป็นโดยตรงหรือโดยผ่านทางผู้แทนซึ่งได้เลือกตั้งโดยอิสระ

Article 21

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) ทุกคนมีสิทธิที่จะเข้าถึงบริการสาธารณะในประเทศของตนโดยเสมอภาค

(2) Everyone has the right of equal access to public

service in his country.

(3) เจตจำนงของประชาชนจะต้องเป็นมูลฐานแห่งอำนาจของรัฐบาล เจตจำนงนี้จะต้องแสดงออกทางการเลือกตั้งตามกำหนดเวลา และอย่างแท้จริง ซึ่งอาศัยการออกเสียงโดยทั่วไปและเสมอภาค และการลงคะแนนลับหรือวิธีการลงคะแนนโดยอิสระอย่างอื่นทำนองเดียวกัน

(3) The will of the people shall be the basis of the authority of government: this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

ข้อ 22. ทุกคน ในฐานะที่เป็นสมาชิกของสังคม มีสิทธิในความมั่นคงทางสังคม และมีสิทธิในการบรรลุถึงซึ่งสิทธิทางเศรษฐกิจทางสังคม และทางวัฒนธรรม อันจำเป็นอย่างยิ่งสำหรับเกียรติศักดิ์ของตน และการพัฒนาบุคลิกภาพของตนอย่างอิสระ ทั้งนี้ โดยความเพียรพยายามแห่งชาติและโดยความร่วมมือระหว่างประเทศ และตามระบอบการและทรัพยากรของแต่ละรัฐ

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international co-operation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

ข้อ 23. (1) ทุกคนมีสิทธิในการงาน ในการเลือกงานโดยอิสระในเงื่อนไขอันยุติธรรม และเป็นประโยชน์แห่งการงาน และในการคุ้มครองต่อการว่างงาน

Article 23

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) ทุกคนมีสิทธิที่จะได้รับเงินค่าจ้างเท่าเทียมกันสำหรับงานเท่าเทียมกัน โดยปราศจากการเลือกปฏิบัติใด ๆ

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) ทุกคนที่ทำงานมีสิทธิที่จะได้รับสินจ้างที่ยุติธรรมและเป็นประโยชน์ที่จะให้ประกันแก่ตนเองและครอบครัวแห่งตน ซึ่งความเป็นอยู่อันคู่ควรแก่เกียรติศักดิ์ของมนุษย์ และถ้าจำเป็นก็จะต้องได้รับวิถีทางคุ้มครองทางสังคมอื่น ๆ เพิ่มเติมด้วย

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) ทุกคนมีสิทธิที่จะจัดตั้ง และที่จะเข้าร่วมสหพันธ์กรรมกรเพื่อความคุ้มครองแห่งผลประโยชน์ของตน

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

ข้อ 24. ทุกคนมีสิทธิในการพักผ่อนและเวลาว่าง รวมทั้งการจำกัดเวลาทำงานตามสมควร และวันหยุดงานเป็นครั้งคราวโดยได้รับสินจ้าง

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

ข้อ 25. (1) ทุกคนมีสิทธิในมาตรฐานการครองชีพอันเพียงพอสำหรับสุขภาพและความเป็นอยู่ดีของตนและครอบครัว รวมทั้งอาหาร เครื่องนุ่งห่ม ที่อยู่อาศัย และการดูแลสุขภาพทางแพทย์และบริการสังคมที่จำเป็น และมีสิทธิในความมั่นคงขามว่างงาน เจ็บป่วยพิการ เป็นหม้าย ว่างงาน หรือขาดอาชีพอื่นในเหตุการณ์นอกเหนืออำนาจของตน

Article 25

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of

unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) มารดาและเด็กมีสิทธิที่จะรับการดูแลรักษาและการช่วยเหลือเป็นพิเศษ เด็กทั้งปวงไม่ว่าจะเกิดในหรือนอกสมรส จะต้องได้รับการคุ้มครองทางสังคมเช่นเดียวกัน

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

ข้อ 26. (1) ทุกคนมีสิทธิในการศึกษา การศึกษาจะต้องให้เปล่า อย่างน้อยในชั้น ประถมศึกษาและการศึกษาขั้นหลักรวม การประถมศึกษาจะต้องเป็นภาคบังคับ การศึกษาทางเทคนิค และวิชาชีพ จะต้องเป็นอันเปิดโดยทั่วไปและการศึกษาขั้นสูงขึ้นไปก็จะต้องเป็นอันเปิดสำหรับ ทุกคน เข้าได้ถึงโดยเสมอภาคตามมูลฐานแห่งคุณวุฒิ

Article 26

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) การศึกษาจะได้จัดไปในการพัฒนาบุคลิกภาพของมนุษย์อย่างเต็มที่และยังความเคารพต่อสิทธิมนุษยชน และอิสรภาพหลักรวม ให้มั่นคงแข็งแรง จะต้องส่งเสริมความเข้าใจ วัฒนธรรม และมิตรภาพระหว่างบรรดาประชาชาติ กลุ่มเชื้อชาติ หรือศาสนา และจะต้องส่งเสริม กิจกรรมของสหประชาชาติเพื่อการธำรงไว้ซึ่งสันติภาพ

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) บิดามารดามีสิทธิเบื้องต้นที่จะเลือกชนิดของการศึกษาอันจะให้แก่บุตรของตน

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

ข้อ 27. (1) ทุกคนมีสิทธิที่จะเข้าร่วมในชีวิตทางวัฒนธรรมของประชาคมโดยอิสระที่จะบันเทิงใจในศิลปะและที่จะมีส่วนในความรุดหน้า และคุณประโยชน์ทางวิทยาศาสตร์

Article 27

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) ทุกคนมีสิทธิที่จะได้รับการคุ้มครองผลประโยชน์ทางศีลธรรมและทางวัตถุอันเป็นผลประดิษฐ์กรรมใด ๆ ทางวิทยาศาสตร์วรรณกรรมและศิลปกรรม ซึ่งตนเป็นผู้สร้าง

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

ข้อ 28. ทุกคนมีสิทธิในระเบียบทางสังคมระหว่างประเทศ ซึ่งจะเป็นทางให้สำเร็จผลเต็มที่ตามสิทธิและอิสรภาพดังกำหนดไว้ในปฏิญานี้

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised.

ข้อ 29. (1) ทุกคนมีหน้าที่ต่อประชาคม ด้วยการพัฒนาบุคลิกภาพของตนโดยอิสระเต็มที่ จะกระทำได้ก็แต่ในประชาคมเท่านั้น

Article 29

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) ในการใช้สิทธิและอิสรภาพแห่งตน ทุกคนตกอยู่ในบังคับของข้อจำกัด

เพียงเท่าที่ได้กำหนดลงโดยกฎหมายเท่านั้น เพื่อประโยชน์ที่จะได้มาซึ่งการรับนับถือและเคารพสิทธิและอิสรภาพของผู้อื่นตามสมควรและที่จะเผชิญกับความเรียกร้องต้องการอันเที่ยงธรรมของศีลธรรม ความสงบเรียบร้อยของประชาชน และสวัสดิการทั่วไปในสังคมประชาธิปไตย

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of other and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) สิทธิและอิสรภาพเหล่านี้ จะใช้ขัดต่อวัตถุประสงค์และหลักการของสหประชาชาติไม่ได้ไม่ว่ากรณีใด ๆ

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

ข้อ 30. ไม่มีบทใดในปฏิญานี้ที่จะอนุমানว่าให้สิทธิใด ๆ แก่รัฐ หนึ่งคน หรือบุคคล ในอันที่จะดำเนินกิจกรรมใด ๆ หรือปฏิบัติการใด ๆ อันมุ่งต่อการทำลายสิทธิและอิสรภาพดังกล่าวไว้ ณ ที่นี้

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

23. ข้อมติของสมัชชาใหญ่องค์การสหประชาชาติที่ 1815 (XVII). Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations

The General Assembly,

Recalling that the Charter records the determination of the peoples of the United Nations to practise tolerance and live together in peace with one another as good neighbours,

Convinced of the paramount importance of the Charter in the progressive development of international law and in the promotion of the rule of law among nations,

Taking into account that the great political, economic, social and scientific changes that have occurred in the world since the adoption of the Charter have further emphasized the vital importance of the purposes and principles of the United Nations and of their application to present-day conditions,

Recognizing the urgency and importance of maintaining and strengthening international peace founded upon freedom, equality and social justice, and therefore of developing peaceful and neighbourly relations among States, irrespective of their differences or the relative stages or nature of their political, economic and social development,

Considering that the conditions prevailing in the world today give increased importance to the fulfilment by States of their duty to co-operate actively with one another and to the role of international law and its faithful observance in relations among nations,

Convinced that the subjection of peoples to alien subjugation, domination and exploitation is an impediment to the promotion of world peace and co-operation,

Mindful of the close relationship between the progressive development of international law and the establishment of conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained through the promotion of international co-operation in economic, social and related fields and through the realization of human rights and fundamental freedoms,

Considering it essential that all States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, that disputes be settled by peaceful means in accordance with the Charter, that the arms race be eliminated and general and complete disarmament achieved under effective international control,

Conscious of the significance of the emergence of many new States and of the contribution which they are in a position to make to the progressive development and codification of international law,

Recalling its authority to consider the general principles of co-operation in the maintenance of international peace and security and to make recommendations for the purpose of encouraging the progressive development of international law and its codification,

1. Recognizes the paramount importance, in the progressive development of international law and in the promotion of the rule of law among nations, of the principles of international law concerning

friendly relations and co-operation among States and the duties deriving therefrom, embodied in the Charter of the United Nations which is the fundamental statement of those principles, notably:

(a) The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;

(b) The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered;

(c) The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter;

(d) The duty of States to co-operate with one another in accordance with the Charter;

(e) The principle of equal rights and self-determination of peoples;

(f) The principle of sovereign equality of States;

(g) The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter;

2. Resolves to undertake, pursuant to Article 13 of the Charter, a study of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter with a view to their progressive development and codification, so as to secure their more effective application;

3. Decides accordingly to place the item entitled "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter

of the United Nations" on the provisional agenda of its eighteenth session in order to study:

(a) The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;

(b) The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered;

(c) The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter;

(d) The principle of sovereign equality of States; and to decide what other principles are to be given further consideration at subsequent sessions and the order of their priority;

4. Invites Member States to submit in writing to the Secretary-General, before 1 July 1963, any views or suggestions that they may have on this item, and particularly on the subjects enumerated in paragraph 3 above, and requests the Secretary-General to communicate these comments to Member States before the beginning of the eighteenth session.

1196th plenary meeting,

18 December 1962.

24. ข้อมติของสมัชชาใหญ่องค์การสหประชาชาติที่ 1966 (XVIII). Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations

The General Assembly,

Bearing in mind Article 13, paragraph 1 a, of the Charter of the United Nations,

Recalling its resolutions 1505 (XV) of 12 December 1960, 1686 (XVI) of 18 December 1961 and 1815 (XVII) of 18 December 1962, which affirm the importance of encouraging the progressive development of international law and its codification and making it a more effective means of furthering the purposes and principles set forth in Articles 1 and 2 of the Charter,

Having decided in paragraph 2 of resolution 1815 (XVII) to undertake, pursuant to Article 13 of the Charter, a study of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter with a view to their progressive development and codification, so as to secure their more effective application, and accordingly to study at the eighteenth session the four principles enumerated in paragraph 3 thereof,

1. Decides to establish a Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States—composed of Member States to be appointed by the President of the general Assembly, taking into consideration the principle of equitable geographical representation and the necessity that the

principal legal systems of the world should be represented—which would draw up a report containing, for the purpose of the progressive development and condification of the four principles so as to secure their more effective application, the conclusions of its study and its recommendations, taking into account in particular:

(a) The practice of the United Nations and of States in the application of the principles established in the Charter of the United Nations:

(b) The comments submitted by Governments on this subject in accordance with paragraph 4 of resolution 1815 (XVII);

(c) The views and suggestions advanced by the representatives of Member States during the seventeenth and eighteenth sessions of the General Assembly;

2. Recommends the Governments of the States designated members of the Special Committee, in view of the general importance and the technical aspect of the item, to appoint jurists as their representatives on the Special Committee;

3. Requests the Special Committee to start its work as soon as possible and to submit its report to the General Assembly at its nineteenth session;

4. Requests the Secretary-General to co-operate with the Special Committee in its work, and to provide all the services and facilities necessary for its meetings, including:

(a) A systematic summary of the comments; statements, proposals and suggestions of Member States on this item;

(b) A systematic summary of the practice of the United Nations and of views expressed in the United Nations by Member States

in respect of the four principles:

(c) Such other material as he deems relevant;

5. Decides to place an item entitled "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations" on the provisional agenda of its nineteenth session in order to consider the report of the Special Committee and to study, in accordance with operative paragraphs 2 and 3 (d) of resolution 1815 (XVII), the following principles:

(a) The duty of States to co-operate with one another in accordance with the Charter;

(b) The principle of equal rights and self-determination of peoples;

(c) The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter;

6. Invites Member States to submit in writing to the Secretary-General, before 1 July 1964, any views or suggestions they may have regarding the principles enumerated in paragraph 5 above, and further urges those Member States which have not already done so to submit by that date their views in accordance with paragraph 4 of resolution 1815 (XVII);

7. Requests the Secretary-General to communicate to Member States, before the beginning of the nineteenth session, the comments requested in paragraph 6 above.

1281st plenary meeting,

16 December 1963.

The President of the General Assembly, in pursuance of paragraph 1 of the above resolution, appointed the members of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States.

The Special Committee will be composed of the following Member States: AFGHANISTAN, ARGENTINA, AUSTRALLA, CAMEROON, CANADA, CZECHOSLOVAKIA, DAHOMEY, FRANCE, CHANA, GUATERMALA, INDIA, ITALY, JAPAN, LEBANON, MADAGASCAR, MEXICO, NETHERLANDS, NIGERIA, POLAND, ROMANIA, SWEDEN, UNION OF SOVIET SOCIALIST REPUBLICS, UNITED ARAB REPUBLIC, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, UNITED STATES OF AMERICA, VENEZUELA and YUGOSLAVIA.



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25. ข้อมติของสมัชชาใหญ่องค์การสหประชาชาติที่ 2103 (XX). Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations

The General Assembly,

Recalling its resolutions 1505 (XV) of 12 December 1960, 1686 (XVI) of 18 December 1961, 1815 (XVII) of 18 December 1962 and 1966 (XVIII) of 16 December 1963,

Recalling further that among the fundamental purposes of the United Nations are the maintenance of international peace and security and the development of friendly relations and co-operation among States,

Considering that the faithful observance of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations is of paramount importance for the maintenance of international peace and security and the improvement of the international situation,

Considering further that the progressive development and codification of these principles, so as to secure their more effective application, would promote the realization of the purposes of the United Nations,

Bearing in mind that the Second Conference of Heads of State or Government of Non-Aligned Countries, which met at Cairo in 1964, recommended to the General Assembly of the United Nations the adoption of a declaration on these principles as an important step towards their codification,

Being convinced of the significance of continuing the effort to achieve general agreement at every stage of the process of the elaboration of the seven principles of international law set forth in General Assembly resolution 1815 (XVII), without prejudice to the applicability of the rules of procedure of the Assembly, and with a view to the early adoption of a declaration which would constitute a landmark in the progressive development and codification of these principles,

Having considered the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, established by General Assembly resolution 1966 (XVIII), which met in Mexico City from 27 August to 2 October 1964,

Having also considered, pursuant to paragraph 5 of General Assembly resolution 1966 (XVIII), the principle of the duty of States to co-operate with one another in accordance with the Charter of the United Nations, the principle of equal rights and self-determination of peoples and the principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter,

1. Takes note of the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States:

2. Expresses its appreciation to the Special Committee for the valuable work it performed in Mexico City;

3. Decides to reconstitute the Special Committee, which will be composed of the members of the Committee established under General Assembly resolution 1966 (XVIII) and of Algeria, Chile, Kenya and Syria, in order to complete the consideration and elaboration of the

seven principles set forth in Assembly resolution 1815 (XVII);

4. Requests the Special Committee:

(a) To continue, in the light of the debates which took place in the Sixth Committee during the seventeenth, eighteenth and twentieth sessions of the General Assembly and of the report of the previous Special Committee, the consideration of the four principles set forth in paragraph 3 of Assembly resolution 1815 (XVII), having full regard to matters on which the previous Special Committee was unable to reach agreement and to the measure of progress achieved on particular matters;

(b) To consider the three principles set forth in paragraph 5 of General Assembly resolution 1966 (XVIII), with particular regard to:

(i) The practice of the United Nations and of States in respect of the application of the principles laid down in the Charter of the United Nations;

(ii) The comments submitted by Governments on this subject in accordance with paragraph 6 of resolution 1966 (XVIII);

(iii) The views and suggestions advanced by the representatives of Member States during the seventeenth, eighteenth and twentieth sessions of the General Assembly;

(c) To submit a comprehensive report on the results of its study of the seven principles set forth in resolution 1815 (XVII), including its conclusions and recommendations, with a view to enabling the General Assembly to adopt a declaration containing an enunciation of these principles;

5. Recommends the Governments of the States designated



members of the Special Committee, in view of the general importance and the technical aspect of the item, to appoint jurists as their representatives on the Special Committee;

6. Requests the Special Committee to meet at United Nations Headquarters as soon as possible and to report to the General Assembly at its twenty-first session;

7. Requests the Secretary-General to co-operate with the Special Committee in its task and to provide all the services, documentation and other facilities necessary for its work;

8. Decides to include an item entitled "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations" in the provisional agenda of its twenty-first session.

1404th plenary meeting,

20 December 1965.

The General Assembly,

Having considered the item entitled "Observance by Member States of the principles relating to the sovereignty of States, their territorial integrity, non-interference in their domestic affairs, the peaceful settlement of disputes and the condemnation of subversive activities",

Bearing in mind the close connexion between this item and the item entitled "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations",

Requests the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, reconstituted under paragraph 3 of resolution A above, to take into consideration, in the course of its work and in drafting its report, the request for the inclusion in the agenda of the item mentioned in the first preambular paragraph above and the discussion of that item at the twentieth session of the General Assembly.

1404th plenary meeting,

20 December 1965.



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26. ข้อมติของสมัชชาใหญ่องค์การสหประชาชาติที่ 2181 (XXI). Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations

The General Assembly,

Recalling its resolutions 1815 (XVII) of 18 December 1962, 1966 (XVIII) of 16 December 1963 and 2103 (XX) of 20 December 1965, which affirm the importance of the progressive development and codification of the principles of international law concerning friendly relations and co-operation among States,

Recalling further that among the fundamental purposes of the United Nations are the maintenance of international peace and security and the development of friendly relations and co-operation among States,

Considering that the faithful observance of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations is of paramount importance for the maintenance of international peace and security and the improvement of the international situation,

Considering further that the progressive development and codification of those principles, so as to secure their more effective application, would promote the realization of the purposes of the United Nations,

Bearing in mind that the Second Conference of Heads of State or Government of Non-Aligned Countries, which met at Cairo in 1964, recommended to the General Assembly the adoption of a declaration on

these principles as an important step towards their codification,

Being convinced of the significance of continuing the effort to achieve general agreement in the process of the elaboration of the seven principles of international law set forth in General Assembly resolution 1815 (XVII), but without prejudice to the applicability of the rules of procedure of the Assembly, with a view to the adoption of a declaration which would constitute a landmark in the progressive development and codification of those principles,

Having considered the report of the 1966 Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, which met in New York from 8 March to 25 April 1966, and having considered specifically that it was noted in that Committee that the differences between the various points of view on the formulation of the principles had been materially reduced and that among the factors which hampered the achievement by the Committee of a greater measure of agreement was lack of sufficient time for additional deliberation and negotiation,

1. Takes note of the report of the 1966 Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States;

2. Expresses its appreciation to that Committee for the valuable work it has performed;

3. Takes note also of the formulations of the 1966 Special Committee concerning the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered and the principle of sovereign equality of States, and of the Special

Committee's decision that with regard to the principle of non-intervention it will abide by General Assembly resolution 2131 (XX) of 21 December 1965;

4. Decides to ask the Special Committee, as reconstituted by General Assembly resolution 2103 (XX), to continue its work;

5. Requests the Special Committee, in the light of the debate which took place in the Sixth Committee during the seventeenth, eighteenth, twentieth and twenty-first sessions of the General Assembly and in the 1964 and 1966 Special Committees, to complete the formulations of:

(a) The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity and political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;

(b) The duty of States to co-operate with one another in accordance with the Charter;

(c) The principle of equal rights and self-determination of peoples;

(d) The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter;

6. Requests the Special Committee to consider proposals on the principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter, with the aim of widening the area of agreement already expressed in General Assembly resolution 2131 (XX);

7. Requests the Special Committee, having considered, as a matter of priority, the principles referred to in paragraphs 5 and 6

above, to examine any additional proposals with a view to widening the areas of agreement expressed in the formulations of the 1966 Special Committee concerning the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered and the principle of sovereign equality of States;

8. Requests the Special Committee, having regard to the work already accomplished by the 1966 Special Committee, as specified in paragraph 3 above, to submit to the General Assembly at its twenty-second session a comprehensive report on the principles entrusted to it for study and a draft declaration on the seven principles set forth in Assembly resolution 1815 (XVII) which will constitute a landmark in the progressive development and codification of those principles;

9. Requests the Special Committee to meet at Geneva or at any other suitable place for which the Secretary-General receives an invitation;

10. Requests the Secretary-General to co-operate with the Special Committee in its task and to provide all the services, documentation and other facilities necessary for its work;

11. Decides to include an item entitled "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations" in the provisional agenda of its twenty-second session.

1489th plenary meeting,

12 December 1966.

27. ข้อมติของสมัชชาใหญ่องค์การสหประชาชาติที่ 2327 (XXII). Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations

The General Assembly,

Recalling its resolutions 1815 (XVII) of 18 December 1962, 1966 (XVIII) of 16 December 1963, 2103 (XX) of 20 December 1965 and 2181 (XXI) of 12 December 1966, which affirm the importance of the progressive development and codification of the principles of international law concerning friendly relations and co-operation among States.

Recalling further that among the fundamental purposes of the United Nations are the maintenance of international peace and security and the development of friendly relations and co-operation among States.

Considering that the faithful observance of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations is of paramount importance for the maintenance of international peace and security and the improvement of the international situation,

Considering further that the progressive development and codification of those principles, so as to secure their more effective application, would promote the realization of the purposes of the United Nations,

Bearing in mind that the Second Conference of Heads of State or Government of Non-aligned Countries, which met at Cairo in 1964, recommended to the General Assembly the adoption of a declaration on these principles as an important step towards the enhancement of the

role of international law in present-day conditions,

Convinced of the significance of continuing the effort to achieve general agreement in the process of the elaboration of the seven principles of international law set forth in General Assembly resolution 1815 (XVII), but without prejudice to the applicability of the rules of procedure of the Assembly, with a view to the adoption of a declaration which would constitute a landmark in the progressive development and codification of those principles,

Having considered the report of the Special committee on Principles of International Law concerning Friendly Relations and Co-operation among States, which met at Geneva from 17 July to 19 August 1967,

1. Takes note of the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States:

2. Expresses its appreciation to that Committee for the valuable work it has performed:

3. Decides to ask the Special Committee, as reconstituted by the General Assembly in resolution 2103 (XX), to meet in 1968 in New York, Geneva or any other suitable place for which the Secretary-General receives an invitation, in order to continue its work:

4. Requests the Special Committee, in the light of the debate which took place in the Sixth Committee during the seventeenth, eighteenth, twentieth, twenty-first and twenty-second session of the General Assembly and in the 1964, 1966 and 1967 sessions of the Special Committee, to complete the formulation of:

- (a) The principle that States shall refrain in their international relations from the threat or use of force against the

territorial integrity and political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;

(b) The principle of equal rights and self-determination of peoples:

5. Requests the Special Committee to consider proposals compatible with General Assembly resolution 2131 (XX) of 21 December 1965 on the principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter of the United Nations, with the aim of widening the area of agreement already expressed in that resolution:

6. Calls upon the members of the Special Committee to devote their utmost efforts to ensuring the success of the Special Committee's session, in particular by undertaking, in the period preceding the session, such consultations and other preparatory measures as they may deem necessary:

7. Requests the Special Committee to submit to the General Assembly at its twenty-third session a comprehensive report on the principles entrusted to it;

8. Requests the Secretary-General to co-operate with the Special Committee in its task and to provide all the services, documentation and other facilities necessary for its work:

9. Decides to include in their provisional agenda of its twenty-third session an item entitled "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations".

1637th plenary meeting,

18 December 1967.

28. ข้อมติของสมัชชาใหญ่องค์การสหประชาชาติที่ 2463 (XXIII). Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations

The General Assembly,

Recalling its resolutions 1815 (XVII) of 18 December 1962, 1966 (XVIII) of 16 December 1963, 2103 (XX) of 20 December 1965, 2181 (XXI) of December 1966 and 2327 (XXII) of 18 December 1967, which affirm the importance of the progressive development and codification of the principles of international law concerning friendly relations and co-operation among States,

Recalling further that among the fundamental purposes of the United Nations are the maintenance of international peace and security and the development of friendly relations and co-operation among States,

Considering that the faithful observance of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations is of paramount importance for the maintenance of international peace and security and the improvement of the international situation,

Considering further that the progressive development and codification of the principles of international law concerning friendly relations and co-operation among States, so as to secure their more effective application, would promote the realization of the purposes of the United Nations,

Bearing in mind its resolution 2131 (XX) of 21 December 1965,
Convinced of the significance of continuing the effort to
achieve general agreement in the process of elaboration of the seven
principles of international law set forth in General Assembly
resolution 1815 (XVII), but without prejudice to the applicability of
the rules of procedure of the Assembly, with a view to the adoption of
a declaration which would constitute a landmark in the progressive
development and codification of those principles,

Having considered the report of the Special Committee on
Principles of International Law concerning Friendly Relations and
Co-operation among States, which met in New York from 9 to 30
September 1968,

1. Takes note of the report of the Special Committee on
Principles of International Law concerning Friendly Relations and
Co-operation among States:
2. Expresses its appreciation to the Special Committee for
the valuable work it has performed;
3. Decides to ask the Special Committee, as reconstituted by
General Assembly resolution 2103 (XX), to meet in 1969 in New York,
Geneva or any other suitable place for which the Secretary-General
receives an invitation, in order to continue and complete its work;
4. Requests the Special Committee, in the light of the debate
which took place in the Sixth Committee during the previous and
present sessions of the General Assembly and in the 1964, 1966, 1967
and 1968 sessions of the Special Committee, to endeavour to resolve,
in the light of General Assembly resolution 2327 (XXII), all relevant
questions relating to the formulation of the seven principles, in

order to complete its work as far as possible, and to submit a comprehensive report to the General Assembly at its twenty-fourth session:

5. Calls upon the members of the Special Committee to devote their utmost efforts to ensuring the success of the Special Committee's session, in particular by undertaking, in the period preceding the session, such consultations and other preparatory measures as they may deem necessary:

6. Requests the Secretary-General to co-operate with the Special Committee in its task and to provide all the services, documentation and other facilities necessary for its work:

7. Decides to include in the provisional agenda of its twenty-fourth session an item entitled "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations"

1751st plenary meeting,

20 December 1968.

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จุฬาลงกรณ์มหาวิทยาลัย

29. ข้อมติของสมัชชาใหญ่องค์การสหประชาชาติที่ 2533 (XXIV). Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations.

The General Assembly,

Recalling its resolutions 1815 (SVII) of 18 December 1962, 1966 (SVIII) of 16 December 1963, 2103 (XX) of 20 December 1965, 2181 (XXI) of 12 December 1966, 2327 (XXII) of 18 December 1967 and 2463 (XXIII) of 20 December 1968, in which it affirmed the importance of the progressive development and codification of the principles of international law concerning friendly relations and co-operation among States,

Recalling further that among the fundamental purposes of the United Nations and the maintenance of international peace and security and the development of friendly relations and co-operation among States,

Considering that the faithful observance of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations is of paramount importance for the maintenance of international peace and security and the improvement of the international situation,

Considering further that the progressive development and codification of the principles of international law concerning friendly relations and co-operation among States, so as to secure their more effective application, would promote the realization of the purposes of the United Nations,

Bearing in mind its resolution 2131 (XX) of 21 December 1965,
Convinced of the significance of continuing the effort to
achieve general agreement on the statements of the seven principles of
international law set forth in General Assembly resolution 1815 (XVII)
but without prejudice to the applicability of the rules of procedure
of the Assembly, with a view to the adoption of a declaration which
would constitute a landmark in the progressive development and
codification of those principles,

Recalling that, in its resolution 2499 A (XXIV) of 31 October
1969 concerning the celebration of the twenty-fifth anniversary of the
United Nations, it invited the Special Committee on Principles and
Co-operation among States to expedite its work with a view to
facilitating the adoption of an appropriate document by the General
Assembly during the commemorative session,

Having considered the report of the Special Committee, which
met in New York from 18 August to 19 September 1969,

1. Takes note of the report of the Special Committee on
Principles of International Law concerning Friendly Relations and
Cooperation among States:

2. Expresses its appreciation to the Special Committee for
the valuable work it has performed and the progress reflected in the
statements of the two principles it discussed:

3. Decides to ask the Special Committee, as reconstituted by
the General Assembly in resolution 2103 (XX), to meet in the first
half of 1970 at Geneva or at any other suitable place for which the
Secretary-General receives an invitation, in order to continue and
complete its work:

4. Requests the Special Committee, in the light of the debate which took place in the Sixth Committee during the present and previous sessions of the General Assembly and at the 1964, 1966, 1967, 1968 and 1969 sessions of the Special Committee, to endeavour to resolve, in the light of Assembly resolution 2327 (XXII), the remaining questions relating to the formulation of the seven principles, in order to complete its work, and to submit to the Assembly at its twenty-fifth session a comprehensive report containing a draft Declaration on all of the seven principles, in order to complete its work, and to submit to the Assembly at its twenty-fifth session a comprehensive report containing a draft Declaration on all of the seven principles:

5. Calls upon the members of the Special Committee to devote their utmost efforts to ensuring the success of the Committee's session, in particular by undertaking, in the period preceding the session, such consultations and other preparatory measures as they may deem necessary:

6. Requests the Secretary-General to co-operate with the Special Committee in its task and to provide all the services, documentation and other facilities necessary for its work:

7. Decides to include in the provisional agenda of its twenty-fifth session an item entitled "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations"

1825th plenary meeting,

8 December 1969.

30. ข้อมติของสมัชชาใหญ่องค์การสหประชาชาติที่ 2551 (XXIV). Forcible diversion of civil aircraft in flight

The General Assembly,

Deeply concerned over acts of unlawful interference with international civil aviation,

Considering it necessary to recommend effective measures against hijacking in all its forms, or any other unlawful seizure or exercise of control of aircraft,

Mindful that such acts may endanger the life and health of passengers and crew in disregard of commonly accepted humanitarian considerations,

Aware that international civil aviation can only function properly in conditions guaranteeing the safety of its operations and the due exercise of the freedom of air travel,

1. Calls upon States to take every appropriate measure to ensure that their respective national legislations provide an adequate framework for effective legal measures against all kinds of acts of unlawful interference with, seizure of, or other wrongful exercise of control by force or threat thereof over, civil aircraft in flight;

2. Urges States in particular to ensure that persons on board who perpetrate such acts are prosecuted;

3. Urges full support for the efforts of the International Civil Aviation Organization directed towards the speedy preparation and implementation of a convention providing for appropriate measures, inter alia, with respect to making the unlawful seizure of civil aircraft a punishable offence and to the prosecution of persons who

commit that offence:

4. Invites States to ratify or accede to the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, in conformity with the Convention.

1831th plenary meeting,

12 December 1969.



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31. ข้อมติของสมัชชาใหญ่องค์การสหประชาชาติที่ 2606 (XXIV). The strengthening of international security

The General Assembly,

Having in mind its responsibilities in the matter of international peace and security under Articles 11 and 12 of the Charter of the United Nations,

Recalling that primary responsibility for the maintenance of international peace and security is conferred by the Charter on the Security Council and that Article 28, paragraph 2, of the Charter envisages the possibility of convening periodic meetings of the Council in the exercise of that responsibility,

Believing that international security is dependent upon the development of a world legal order based on justice and the strict observance by all States without exception of the principles of the United Nations,

Having considered the item entitled "The strengthening of international security" included in the agenda of the twenty-fourth session of the General Assembly as an important and urgent matter,

Noting that the constructive and extended debate on this item has emphasized the great importance which Member States attach to the strengthening of international security,

Deeply concerned at the continuance of the arms race, which diverts substantial human and material resources from the urgent social and economic needs of the vast majority of mankind and in itself constitutes a continuing threat to peace and security,

Desiring that the twenty-fifth year of the Organization's

existence should be marked by new initiatives to promote peace, security, disarmament and economic and social progress for all mankind.

Convinced of the urgent need to make the United Nations more effective as an instrument for maintaining international peace and security,

Recognizing that recommendations regarding the primary purpose of the United Nations must reflect the interests of the international community as a whole,

1. Believes that, on the occasion of the twenty-fifth anniversary of the United Nations, the General Assembly should consider appropriate recommendations on the strengthening of international security:

2. Invites Member States to study the proposals and statements made during the consideration of the item entitled "The strengthening of international security":

3. Requests Member States to inform the Secretary-General of their views and proposals on this subject not later than 1 May 1970 and also of any measures they take for the purpose of strengthening international security:

4. Decides to include in the provisional agenda of its twenty-fifth session an item entitled "Consideration of measures for the strengthening of international security":

5. Requests the Secretary-General to report to the General Assembly at its twenty-fifth session concerning the communications he has received pursuant to paragraph 3 above.

1836th plenary meeting,

16 December 1969.

32. ข้อมติของสมัชชาใหญ่องค์การสหประชาชาติที่ 2625 (XXV). Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations

The General Assembly,

Recalling its resolutions 1815 (XVII) of 18 December 1962, 1966 (XVIII) of 16 December 1963, 2103 (XX) of 20 December 1965, 2181 (XXI) of 12 December 1966, 2327 (XXII) of 18 December 1967, 2463 (XXIII) of 20 December 1968 and 2533 (XXIV) of 8 December 1969, in which it affirmed the importance of the progressive development and codification of the principles of international law concerning friendly relations and co-operation among States,

Having considered the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, which met in Geneva from 31 March to 1 May 1970,

Emphasizing the paramount of the Charter of the United Nations for the maintenance of international peace and security and for the development of friendly relations and co-operation among States,

Deeply convinced that the adoption of the Declaration on Principles of International Law concerning Friendly Relations and co-operation among States in accordance with the Charter of the United Nations on the occasion of the twenty-fifth anniversary of the United Nations would contribute to the strengthening of world peace and constitute a landmark in the development of international law and of relations among States, in promoting the rule of law among nations and

particularly the universal application of the principles embodied in the Charter,

Considering the desirability of the wide dissemination of the text of the Declaration,

1. Approves the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the text of which is annexed to the present resolution;

2. Expresses its appreciation to the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States for its work resulting in the elaboration of the Declaration;

3. Recommends that all efforts be made so that the Declaration becomes generally known.

1883rd plenary meeting,

24 October 1970.

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

ANNEX

DECLARATION ON PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY
RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE
CHARTER OF THE UNITED NATIONS

PREAMBLE

The General Assembly,

Reaffirming in the terms of the Charter of the United Nations that the maintenance of international peace and security and the development of friendly relations and co-operation between nations are among the fundamental purposes of the United Nations,

Recalling that the peoples of the United Nations are determined to practise tolerance and live together in peace with one another as good neighbours,

Bearing in mind the importance of maintaining and strengthening international peace founded upon freedom, equality, justice and respect for fundamental human rights and of developing friendly relations among nations irrespective of their political, economic and social systems or the levels of their development,

Bearing in mind also the paramount importance of the Charter of the United Nations in the promotion of the rule of law among nations,

Considering that the faithful observance of the principles of international law concerning friendly relations and co-operation among States and the fulfilment in good faith of the obligations assumed by

States, in accordance with the Charter, is of the greatest importance for the maintenance of international peace and security and for the implementation of the other purposes of the United Nations,

Noting that the great political, economic and social changes and scientific progress which have taken place in the world since the adoption of the Charter give increased importance to these principles and to the need for their more effective application in the conduct of States wherever carried on,

Recalling the established principle that outer space, including the Moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means, and mindful of the fact that consideration is being given in the United Nations to the question of establishing other appropriate provisions similarly inspired,

Convinced that the strict observance by States of the obligation not to intervene in the affairs of any other State is an essential condition to ensure that nations live together in peace with one another, since the practice of any form of intervention not only violates the spirit and letter of the Charter, but also leads to the creation of situations which threaten international peace and security,

Recalling the duty of States to refrain in their international relations from military, political, economic or any other form of coercion aimed against the political independence or territorial integrity of any State,

Considering it essential that all States shall refrain in their international relations from the threat or use of force against

the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Considering it equally essential that all States shall settle their international disputes by peaceful means in accordance with the Charter,

Reaffirming, in accordance with the Charter, the basic importance of sovereign equality and stressing that the purposes of the United Nations can be implemented only if States enjoy sovereign equality and comply fully with the requirements of this principle in their international relations,

Convinced that the subjection of peoples to alien subjugation, domination and exploitation constitutes a major obstacle to the promotion of international peace and security,

Convinced that the principle of equal right and self-determination of peoples constitutes a significant contribution to contemporary international law, and that its effective application is of paramount importance for the promotion of friendly relations among States, based on respect for the principle of sovereign equality,

Convinced in consequence that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State or country or at its political independence is incompatible with the purposes and principles of the Charter,

Considering the provisions of the Charter as a whole and taking into account the role of relevant resolutions adopted by the competent organs of the United Nations relating to the content of the principles,

Considering that the progressive development and codification of the following principles:

(a) The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

(b) The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

(c) The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter,

(d) The duty of States to co-operate with one another in accordance with the Charter,

(e) The principle of equal rights and self-determination of peoples,

(f) The principle of sovereign equality of States,

(g) The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter, so as to secure their more effective application within the international community, would promote the realization of the purposes of the United Nations,

Having considered the principles of international law relating to friendly relations and co-operation among States,

1. Solemnly proclaims the following principles:

The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other

manner inconsistent with the purposes of the United Nations

Every State has the duty to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. Such a threat or use of force constitutes a violation of international law and the Charter of the United Nations and shall never be employed as a means of settling international issues.

A war of aggression constitutes a crime against the peace, for which there is responsibility under international law.

In accordance with the purposes and principles of the United Nations, States have the duty to refrain from propaganda for wars of aggression.

Every State has the duty to refrain from the threat or use of force to violate the existing international boundaries of another State or as a means of solving international disputes, including territorial disputes and problems concerning frontiers of States.

Every State likewise has the duty to refrain from the threat or use of force to violate international lines of demarcation, such as armistice lines, established by or pursuant to an international agreement to which it is a party or which it is otherwise bound to respect. Nothing in the foregoing shall be construed as prejudicing the positions of the parties concerned with regard to the status and effects of such lines under their special regimes or as affecting their temporary character.

States have a duty to refrain from acts of reprisal involving the use of force.

Every State has the duty to refrain from any forcible action which deprives peoples referred to in the elaboration of the principle of equal rights and self-determination of their right to self-determination and freedom and independence.

Every State has the duty to refrain from organizing or encouraging the organization of irregular forces or armed bands, including mercenaries, for incursion into the territory of another State.

Every State has the duty to refrain from organizing, instigating or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts, when the acts referred to in the present paragraph involve a threat of use of force.

The territory of a State shall not be the object of military occupation resulting from the use of force in contravention of the provisions of the Charter. The territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force. No territorial acquisition resulting from the threat or use of force shall be recognized as legal. Nothing in the foregoing shall be construed as affecting:

- (a) Provisions of the Charter or any international agreement prior to the Charter regime and valid under international law; or
- (b) The powers of the Security Council under the Charter.

All States shall pursue in good faith negotiations for the early conclusion of a universal treaty of general and complete disarmament under effective international control and strive to adopt appropriate measures to reduce international tensions and strengthen

confidence among States.

All States shall comply in good faith with their obligations under the generally recognized principles and rules of international law with respect to the maintenance of international peace and security, and shall endeavour to make the United Nations security system based on the Charter more effective.

Nothing in the foregoing paragraphs shall be construed as enlarging or diminishing in any way the scope of the provisions of the Charter concerning cases in which the use of force is lawful.

The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered

Every State shall settle its international disputes with other States by peaceful means in such a manner that international peace and security and justice are not endangered.

States shall accordingly seek early and just settlement of their international disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their choice. In seeking such a settlement the parties shall agree upon such peaceful means as may be appropriate to the circumstances and nature of the dispute.

The parties to a dispute have the duty, in the event of failure to reach a solution by any one of the above peaceful means, to continue to seek a settlement of the dispute by other peaceful means

agreed upon by them.

States parties to an international dispute, as well as other States, shall refrain from any action which may aggravate the situation so as to endanger the maintenance of international peace and security, and shall act in accordance with the purposes and principles of the United Nations.

International disputes shall be settled on the basis of the sovereign equality of States and in accordance with the principle of free choice of means. Recourse to, or acceptance of, a settlement procedure freely agreed to by States with regard to existing or future disputes to which they are parties shall not be regarded as incompatible with sovereign equality.

Nothing in the foregoing paragraphs prejudices or derogates from the applicable provisions of the Charter, in particular those relating to the pacific settlement of international disputes.

The principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter

No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are in violation of international law.

No State may use or encourage the use of economic, political

or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind. Also, no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State.

The use of force to deprive peoples of their national identity constitutes a violation of their inalienable rights and of the principle of non-intervention.

Every State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State.

Nothing in the foregoing paragraphs shall be construed as affecting the relevant provisions of the Charter relating to the maintenance of international peace and security.

The duty of States to co-operate with one another in accordance with the Charter

States have the duty to co-operate with one another, irrespective of the differences in their political, economic and social systems, in the various spheres of international relations, in order to maintain international peace and security and to promote international economic stability and progress, the general welfare of nations and international co-operation free from discrimination based on such differences.

To this end:

(a) States shall co-operate with other States in the maintenance of international peace and security;

(b) States shall co-operate in the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all, and in the elimination of all forms of racial discrimination and all forms of religious intolerance;

(c) States shall conduct their international relations in the economic, social, cultural, technical and trade fields in accordance with the principles of sovereign equality and non-intervention;

(d) States Members of the United Nations have the duty to take joint and separate action in co-operation with the United Nations in accordance with the relevant provisions of the Charter.

States should co-operate in the economic, social and cultural fields as well as in the field of science and technology and for the promotion of international cultural and educational progress. States should co-operate in the promotion of economic growth throughout the world, especially that of the developing countries.

The principle of equal rights and self-determination
of peoples

By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the

duty to respect this right in accordance with the provisions of the Charter.

Every State has the duty to promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples, in accordance with the provisions of the Charter, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of the principle, in order:

(a) To promote friendly relations and co-operation among States; and

(b) To bring a speedy end to colonialism, having due regard to the freely expressed will of the peoples concerned; and bearing in mind that subjection of peoples to alien subjugation, domination and exploitation constitutes a violation of the principle, as well as a denial of fundamental human rights, and is contrary to the Charter.

Every State has the duty to promote through joint and separate action universal respect for and observance of human rights and fundamental freedoms in accordance with the Charter.

The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people.

Every State has the duty to refrain from any forcible action which deprives peoples referred to above in the elaboration of the present principle of their right to self-determination and freedom and independence. In their actions against, and resistance to, such

forcible action in pursuit of the exercise of their right to self-determination, such peoples are entitled to seek and to receive support in accordance with the purposes and principles of the Charter.

The territory of a colony or other Non-Self-Governing Territory has, under the Charter, a status separate and distinct from the territory of the State administering it; and such separate and distinct status under the Charter shall exist until the people of the colony or Non-Self-Governing Territory have exercised their right of self-determination in accordance with the Charter, and particularly its purposes and principles.

Nothing in the foregoing paragraphs shall be construed as authorizing or excouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.

Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country.

The principle of sovereign equality of States

All States enjoy sovereign equality. They have equal rights and duties and are equal members of the international community, notwithstanding differences of an economic, social, political or other

nature.

In particular, sovereign equality includes the following elements:

- (a) States are juridically equal;
- (b) Each State enjoys the rights inherent in full sovereignty;
- (c) Each State has the duty to respect the personality of other States;
- (d) The territorial integrity and political independence of the State are inviolable;
- (e) Each State has the right freely to choose and develop its political, social, economic and cultural systems;
- (f) Each State has the duty to comply fully and in good faith with its international obligations and to live in peace with other States.

The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter

Every State has the duty to fulfil in good faith the obligations assumed by it in accordance with the Charter of the United Nations.

Every State has the duty to fulfil in good faith its obligations under the generally recognized principles and rules of international law.

Every State has the duty to fulfil in good faith its obligations under international agreements valid under the generally recognized principles and rules of international law.

Where obligations arising under international agreements are in conflict with the obligations of Members of the United Nations under the Charter of the United Nations, the obligations under the Charter shall prevail.

GENERAL PART

2. Declares that:

In their interpretation and application the above principles are interrelated and each principle should be construed in the context of the other principles.

Nothing in this Declaration shall be construed as prejudicing in any manner the provisions of the Charter of the rights and duties of Member States under the Charter or the rights of peoples under the Charter, taking into account the elaboration of these rights in this Declaration.

3. Declares further that:

The principles of the Charter which are embodied in this Declaration constitute basic principles of international law, and consequently appeals to all States to be guided by these principles in their international conduct and to develop their mutual relations on the basis of the strict observance of these principles.

33. ข้อมติของสมัชชาใหญ่องค์การสหประชาชาติที่ 2645 (XXV). Aerial hijacking or interference with civil air travel

The General Assembly,

Recognizing that international civil aviation is a vital link in the promotion and preservation of friendly relations among States and that its safe and orderly functioning is in the interest of all peoples,

Gravely concerned over acts of aerial hijacking or other wrongful interference with civil air travel,

Recognizing that such acts jeopardize the lives and safety of the passengers and crew and constitute a violation of their human rights,

Aware that international civil aviation can only function properly in conditions guaranteeing the safety of its operations and the due exercise of the freedom of air travel,

Endorsing the solemn declaration of the extraordinary session of the Assembly of the International Civil Aviation Organization held at Montreal from 16 to 30 June 1970,

Bearing in mind General Assembly resolution 2551 (XXIV) of 12 December 1969 and Security Council resolution 286 (1970) of 9 September 1970 adopted by consensus at the 1552nd meeting of the Council,

1. Condemns, without exception whatsoever, all acts of aerial hijacking or other interference with civil air travel, whether originally national or international, through the threat or use of force, and all acts of violence which may be directed against

passengers, crew and aircraft engaged in, and air navigation facilities and aeronautical communications used by, civil air transport;

2. Calls upon States to take all appropriate measures to deter, prevent or suppress such acts within their jurisdiction, at every stage of the execution of those acts, and to provide for the prosecution and punishment of persons who perpetrate such acts, in a manner commensurate with the gravity of those crimes, or, without prejudice to the rights and obligations of States under existing international instruments relating to the matter, for the extradition of such persons for the purpose of their prosecution and punishment;

3. Declares that the exploitation of unlawful seizure of aircraft for the purpose of taking hostages is to be condemned;

4. Declares further that the unlawful detention of passengers and crew in transit or otherwise engaged in civil air travel is to be condemned as another form of wrongful interference with free and uninterrupted air travel;

5. Urges States to the territory of which a hijacked aircraft is diverted to provide for the care and safety of its passengers and crew and to enable them to continue their journey as soon as practicable, and to return the aircraft and its cargo to the persons lawfully entitled to possession;

6. Invites States to ratify or accede to the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, in conformity with the Convention;

7. Requests concerted action on the part of States, in accordance with the Charter of the United Nations, towards suppressing all acts which jeopardize the safe and orderly development of

international civil air transport;

8. Calls upon States to take joint and separate action, in accordance with the Charter, in co-operation with the United Nations and the International Civil Aviation Organization to ensure that passengers, crew and aircraft engaged in civil aviation are not used as a means of extorting advantage of any kind;

9. Urges full support for the current efforts of the International Civil Aviation Organization towards the development and co-ordination, in accordance with its competence, of effective measures in respect of interference with civil air travel;

10. Calls upon States to make every possible effort to achieve a successful result at the diplomatic conference to convene at The Hague in December 1970 for the purpose of the adoption of a convention on the unlawful seizure of aircraft, so that an effective convention may be brought into force at an early date.

1914th plenary meeting,

25 November 1970.

ศูนย์วิทยุทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

34. ข้อมติของสมัชชาใหญ่องค์การสหประชาชาติที่ 2734 (XXV). Declaration on the Strengthening of International Security

The General Assembly,

Recalling the determination of the peoples of the United Nations, as proclaimed by the Charter, to save succeeding generations from the scourge of war, and to this end to live together in peace with one another as good neighbours and to unite their strength to maintain international peace and security,

Considering that in order to fulfil the purposes and principles of the United Nations Member States must strictly abide by all provisions of the Charter,

Recalling its resolution 2606 (XXIV) of 16 December 1969 in which the General Assembly, inter alia, expressed the desire that the twenty-fifth year of the Organization's existence should be marked by new initiatives to promote peace, security, disarmament and economic and social progress for all mankind and the conviction of the urgent need to make the United Nations more effective as an instrument for maintaining international peace and security,

Mindful of the observations, proposals and suggestions advanced during to debate at the twenty-fourth session of the General Assembly or presented subsequently by Governments of Member States concerning the attainment of this objective, and of the report submitted by the Secretary-General in conformity with paragraph 5 of resolution 2606 (XXIV),

Having in mind the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in

accordance with the Charter of the United Nations, adopted unanimously at the current session,

Conscious of its duty to examine in depth the present international situation and to study the means and recourses provided by the relevant provisions of the Charter in order to build peace, security and co-operation in the world,

1. Solemnly reaffirms the universal and unconditional validity of the purposes and principles of the Charter of the United Nations as the basis of relations among States irrespective of their size, geographical location, level of development or political, economic and social systems and declares that the breach of these principles cannot be justified in any circumstances whatsoever;

2. Calls upon all States to adhere strictly in their international relations to the purposes and principles of the Charter, including the principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations; the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered; the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter; the duty of States to co-operate with one another in accordance with the Charter; the principle of equal rights and self-determination of peoples; the principle of sovereign equality of States; and the principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter;

3. Solemnly reaffirms that, in the event of a conflict between the obligations of the Members of the United Nations under the Charter and their obligations under any other international agreement, their obligations under the Charter shall prevail;

4. Solemnly reaffirms that States must full respect the sovereignty of other States and the right of peoples to determine their own destinies, free of external intervention, coercion or constraint, expecially involving the threat or use of force, overt or covert, and refrain from any attempt aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country;

5. Solemnly reaffirms that every State has the duty to refrain from the threat or use of force against the territorial integrity and political independence of any other State, and that the territory of a State shall not be the object of military occupation resulting from the use of force in contravention of the provisions of the Charter, that the territory of a State shall not be the object of acquisition by anoter State resulting from the threat or use of force, that no territorial acquisition resulting from the threat or use of force shall be recognized as legal and that every State has the duty to refrain from organizing, instigating, assisting or participlating in acts of civil strife or terrorist acts in another State;

6. Urges Member States to make full use and seek improved implementation of the means and methods provided for in the Charter for the exclusively peaceful settlement of any dispute or any situation, the continuance of which is likely to endanger the maintenance of internaitonal peace and security, including negotiation, inquiry,

mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, good offices including those of the Secretary-General, or other peaceful means of their own choice, it being understood that the Security Council in dealing with such disputes or situations should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court;

7. Urges all Member States to respond to the immediate need to agree on guidelines for more effective peace-keeping operations in accordance with the Charter, which could increase the effectiveness of the United Nations in dealing with situations endangering international peace and security, and consequently to support the efforts of the Special Committee on Peace-keeping Operations to reach agreement on all questions relating to such operations, as well as on provisions for their appropriate and equitable financing;

8. Recognizes the need for effective, dynamic and flexible measures, in accordance with the Charter, to prevent and remove threats to the peace, suppress acts of aggression or other breaches of the peace, and in particular of measures to build, maintain and restore international peace and security;

9. Recommends that the Security Council take steps to facilitate the conclusion of the agreements envisaged in Article 43 of the Charter in order fully to develop its capacity for enforcement action as provided for under Chapter VII of the Charter;

10. Recommends that the Security Council consider, in conformity with Article 29 of the Charter, whenever appropriate and

necessary, the desirability of establishing subsidiary organs, on an ad hoc basis, and with the participation of the parties concerned, when conditions so warrant, to assist the Council in the performance of its functions as defined in the Charter;

11. Recommends that all States contribute to the efforts to ensure peace and security for all nations and to establish, in accordance with the Charter, an effective system of universal collective security without military alliances;

12. Invites Member States to do their utmost to enhance by all possible means the authority and effectiveness of the Security Council and of its decisions;

13. Calls upon the Security Council, including the permanent members, to intensify efforts to discharge, in conformity with the Charter, its primary responsibility for the maintenance of international peace and security;

14. Recommends that Member States support the efforts of the Special Committee on the Question of Defining Aggression to bring its work to a successful conclusion, thus achieving the definition of aggression as soon as possible;

15. Reaffirms its competence under the Charter to discuss and recommend measures for the peaceful adjustment of any situation which it deems likely to impair the general welfare or friendly relations among States, including situations resulting from a violation of the provisions of the Charter setting forth the purposes and principles of the United Nations;

16. Urges all Member States to implement the decisions of the Security Council in accordance with their obligations under Article 25

of the Charter and to respect, as provided for in the Charter, the resolutions of United Nations organs responsible for the maintenance of international peace and security and the peaceful settlement of disputes;

17. Urges Member States to reaffirm their will to respect fully their obligations under international law in accordance with the relevant provisions of the Charter and to continue and intensify the efforts towards the progressive development and codification of international law;

18. Calls upon all States to desist from any forcible or other action which deprives peoples, in particular those still under colonial or any other form of external domination, of their inalienable right to self-determination, freedom and independence and to refrain from military and repressive measures aimed at preventing the attainment of independence by all dependent peoples in accordance with the Charter and in furtherance of the objectives of General Assembly resolution 1514 (XV) of 14 December 1960, and render assistance to the United Nations and, in accordance with the Charter, to the oppressed peoples in their legitimate struggle in order to bring about the speedy elimination of colonialism or any other form of external domination;

19. Affirms its belief that there is a close connexion between the strengthening of international security, disarmament and the economic development of countries, so that any progress made towards any of these objectives will constitute progress towards all of them;

20. Urges all States, particularly the nuclear-weapon States,

to make urgent and concerted efforts within the framework of the Disarmament Decade and through other means for the cessation and reversal of the nuclear and conventional arms race at an early date, the elimination of nuclear weapons and other weapons of mass destruction and the conclusion of a treaty on general and complete disarmament under effective international control, as well as to ensure that the benefits of the technology of the peaceful use of nuclear energy shall be available to all States, to the maximum extent possible, without discrimination;

21. Emphatically reiterates the need to undertake, within the framework of the Second United Nations Development Decade, urgent and concerted international action based on a global strategy aimed at reducing and eliminating as soon as possible the economic gap between developed and developing countries, which is closely and essentially correlated to the strengthening of the security of all nations and the establishment of lasting international peace;

22. Solemnly reaffirms that universal respect for and full exercise of human rights and fundamental freedoms and the elimination of the violation of those rights are urgent and essential to the strengthening of international security, and hence resolutely condemns all forms of oppression, tyranny and discrimination, particularly racism and racial discrimination, wherever they occur;

23. Resolutely condemns the criminal policy of apartheid of the Government of South Africa and reaffirms the legitimacy of the struggle of the oppressed peoples to attain their human rights and fundamental freedoms and self-determination;

24. Expresses its conviction that the achievement of

universality of the United Nations, in accordance with the Charter, would increase its effectiveness in strengthening international peace and security;

25. Considers that the promotion of international co-operation, including regional, subregional and bilateral co-operation among States, in keeping with the provisions of the Charter and based on the principle of equal rights and on strict respect for the sovereignty and independence of States, can contribute to the strengthening of international security;

26. Welcomes the decision of the Security Council to hold periodic meetings in accordance with Article 28, paragraph 2, of the Charter and expresses the hope that these meetings will make an important contribution to the strengthening of international security;

27. Emphasizes the need for the United Nations to exert continuous efforts for the strengthening of international peace and security and requests the Secretary-General to submit a report to the General Assembly at its twenty-sixth session on steps taken in pursuance of the present Declaration.

1932nd plenary meeting,

16 December 1970.

35. ข้อมติของสมัชชาใหญ่องค์การสหประชาชาติที่ 3034 (XXVII). Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes

The General Assembly,

Deeply perturbed over acts of international terrorism which are occurring with increasing frequency and which take a toll of innocent human lives,

Recognizing the importance of international co-operation in devising measures effectively to prevent occurrence and of studying their underlying causes with a view to finding just and peaceful solutions as quickly as possible,

Recalling the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

1. Expresses deep concern over increasing acts of violence which endanger or take innocent human lives or jeopardize fundamental freedoms;

2. Urges States to devote their immediate attention to finding just and peaceful solutions to the underlying causes which give rise to such acts of violence;

3. Reaffirms the inalienable right to self-determination and independence of all peoples under colonial and racist regimes and

other forms of alien domination and upholds the legitimacy of their struggle, in particular the struggle of national liberation movements, in accordance with the purposes and principles of the Charter and the relevant resolutions of the organs of the United Nations;

4. Condemns the continuation of repressive and terrorist acts by colonial, racist and alien regimes in denying peoples their legitimate right to self-determination and independence and other human rights and fundamental freedoms;

5. Invites States to become parties to the existing international conventions which relate to various aspects of the problem of international terrorism;

6. Invites States to take all appropriate measures at the national level with a view to the speedy and final elimination of the problem, bearing in mind the provisions of paragraph 3 above;

7. Invites States to consider the subject-matter urgently and submit observations to the Secretary-General by 10 April 1973, including concrete proposals for finding an effective solution to the problem;

8. Requests the Secretary-General to transmit an analytical study of the observations of States submitted under paragraph 7 above to the ad hoc committee to be established under paragraph 9;

9. Decides to establish an Ad Hoc Committee on International Terrorism consisting of thirty-five members to be appointed by the President of the General Assembly bearing in mind the principle of equitable geographical representation;

10. Requests the Ad Hoc Committee to consider the observations of States under paragraph 7 above and submit its report with

recommendations for possible co-operation for the speedy elimination of the problem, bearing in mind the provisions of paragraph 3, to the General Assembly at its twenty-eighth session;

11. Requests the Secretary-General to provide the Ad Hoc Committee with the necessary facilities and services;

12. Decides to include the item in the provisional agenda of its twenty-eighth session.

2114th plenary meeting

18 December 1972

The President of the General Assembly subsequently informed the Secretary-General that, in pursuance of paragraph 9 of the above resolution, he had appointed the members of the Ad Hoc Committee on International Terrorism.

As a result, the Ad Hoc Committee will be composed of the following Member States: ALGERIA, AUSTRIA, BARBADOS, CANADA, CONGO, CZECHOSLOVAKIA, DEMOCRATIC YEMEN, FRANCE, GREECE, GUINEA, HAITI, HUNGARY, INDIA, IRAN, ITALY, JAPAN, MAURITANIA, NICARAGUA, NIGERIA, PANAMA, SWEDEN, SYRIAN ARAB REPUBLIC, TUNISIA, TURKEY, UKRAINIAN SOVIET SOCIALIST REPUBLIC, UNION OF SOVIET SOCIALIST REPUBLICS, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, UNITED REPUBLIC OF TANZANIA, UNITED STATES OF AMERICA, URUGUAY, VENEZUELA, YEMEN, YUGOSLAVIA, ZAIRE and ZAMBIA.

36. ข้อมติของสมัชชาใหญ่องค์การสหประชาชาติที่ 3314 (XXIX). Definition of Aggression

The General Assembly,

Having considered the report of the Special Committee on the Question of Defining Aggression, established pursuant to its resolution 2330 (XXII) of 18 December 1967, covering the work of its seventh session held from 11 March to 12 April 1974, including the draft Definition of Aggression adopted by the Special Committee by consensus and recommended for adoption by the General Assembly,

Deeply convinced that the adoption of the Definition of Aggression would contribute to the strengthening of international peace and security,

1. Approves the Definition of Aggression, the text of which is annexed to the present resolution;
2. Expresses its appreciation to the Special Committee on the Question of Defining Aggression for its work which resulted in the elaboration of the Definition of Aggression;
3. Calls upon all States to refrain from all acts of aggression and other uses of force contrary to the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations;
4. Calls the attention of the Security Council to the Definition of Aggression, as set out below, and recommends that it should, as appropriate, take account of that Definition as guidance in determining, in accordance with the Charter, the existence of an act

of aggression.

2319th plenary meeting

14 December 1974

ANNEX

Definition of Aggression

The General Assembly,

Taking itself on the fact that one of the fundamental purposes of the United Nations is to maintain international peace and security and to take effective collective measures for the suppression of acts of aggression or other breaches of the peace,

Recalling that the Security Council, in accordance with Article 39 of the Charter of the United Nations, shall determine the existence of any threat to the peace, breach of the peace or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security,

Recalling also the duty of States under the Charter to settle their international disputes by peaceful means in order not to endanger international peace, security and justice,

Bearing in mind that nothing in this Definition shall be interpreted as in any way affecting the scope of the provisions of the Charter with respect to the functions and powers of the organs of the United Nations,

Considering also that, since aggression is the most serious

and dangerous from the illegal use of force, being fraught, in the conditions created by the existence of all types of weapons of mass destruction, with the possible threat of a world conflict and all its catastrophic consequences, aggression should be defined at the present stage,

Reaffirming the duty of States not to use armed force to deprive peoples of their right to self-determination, freedom and independence, or to disrupt territorial integrity,

Reaffirming also that the territory of a State shall not be violated by being the object, even temporarily, of military occupation or of other measures of force taken by another State in contravention of the Charter, and that it shall not be the object of acquisition by another State from such measures or the threat thereof,

Reaffirming also the provisions of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Convinced that the adoption of a definition of aggression ought to have the effect of deterring a potential aggressor, would simplify the determination of acts of aggression and the implementation of measures to suppress them and would also facilitate the protection of the rights and lawful interests of, and the rendering of assistance to, the victim,

Believing that, although the question whether an act of aggression has been committed must be considered in the light of all the circumstances of each particular case, it is nevertheless desirable to formulate basic principles as guidance for such determination,

Adopts the following definition of Aggression:

Article I

Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition.

Explanatory note: In this Definition the term "State":

- (a) Is used without prejudice to questions of recognition or to whether a State is a member of the United Nations;
- (b) Includes the concept of a "group of States" where appropriate.

Article 2

The first use of armed force by a State in contravention of the Charter shall constitute prima facie evidence of an act of aggression although the Security Council may, in conformity with the Charter, conclude that a determination that an act of aggression has been committed would not be justified in the light of other relevant circumstances, including the fact that the acts concerned or their consequences are not of sufficient gravity.

Article 3

Any of the following acts, regardless of a declaration of war, shall, subject to and in accordance with the provisions of article 2, qualify as an act of aggression:

- (a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;

(b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;

(c) The blockade of the ports or coasts of a State by the armed forces of another State;

(d) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;

(e) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;

(f) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State or perpetrating an act of aggression against a third State;

(g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.

Article 4

The acts enumerated above are not exhaustive and the Security Council may determine that other acts constitute aggression under the provisions of the Charter.

Article 5

1. No consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression.

2. A war of aggression is a crime against international peace. Aggression gives rise to international responsibility.

3. No territorial acquisition or special advantage resulting from aggression is or shall be recognized as lawful.

Article 6

Nothing in this Definition shall be construed as in any way enlarging or diminishing the scope of the Charter, including its provisions concerning cases in which the use of force is lawful.

Article 7

Nothing in this Definition, and in particular article 3, could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter, of peoples forcibly deprived of that right and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, particularly peoples under colonial and racist regimes or other forms of alien domination; nor the right of these peoples to struggle to that end and to seek and receive support, in accordance with the above-mentioned Declaration.

Article 8

In their interpretation and application the above provisions are interrelated and each provision should be construed in the context of the other provisions.

37. ข้อมติของสมัชชาใหญ่องค์การสหประชาชาติที่ 31/102. Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes

The General Assembly,

Deeply perturbed over acts of international terrorism which are occurring with increasing frequency and which take a toll of innocent human lives,

Recognizing the importance of international co-operation in devising measures effectively to prevent their occurrence and of studying their underlying causes with a view to finding just and peaceful solutions as quickly as possible,

Recalling the Declaration of Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Noting that the Ad Hoc Committee on International Terrorism, established under General Assembly resolution 3034 (XXVII) of 18 December 1972, has been obliged to suspend its work,

Deeply convinced of the importance to mankind of the continuation of the work of the Ad Hoc Committee,

1. Expresses deep concern over increasing acts of international terrorism which endanger or take innocent human lives or jeopardize fundamental freedoms:

2. Urges States to continue to seek just and peaceful solutions to the underlying causes which give rise to such acts of violence;

3. Reaffirms the inalienable right to self-determination and independence of all peoples under colonial and racist regimes and other forms of alien domination, and upholds the legitimacy of their struggle, in particular the struggle of national liberation movements, in accordance with the purposes and principles of the Charter and the relevant resolutions of the organs of the United Nations;

4. Condemns the continuation of repressive and terrorist acts by colonial, racist and alien regimes in denying peoples their legitimate right to self-determination and independence and other human rights and fundamental freedoms;

5. Invites States to become parties to the existing international conventions which relate to various aspects of the problem of international terrorism;

6. Invites States to take all appropriate measures at the national level with a view to the speedy and final elimination of the problem, bearing in mind the provisions of paragraph 3 above;

7. Invites the Ad Hoc Committee on International Terrorism to continue its work in accordance with the mandate entrusted to it under General Assembly resolution 3034 (XXVII);

8. Invites the States which have not yet done so to submit their observations and concrete proposals as soon as possible to the Secretary-General so as to enable the Ad Hoc Committee to carry out its mandate more efficiently;

9. Requests the Secretary-General to transmit to the Ad Hoc

Committee an analytical study of the observations of States submitted under paragraph 8 above;

10. Requests the Ad Hoc Committee to consider the observations of States under paragraph 8 above and to submit its report with recommendations for possible co-operation for the speedy elimination of the problem, bearing in mind the provisions of paragraph 3, to the General Assembly at its thirty-second session;

11. Requests the Secretary-General to provide the Ad Hoc Committee with the necessary facilities and services, including summary records;

12. Decides to include the item in the provisional agenda of its thirty-second session.

99th plenary meeting

15 December 1976

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

38. ข้อมติของสมัชชาใหญ่องค์การสหประชาชาติที่ 32/147. Measures to prevent international terrorism which endangers or takes in nocent human lives or jeopardizes fundamental freedoms, and study of the underlying causes of those firms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radica changes

The General Assembly,

Deeply perturbed over acts of international terrorisn which are occurring with increasing frequency and which take a toll of innocent human lives,

Recognizing the importance of internaitonal co-operation in devising measures effectively to preven their occurrence and of studying their underlying cause with a view to finding just and peaceful solutions a quickly as possible,

Recalling the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Taking note of the report of the Ad Hoc Committee on International Terrorism,

Deeply convinced of the importance to mankind of the continuation of the work of the Ad Hoc Committee,

1. Expresses deep concern over increasing acts of international terrorism which endanger or take innocent human lives or jeopardize fundamental freedoms;

2. Urges States to continue to seek just and peaceful

solutions to the underlying causes which give rise to such acts of violence;

3. Reaffirms the inalienable right to self-determination and independence of all peoples under colonial and racist regimes and other forms of alien domination and upholds the legitimacy of their struggle, in particular the struggle of national liberation movement in accordance with the purpose and principles of the Charter and the relevant resolutions of the organs of the United Nations;

4. Condemns the continuation of repressive and terrorist acts by colonial, racist and alien regimes in denying peoples their legitimate right to self-determination and independence and other human rights and fundamental freedoms;

5. Appeals to States which have not yet done so to examine the possibility of becoming parties to the existing international conventions which relate to various aspects of the problem of international terrorism;

6. Invites States to take all appropriate measures at the national level with a view to the speedy and final elimination of the problem, bearing in mind the provisions of paragraph 3 above;

7. Invites the Ad Hoc Committee on International Terrorism to continue its work in accordance with the mandate entrusted to it by the General Assembly under resolution 3034 (XXVII) of 18 December 1972, first of studying the underlying causes of terrorism and then by recommending practical measures to combat terrorism;

8. Invites the States which have not yet done so to submit their observations and concrete proposals as soon as possible to the Secretary-General so as to enable the Ad Hoc Committee to carry out

its mandate more efficiently;

9. Requests the Secretary-General to transmit to the Ad Hoc Committee an analytical study of the observations of States submitted under paragraph 8 above;

10. Requests the Ad Hoc Committee to consider the observations of States under paragraph 8 above and to submit its report with recommendations for possible co-operation for the speedy elimination of the problem, bearing in mind the provisions of paragraph 3, to the General Assembly at its thirty-fourth session;

11. Requests the Secretary-General to provide the Ad Hoc Committee with the necessary facilities and advices, including summary records of its meetings;

12. Decides to include the item in the provisional agenda of its thirty-fourth session.

105th plenary meeting

16 December 1977

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

39. ข้อมติของสมัชชาใหญ่องค์การสหประชาชาติที่ 34/145. Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes

The General Assembly,

Recalling its resolutions 3034 (XXVII) of 18 December 1972, 31/102 of 15 December 1976 and 32/147 of 16 December 1977,

Recalling also the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the Declaration on the Strengthening of International Security, the Definition of Aggression and the Protocols Additional to the Geneva Conventions of 1949,

Deeply concerned about continuing acts of international terrorism which take a toll of innocent human lives,

Convinced of the importance of international co-operation for dealing with acts of international terrorism,

Reaffirming the inalienable right to self-determination and independence of all peoples under colonial and racist regimes and other forms of alien domination, and upholding the legitimacy of their struggle, in particular the struggle of national liberation movements, in accordance with the purposes and principles of the Charter and the relevant resolutions of the organs of the United Nations,



Having examined the report of the Ad Hoc Committee on International Terrorism,

1. Welcomes the results achieved by the Ad Hoc Committee on International Terrorism during its last session, held from 19 March to 6 April 1979;

2. Adopts the recommendations submitted to the General Assembly relating to practical measures of co-operation for the speedy elimination of the problem of international terrorism;

3. Unequivocally condemns all acts of international terrorism which endanger or take human lives or jeopardize fundamental freedoms;

4. Condemns the continuation of repressive and terrorist acts by colonial, racist and alien regimes in denying peoples their legitimate right to self-determination and independence and other human rights and fundamental freedoms;

5. Takes note of the study of the underlying causes of international terrorism contained in the report of the Ad Hoc Committee;

6. Urges all States, unilaterally and in co-operation with other States, as well as relevant United Nations organs, to contribute to the progressive elimination of the causes underlying international terrorism;

7. Calls upon all States to fulfil their obligations under international law to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State, or acquiescing in organized activities within their territory directed towards the commission of such acts;

8. Appeals to States which have not yet done so to consider

becoming parties to the existing international conventions relating to various aspects of the problem of international terrorism, specifically, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971, and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted at New York on 14 December 1973,

9. Invites all States to take all appropriate measures at the national level with a view to the speedy and final elimination of the problem of international terrorism, such as the harmonization of domestic legislation with international conventions, the implementation of assumed international obligations and the prevention of the preparation and organization in their territory of acts directed against other States;

10. Recommends to the appropriate specialized agencies and regional organizations that they should consider measures to prevent and combat international terrorism within their respective spheres of responsibility and regions;

11. Urges all States to co-operate with one another more closely, especially through the exchange of relevant information concerning the prevention and combating of international terrorism, the conclusion of special treaties and/or the incorporation into appropriate bilateral treaties of special clauses, in particular regarding the extradition or prosecution of international terrorists;

12. Invites Governments to submit their observations and concrete proposals, in particular on the need for an additional international convention or conventions on international terrorism;

13. Recognizes that, in order to contribute to the elimination of the causes and the problem of international terrorism, both the General Assembly and the Security Council should pay special attention to all situations, including, inter alia, colonialism, racism and situations involving alien occupation, that may give rise to international terrorism and may endanger international peace and security, with a view to the application, where feasible and necessary, of the relevant provisions of the Charter of the United Nations, including Chapter VII thereof;

14. Requests the Secretary-General:

(a) To prepare a compilation on the basis of material provided by Member States of relevant provisions of national legislation dealing with the combating of international terrorism;

(b) To follow up, as appropriate, the implementation of the recommendations contained in the report of the Ad Hoc Committee and to submit a report to the General Assembly at its thirty-sixth session;

15. Decides to include the item in the provisional agenda of its thirty-sixth session.

105th plenary meeting

17 December 1979

40. ข้อมติของสมัชชาใหญ่องค์การสหประชาชาติที่ 36/109. Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes

The General Assembly,

Recalling its resolutions 3034 (XXVII) of 18 December 1972, 31/102 of 15 December 1976, 32/147 of 16 December 1977 and 34/145 of 17 December 1979,

Recalling also the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the Declaration on the Strengthening of International Security, the Definition of Aggression and the Protocols Additional to the Geneva Conventions of 1949,

Deeply concerned about continuing acts of international terrorism which take a toll of innocent human lives,

Convinced of the importance of international co-operation for dealing with acts of international terrorism,

Reaffirming the principle of self-determination of peoples as enshrined in the Charter of the United Nations,

Reaffirming the inalienable right to self-determination and independence of all peoples under colonial and racist regimes and other forms of alien domination, and upholding the legitimacy of their

struggle, in particular the struggle of national liberation movements, in accordance with the on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Having re-examined the report of the Ad Hoc Committee on International Terrorism to the General Assembly at its thirty-fourth session,

Having also examined the report of the Secretary-General,

1. Takes note of the report of the Secretary-General;
2. Re-endorses the recommendations submitted by the Ad Hoc Committee on International Terrorism to the General Assembly at its thirty-fourth session relating to practical measures of co-operation for the speedy elimination of the problem of international terrorism;
3. Calls upon all States to observe and implement the recommendations of the Ad Hoc Committee;
4. Requests the Secretary-General to follow up the implementation of the above-mentioned recommendations and to submit a report to the General Assembly at its thirty-eighth session;
5. Decides to include the item in the provisional agenda of its thirty-eighth session.

41. ข้อมติของสมัชชาใหญ่องค์การสหประชาชาติที่ 38/130. Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes

The General Assembly,

Recalling its resolutions 3034 (XXVII) of 18 December 1972, 31/102 of 15 December 1976, 32/147 of 16 December 1977, 34/145 of 17 December 1979 and 36/109 of 10 December 1981,

Recalling also the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the Declaration on the Strengthening of International Security, the Definition of Aggression and the Protocols Additional to the Geneva Conventions of 1949,

Deeply concerned about continuing acts of international terrorism which take a toll of innocent human lives,

Convinced of the importance of international co-operation for dealing with acts of international terrorism,

Reaffirming the principle of self-determination of peoples enshrined in the Charter of the United Nations,

Reaffirming the inalienable right to self-determination and independence of all peoples under colonial and racist regimes and other forms of alien domination, and upholding the legitimacy of their

struggle, in particular the struggle of national liberation movements, in accordance with the purposes and principles of the Charter and of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Taking note of the report of the Secretary-General,

1. Deeply deplores the loss of innocent human lives and the pernicious impact of acts of international terrorism on friendly relations among States as well as on international co-operation, including co-operation for development;

2. Urges all States, unilaterally and in co-operation with other States, as well as relevant United Nations organs to contribute to the progressive elimination of the causes underlying international terrorism;

3. Invites all States to take all appropriate measures at the national level with a view to the speedy and final elimination of the problem of international terrorism, such as the harmonization of domestic legislation with international conventions, the implementation of assumed international obligations and the prevention of the preparation and organization in their territory of acts directed against other States;

4. Calls upon all States to fulfil their obligations under international law to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State, or acquiescing in organized activities within their territory directed towards the commission of such acts;

5. Appeals to all States that have not yet done so to

consider becoming parties to the existing international conventions relating to various aspects of the problem of international terrorism;

6. Urges all States to co-operate with one another more closely, especially through the exchange of relevant information concerning the prevention and combating of international terrorism, the apprehension and prosecution of the perpetrators of such acts, the conclusion of special treaties and/or the incorporation into appropriate bilateral treaties of special clauses, in particular regarding the extradition or prosecution of international terrorists;

7. Re-endorses the recommendations submitted by the Ad Hoc Committee on International Terrorism in its report of the General Assembly at its thirty-fourth session relating to practical measures of co-operation for the speedy elimination of the problem of international terrorism;

8. Calls upon all States to observe and implement the recommendations submitted by the Ad Hoc Committee;

9. Requests the Secretary-General to follow up, as appropriate, the implementation of the present resolution and, in particular, of the recommendations submitted by the Ad Hoc Committee and to submit a report to the General Assembly at its fortieth session;

10. Decides to include the item in the provisional agenda of its fortieth session.

101st plenary meeting

19 December 1983

42. ข้อมติของสมัชชาใหญ่องค์การสหประชาชาติที่ 40/61. Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes

The General Assembly,

Recalling its resolutions 3034 (XXVII) of 18 December 1972, 31/102 of 15 December 1976, 32/147 of 16 December 1977, 34/145 of 17 December 1979, 36/109 of 10 December 1981 and 38/130 of 19 December 1983,

Recalling also the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the Declaration on the Strengthening of International Security, the Definition of Aggression and relevant instruments on international humanitarian law applicable in armed conflict,

Further recalling the existing international conventions relating to various aspects of the problem of international terrorism, inter alia, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971, the Convention on the Prevention and



Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, signed at New York on 14 December 1973, and the International Convention against the Taking of Hostages, adopted at New York on 17 December 1979,

Deeply concerned about the world-wide escalation of acts of terrorism in all its forms, which endanger or take innocent human lives, jeopardize fundamental freedoms and seriously impair the dignity of human beings,

Taking note of the deep concern and condemnation of all acts of international terrorism expressed by the Security Council and the Secretary-General,

Convinced of the importance of expanding and improving international co-operation among States, on a bilateral and multilateral basis, which will contribute to the elimination of acts of international terrorism and their underlying causes and to the prevention and elimination of this criminal scourge.

Reaffirming the principle of self-determination of peoples enshrined in the Charter of the United Nations,

Reaffirming also the inalienable right to self-determination and independence of all peoples under colonial and racist regimes and other forms of alien domination, and upholding the legitimacy of their struggle, in particular the struggle of national liberation movements, in accordance with the purposes and principles of the Charter and of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Mindful of the necessity of maintaining and safeguarding the

basic rights of the individual in accordance with the relevant international human rights instruments and generally accepted international standards,

Convinced of the importance of the observance by States of their obligations under the relevant international conventions to ensure that appropriate law enforcement measures are taken in connection with the offences addressed in those Conventions,

Expressing its concern that in recent years terrorism has taken on forms that have an increasingly deleterious effect on international relations, which may jeopardize the very territorial integrity and security of States,

Taking note of the report of the Secretary-General,

1. Unequivocally condemns, as criminal, all acts, methods and practices of terrorism wherever and by whomever committed, including those which jeopardize friendly relations among States and their security;

2. Deeply deplores the loss of innocent human lives which results from such acts of terrorism;

3. Also deplores the pernicious impact of acts of international terrorism on relations of co-operation among States, including co-operation for development;

4. Appeals to all States that have not yet done so to consider becoming party to the existing international conventions relating to various aspects of international terrorism;

5. Invites all States to take all appropriate measures at the national level with a view to the speedy and final elimination of the problem of international terrorism, such as the harmonization of

domestic legislation with existing international conventions, the fulfilment of assumed international obligations, and the prevention of the preparation and organization in their respective territories of acts directed against other States;

6. Calls upon all States to fulfil their obligations under international law to refrain from organizing, instigating, assisting or participating in terrorist acts in other States, or acquiescing in activities within their territory directed towards the commission of such acts;

7. Urges all States not to allow any circumstances to obstruct the application of appropriate law enforcement measures provided for in the relevant conventions to which they are party to persons who commit acts of international terrorism covered by those conventions;

8. Also urges all States to co-operate with one another more closely, especially through the exchange of relevant information concerning the prevention and combating of terrorism, the apprehension and prosecution or extradition of the perpetrators of such acts, the conclusion of special treaties and/or incorporation into appropriate bilateral treaties of special clauses, in particular regarding the extradition or prosecution of terrorists;

9. Further urges all States, unilaterally and in co-operation with other States, as well as relevant United Nations organs, to contribute to the progressive elimination of the causes underlying international terrorism and to pay special attention to all situations, including colonialism, racism and situations involving mass and flagrant violations of human rights and fundamental freedoms and those

involving alien occupation, that may give rise to international terrorism and may endanger international peace and security;

10. Call upon all States to observe and implement the recommendations of the Ad Hoc Committee on International Terrorism contained in its report to the General Assembly at its thirty-fourth session;

11. Also calls upon all States to take all appropriate measures, as recommended by the International Civil Aviation Organization and as set forth in relevant international conventions, to prevent terrorist attacks against civil aviation transport and other forms of public transport;

12. Encourages the International Civil Aviation Organization to continue its efforts aimed at promoting universal acceptance of and strict compliance with the international air security conventions;

13. Requests the International Maritime Organization to study the problem of terrorism aboard or against ships with a view to making recommendations on appropriate measures;

14. Requests the Secretary-General to follow up, as appropriate, the implementation of the present resolution and to submit a report to the General Assembly at its forty-second session;

15. Decides to include the item in the provisional agenda of its forty-second session.

108th plenary meeting

9 December 1985

43. ข้อมติของสมัชชาใหญ่องค์การสหประชาชาติที่ 42/159. Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes:

- (a) Report of the Secretary-General;
- (b) Convening, under the auspices of the United Nations, of an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation

Date: 7 December 1987 Meeting: 94

Vote: 153-2-1 (recorded) Report: A/42/832

The General Assembly,

Recalling its resolutions 3034 (XXVII) of 18 December 1972, 31/102 of 15 December 1976, 32/147 of 16 December 1977, 34/145 of 17 December 1979, 36/109 of 10 December 1981 and 38/130 of 19 December 1983,

Reaffirming its resolution 40/61 of 9 December 1985, adopted without a vote, and its importance in the consideration of the question of international terrorism and, in particular, in the strengthening of co-operation in preventing and eliminating terrorism,

Recalling the recommendations of the Ad Hoc Committee on International Terrorism contained in its report to the General

Assembly at its thirty-fourth session, 68/

Recalling also the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, 69/ the Declaration on the Strengthening of International Security, 70/ the Definition of Aggression 71/ and relevant instruments on international humanitarian law applicable in armed conflict,

Further recalling the existing international conventions relating to various aspects of the problem of international terrorism, inter alia, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, 72/ the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970, 73/ the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on 23 September 1971, 74/ the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, signed at New York on 14 December 1973, 75/ the International Convention against the Taking of Hostages, adopted at New York on 17 December 1979, 76/ as well as the Convention on the Physical Protection of Nuclear Material, concluded at Vienna on 3 March 1980,

Convinced of the importance of the observance by States of their obligations under the relevant international conventions to ensure that appropriate law enforcement measures are taken in connection with the offences addressed in those conventions,

Deploring the continuation of all terrorist acts, including those in which States are directly or indirectly involved, which

spread violence and terror, may result in loss of human lives and material damage and jeopardize the normal functioning of international relations,

Deeply disturbed by the world-wide persistence of those acts of international terrorism which can pose a threat to international peace and security and to friendly relations among States,

Convinced of the importance of expanding and improving international co-operation among States, on a bilateral, regional and multilateral basis, which will contribute to the elimination of acts of international terrorism and their underlying causes and to the prevention and elimination of this criminal scourge,

Convinced that international co-operation in combating and preventing terrorism will contribute to the strengthening of confidence among States, reduce tensions and create a better climate among them,

Reaffirming the principle of the self-determination of peoples as enshrined in the Charter of the United Nations,

Reaffirming also the inalienable right to self-determination and independence of all peoples under colonial and racist regimes and other forms of alien domination, and upholding the legitimacy of their struggle, in particular the struggle of national liberation movements, in accordance with the purposes and principles of the Charter and of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Noting the efforts and important achievements of the International Civil Aviation Organization and the International

Maritime Organization in promoting the security of international air and sea transport against acts of terrorism, consistent with General Assembly resolution 40/61,

Appealing to all States to take all appropriate steps to prevent terrorist attacks against various forms of public transport,

Urging all States to take effective measures, in accordance with established principles of international law, in order that all acts, methods and practices of international terrorism may be brought to an end,

Mindful of the necessity of maintaining and safeguarding the basic rights of the individual in accordance with the relevant international human rights instruments and generally accepted international standards,

Recognizing that the effectiveness of the struggle against terrorism could be enhanced by establishing a generally agreed definition of international terrorism,

Taking into account the proposal made at the forty-second session to hold an international conference on international terrorism, as referred to in agenda item 126 (b).

Taking note of report of the Secretary-General, 77/

1. Unequivocally condemns once again, as criminal, all acts, methods and practices of terrorism wherever and by whomever committed, including those which jeopardize friendly relations among States and their security;

2. Deeply deplores the loss of human lives which results from such acts of terrorism;

3. Also deplores the pernicious impact of acts of

international terrorism on relations of co-operation among States, including co-operation for development;

4. Calls upon all States to fulfil their obligations under international law to refrain from organizing, instigating, assisting or participating in terrorist acts in other States, or acquiescing in activities within their territory directed towards the commission of such acts;

5. Urges all States to fulfil their obligations under international law and to take effective and resolute measures for the speedy and final elimination of international terrorism and, to that end:

(a) To prevent the preparation and organization in their respective territories for the commission within or outside their territories of terrorist acts and subversive acts directed against other States and their citizens;

(b) To ensure the apprehension, prosecution or extradition of perpetrators of terrorist acts;

(c) To endeavour to conclude special agreements to that effect on a bilateral, regional and multilateral basis;

(d) To co-operate with one another in exchanging relevant information concerning the prevention and combating of terrorism;

(e) To harmonize their domestic legislation with the existing international conventions on this subject to which they are parties;

6. Appeals to all States that have not yet done so to consider becoming party to the international conventions relating to various aspects of international terrorism referred to in the preamble

to the present resolution;

7. Urges all States not to allow any circumstances to obstruct the application of appropriate law enforcement measures provided for in the relevant conventions to which they are party to persons who commit acts of international terrorism covered by those conventions;

8. Urges all States, unilaterally and in co-operation with other States, as well as relevant United Nations organs, to contribute to the progressive elimination of the causes underlying international terrorism and to pay special attention to all situations, including colonialism, racism and situations involving mass and flagrant violations of human rights and fundamental freedoms and those involving alien domination and occupation, that may give rise to international terrorism and may endanger international peace and security;

9. Welcomes the efforts undertaken by the International Civil Aviation Organization aimed at promoting universal acceptance of and strict compliance with international air-security conventions, and its ongoing work on a new instrument for the suppression of unlawful acts of violence at airports serving international civil aviation;

10. Also welcome the work undertaken by the International Maritime Organization on the problem of terrorism on board or against ships, and the initiative under way to draft instruments on the suppression of unlawful acts against the safety of maritime navigation and of fixed platforms on the continental shelf;

11. Requests the other relevant specialized agencies and intergovernmental organizations, in particular the Universal Postal

Union, the World Tourism Organization and the International Atomic Energy Agency, within their respective competence, to consider what further measures can usefully be taken to combat and eliminate terrorism:

12. Requests the Secretary-General to seek the views of Member States on international terrorism in all its aspects and on ways and means of combating it, including, inter alia, the convening, under the auspices of the United Nations, of an international conference to deal with international terrorism in the light of the proposal referred to in the penultimate preambular paragraph of the present resolution:

13. Further requests the Secretary-General to follow up, as appropriate, the implementation of the present resolution and to submit a report to the General Assembly at its forty-fourth session:

14. Considers that nothing in the present resolution could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter of the United Nations, of peoples forcibly deprived of that right referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States recist regimes and foreign occupation or other forms colonial domination, nor, in accordance with the principles of the Charter and in conformity with the above-mentioned Declaration, the right of these peoples to struggle to this end and to seek and receive support:

15. Decides to include the item in the provisional agenda of its forty-fourth session.

RECORDED VOTE ON RESOLUTION 42/159:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkinal Faso, Burma, Bur , Byelorussia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, Colombia, Comoros, Congo, Costa Rica, Cote d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Federal Republic of Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Aealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papus New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, St. Kitts and Nevis, Sudan, Suriname, Swaziland, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, USSR, United Arab Emirates,

United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu,
Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia,
Zimbabwe.

Against: Israel, United States.

Abstaining: Honduras.

Absent: Belize, Dominica.



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44. ข้อมติของคณะมนตรีความมั่นคงแห่งสหประชาชาติ

Resolution 579 (1985)

of 18 December 1985

The Security Council,

Deeply disturbed at the prevalence of incidents of hostage-taking and abduction, several of which are of protracted duration and have included loss of life.

Considering that the taking of hostages and abductions are offences of grave concern to the international community, having severe adverse consequences for the rights of the victims and for the promotion of friendly relations and co-operation among States,

Recalling the statement of 9 October 1985 by the President of the Security Council, resolutely condemning all acts of terrorism, including hostage-taking,

Recalling also resolution 40/61 of 9 December 1985 of the General Assembly,

Bearing in mind the International Convention against the Taking of Hostages, adopted on 17 December 1979, the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted on 14 December 1973, the Convention for the suppression of Unlawful Acts against the Safety of Civil Aviation, signed on 23 September 1971, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed on 16 December 1970, and other relevant conventions,

1. Condemns unequivocally all acts of hostage-taking and abduction;
2. Calls for the immediate safe release of all hostages and abducted persons wherever and by whomever they are being held;
3. Affirms the obligation of all States in whose territory hostages or abducted persons are held urgently to take all appropriate measures to secure their safe release and to prevent the commission of acts of hostage-taking and abduction in the future;
4. Appeals to all States that have not yet done so to consider the possibility of becoming parties to the International Convention against the Taking of Hostages, the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, the Convention for the Suppression of Unlawful Seizure of Aircraft and other relevant conventions;
5. Urges the further development of international co-operation among States in devising and adopting effective measures which are in accordance with the rules of international law to facilitate the prevention, prosecution and punishment of all acts of hostage-taking and abduction as manifestations of international terrorism.

Adopted unanimously at the
2637th meeting.

45. ปฏิญญาในการประชุมสภายุโรประดับรัฐมนตรีที่รับผิดชอบเพื่อการต่อต้านการก่อการร้าย

[Original: English]

[18 December 1986]

Declaration of the European Conference of Ministers
responsible for combating terrorism

The Ministers of the member States of the Council of Europe taking part in the European Conference of Ministers responsible for combating terrorism, held in Strasbourg on 4 and 5 November 1986,

Deeply concerned at the upsurge in terrorist acts, which give rise to horror and revulsion;

Expressing their total and unanimous condemnation of such acts which endanger or destroy human lives;

Convinced that terrorism in whatever form constitutes a continued aggression against the democratic institutions of all member States of the Council of Europe and a constant threat to them;

Mindful of the adherence of the member States of the Council of Europe to the principles of parliamentary democracy and the rule of law, and of their commitment, under the Statute of the Council, to the protection of human rights and fundamental freedoms;

Convinced of the need to combine measures at national level with reinforced international co-operation in order to counter terrorism more effectively;

Considering that terrorism has no justification whatsoever and resorts to particularly odious means for achieving its aims;

Noting that certain terrorist groups and those who sponsor

them do not confine their actions to only one State:

Acknowledging the need for enhanced action based on improved internal security systems and, among others, on co-ordinated judicial and diplomatic measures:

I. REAFFIRM their will to fight against terrorism in all its manifestations including terrorism in which States are implicated in whatever manner:

II. STRESS the need further to analyse terrorism in all its forms as well as its links with organized international crime:

III. CALL on the member States of the Council of Europe to:

1. reinforce and develop bilateral and multilateral co-operation for combating terrorism:
2. improve extradition and mutual assistance procedures;
3. co-operate closely with a view to resolving conflicts of jurisdiction in cases where several States are concerned:
4. adopt a policy of firmness in response to terrorists' demands based on blackmail:
5. act firmly against terrorism involving abuse of diplomatic or consular privileges and immunities and terrorism directed against diplomatic or consular representatives:
6. consider applying the measures to counter terrorism involving abuse of diplomatic or consular privileges and immunities to acts of organized international crime, such as drug or arms trafficking, involving such abuse:
7. endeavour to influence any State supporting or sponsoring terrorist acts to refrain from doing so and to abide by the rules of international law.

46. ข้อมติที่ 1 ของสภายุโรป ว่าด้วยความเกี่ยวพันในการร่วมมือกัน ปฏิบัติอย่างใกล้ชิด ระหว่างรัฐสมาชิกของสภายุโรปในทุก ๆ พื้นที่ ที่มีความสัมพันธ์ในการต่อต้าน การก่อการร้าย

Resolution No. 1 concerning closer co-operation between the member States of the Council of Europe in all fields relating to the combat of terrorism

The Ministers of the member States of the Council of Europe taking part in the European Conference of Ministers responsible for combating terrorism, held in Strasbourg on 4 and 5 November 1986,

Considering that the aim of the Council of Europe is to achieve greater unity among its members:

Deeply deploring the resurgence and spread of terrorism:

Bearing in mind the past initiatives of the Council of Europe, including the work of the Parliamentary Assembly, aimed at the suppression of terrorism:

Having regard to the existing co-operation between the member States of the Council of Europe in combating terrorism:

Convinced of the need further to develop and to strengthen such co-operation under the auspices of the Council of Europe:

Bearing in mind the importance of the media in promoting public awareness of the threat which terrorism presents to democracy:

Taking into account the deliberations of the Conference:

I. RECOMMEND to the member States of the Council of Europe:

1. to co-operate more closely in all fields relating to the combat of terrorism, wherever necessary, by:

a. strengthening and extending existing co-operation between member States of the Council of Europe at the bilateral level or in the framework of groups of member States;

b. developing existing contacts in order to increase efficiency of bilateral and multilateral co-operation;

2. to avail themselves of any assistance which the council of Europe may provide in establishing closer links of co-operation;

II. RECOMMEND to the Committee of Ministers:

1. to entrust the closest Counsellors of the Ministers responsible for combating terrorism with a study of questions relating to the implementation of the Declaration and the Resolutions adopted at this Conference.

The Counsellors should, in particular, study, with the support of the Secretary-General:

a. questions relating to closer co-operation between the member States of the Council of Europe in the combat of terrorism;

b. appropriate ways of impeding the movements of terrorists from one country to another, including questions of their entry and stay;

c. the experience acquired by member States in the field of investigation, prosecution and punishment of acts of terrorism;

d. existing national law, in particular in the penal field, and its application to terrorism, as well as the question of their progressive harmonisation;

e. the possibility of co-operation between the member States of the Council of Europe and the member States of the European

Community in their respective efforts to unite in the struggle against terrorism:

f. the way in which those non-member States which share the common concern about international terrorism shall be kept informed of any development within the Council of Europe in this field:

2. to examine the possibility of extending intergovernmental co-operation to States not members of the Council of Europe in the areas covered by the Resolutions of the present conference:

3. to examine, in the light of relevant considerations at the national level and the work of the forthcoming Vienna Ministerial Conference on Mass Media Policy, the question of establishing contacts, at the appropriate level, with representatives of the media, with view to discussing matters relating to the reporting of acts of terrorism and measures to prevent such acts.

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย



47. ข้อมติที่ 2 ของสภายุโรป ว่าด้วยความสัมพันธ์ในการยึดมั่นที่จะเป็นการส่งเสริมสนับสนุน
ในความร่วมมือระหว่างประเทศ

Resolution No.2 concerning adherence to international instruments

The Ministers of the member States of the Council of Europe taking part in the European Conference of Ministers responsible for combating terrorism, held in Strasbourg on 4 and 5 November 1986,

Considering that the aim of the Council of Europe is to achieve greater unity between its members;

Convinced that it is important further to develop and strengthen international co-operation in combating acts of terrorism as well as in assisting the victims of such acts;

Emphasizing that the principles laid down in the European Convention on Human Rights of 4 November 1950 must be respected when combating terrorism;

Considering the the principle of "aut dedere aut iudicare" might enable the judicial authorities to combat terrorism more effectively and facilitate international co-operation;

Recognizing the Council of Europe's achievements in this field, particularly the European Convention on the Suppression of Terrorism of 27 January 1977, the Declaration on terrorism adopted by the committee of Ministers on 23 November 1978 and Recommendation R (82) 1 of the Committee of Ministers to member States concerning international co-operation in the prosecution and punishment of acts of terrorism;

Taking note of Resolution No.3 adopted by the 15th Conference

of European Ministers of Justice (Oslo, June 1986):

Bearing in mind the work of the Parliamentary Assembly in the field of combating terrorism:

I. RECOMMEND to the member States which have not yet done so to consider the possibility of becoming parties to the relevant European (1) and other international Conventions (2):

II. RECOMMEND to the member States party to these treaties to consider the possibility of withdrawing some or all of the reservations they may have made:

III. RECOMMEND to the member States to conclude, if necessary, bilateral agreements on extradition or to strengthen existing agreements by incorporating in them for the most serious crimes, such as acts of terrorism, the principle of "aut dedere aut iudicare".

(1) In particular:

- the European Convention on the Suppression of Terrorism of 27 January 1977;
- the European Convention on Extradition of 13 December 1957, and its additional protocols;
- the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959, and its additional protocol;
- the European Convention on the International Validity of Criminal Judgements of 28 May 1970;
- the European convention on the Transfer of Proceedings in Criminal Matters of 15 May 1972;
- the Convention on the Transfer of Sentenced Persons of 21 March 1983;
- the European Convention on the Compensation of the

Victims of Violent Crimes of 24 November 1983.

(2) In particular:

- the Tokyo convention on Offences and Certain Other Acts
Committee on Board Aircraft of 14 September 1963;
- The Hague Convention for the Suppression of Unlawful
Seizure of Aircraft of 16 December 1970;
- the Montreal Convention for the Suppression of Unlawful
Acts against the Safety of Civil Aviation of 25 September 1971;
- the Convention on the Prevention and Punishment of
Crimes against Internationally Protected Persons, including Diplomatic
Agents of 14 December 1973;
- the International Convention against the Taking of
Hostages of 17 December 1979;
- the International Convention on the Physical Protection
of Nuclear Materials of 3 March 1980.

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

48. ข้อมติที่ 3 ของสภายุโรป ว่าด้วยความสัมพันธ์ในการร่วมมือกันปฏิบัติในการกำหนดมาตรการที่ต้องเผชิญการก่อการร้าย ซึ่งมีส่วนพาดพิงไปถึงการใช้สิทธิและความคุ้มกันทางการทูตและกงสุลไปในทางที่ผิด และการก่อการร้ายที่มุ่งกระทำโดยตรงต่อผู้แทนทางการทูตและกงสุล

Resolution No. 3 concerning co-operation in measures to counter terrorism involving abuse of diplomatic or consular privileges and immunities and terrorism directed at diplomatic or consular representatives

The Ministers of the member States of the Council of Europe taking part in the European Conference of Ministers responsible for combating terrorism, held in Strasbourg on 4 and 5 November 1986,

Deeply concerned at acts of terrorism involving abuse of diplomatic or consular privileges and immunities as well as those directed against diplomatic or consular representatives;

Convinced of the need to develop and strengthen co-operation in measures to counter these forms of terrorism:

HAVE RESOLVED as follows:

Member States will co-operate in measures to counter terrorism involving abuse of diplomatic or consular privileges and immunities and terrorism directed at diplomatic or consular representatives. To this end, they will:

- a. give the closest possible scrutiny to any notification of new members of diplomatic missions or consular posts in their country;

- b. co-operate in the exchange of information about member of diplomatic missions or consular posts considered as having connections with terrorism;
- c. consider not accepting as a diplomatic or consular representative any person with regard to whom they have, as receiving State or State of residence, concrete information implicating him in an act of terrorism;
- d. be ready to use their ability under Art. 11 of the Vienna Convention on diplomatic relations and Art. 20 of the Vienna Convention on consular relations to limit the size of diplomatic missions or consular posts in their country. In particular, they will bear in mind that when a member leaves a mission or post it cannot be assumed that that member can automatically be replaced;
- e. attach particular importance to the principle that the premises of a diplomatic mission or a consular post must not be used in a manner incompatible with the functions of the mission or post as laid down in the Vienna Conventions on diplomatic relations and consular relations or by other agreements in force between the two States concerned;
- f. endeavour to adopt an agreed position with regard to States which encourage these acts of terrorism. If one member of the council of Europe suffers from such an act, the member States will consider what action in accordance with international and domestic law they might take jointly or individually to respond to this and in particular to make clear to the offending State that such behaviour is unacceptable;

- g. facilitate exchanges of information among themselves on threats to diplomatic missions and consular posts located within their country. They also facilitate exchanges of information about the threat of terrorism against their diplomatic or consular representatives in third countries and about possible security measures to protect them;
- h. consult on the application of the Vienna Conventions on diplomatic and consular relations, with a view to adopting a common approach in their joint efforts to combat terrorism.



ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

49. ข้อมติขององค์การนาารัฐอเมริกัน

ORGANIZATION OF AMERICAN STATES

[Original: Spanish]

[10 January 1986]

1. On 9 December 1985, a resolution entitled "Condemnation of Terrorist Methods and Practices" was adopted by the General Assembly of the Organization of American States; it read as follows:

The General Assembly,

"Taking into account the consideration given by the United Nations General Assembly at its fortieth session to the question of international terrorism,

"Deeply concerned by the escalation of terrorist acts of all kinds that endanger innocent human beings and cause the loss of lives, threaten fundamental freedoms, and gravely affront human dignity.

"Aware of the need to uphold and safeguard the basic rights of the individual, in conformity with the pertinent international instruments on human rights,

"Concerned by the fact that in recent years terrorism has taken forms that have become increasingly injurious to the international community,

"RESOLVES:

- "1. To express its unequivocal support for the consideration given to the question of international terrorism by the United Nations

General Assembly at its fortieth session:

"2. To deplore deeply the loss of innocent human lives which result from terrorist acts:

"3. To condemn unequivocally, as criminal, all acts, methods and practices of terrorism wherever and by whomever committed, including those that jeopardize friendly relations among States and their security:

"4. To urge all Member States to co-operate with one another more closely, especially through the exchange of relevant information concerning the prevention and combating of terrorism, apprehension and prosecution or extradition of the perpetrators of such acts, the conclusion of special treaties and/or the incorporation into appropriate bilateral treaties of special clauses, in particular regarding the extradition or prosecution of terrorists:

"5. To transmit this resolution to the President of the United Nations General Assembly and the Secretary-General of the United Nations so that the position of the American States may be duly noted."

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

50. ข้อมติขององค์การตำรวจสากล

ICPO-Interpol ResolutionsTERRORISM (crimes of violence)

- Res. No> 14 - Requests for international enquiries (Lisbon, 1951)
- AGN/41/RES/7 - Hostages and blackmail (Frankfurt, 1972)
- AGN/44/RES/6 - Taking of hostages (Buenon Aires, 1975)
- AGN/48/RES/8 - Acts of violence committed by organized groups
(Nairjobi, 1979)
- AGN/49/RES/3 - Committee of experts on crimes of violence (Manila,
1980)
- AGN/50/RES/2 - Tagging of explosives (Nice, 1981)
- AGN/52/RES/9 - Terrorism (Cannes, 1983)
- AGN/53/RES/6 - Violent crime commonly referred to as terrorism
(Luxembourg, 1984)
- AGN/53/RES/7 - Application of Article 3 of the Constitution
(Luxembourg, 1984)
- AGN/54/RES/1 - International terrorism and unlawful interference
with civil aviation (Washington, D.C., 1985)

AVIATION

- AGN/36/RES/2 - Bomb hoaxes (Kyoto, 1967)
- AGN/36/RES/3 - Aircraft hijacking (Kyoto, 1967)
- AGN/39/RES/3 - Unlawful acts against international civil aviation
(Brussels, 1970)

- AGN/41/RES/6 - Acts of unlawful interference with international civil aviation (Frankfurt, 1972)
- AGN/42/RES/6 - Unlawful acts of international concern (Vienna, 1973)
- AGN/42/RES/7 - Unlawful interference with civil aviation (Vienna, 1973)
- AGN/43/RES/3 - Safeguarding of international civil aviation (Cannes, 1974)
- AGN/46/RES/5 - Unlawful interference with international civil aviation (Stockholm, 1977)
- AGN/47/RES/5 - International civil aviation security (Panama City, 1978)
- AGN/51/RES/5 - Disembarkation of passengers in application of the Tokyo Convention (Torremolinos, 1982)
- AGN/51/RES/6 - Weapons on board aircraft (Torremolinos, 1982)

Secretariat General, Interpol. จนกระทั่งถึงวันที่ 7 มกราคม ค.ศ. 1988

องค์การตำรวจสากลประกอบไปด้วยรัฐสมาชิกรวม 146 รัฐดังต่อไปนี้คือ

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| 1. แอลจีเรีย | 2. แอนโด้ร่า |
| 3. แองโกล่า | 4. แอนติกัวและบาร์บูดา |
| 5. อาร์เจนตินา | 6. อาร์รุมบา |
| 7. ออสเตรเลีย | 8. ออสเตรีย |
| 9. บาฮามาส | 10. บาห์เรน |
| 11. บังคลาเทศ | 12. บาร์บาโดส |
| 13. เบลเยียม | 14. เบไลซ์ |
| 15. เบลิน | 16. โบลิเวีย |
| 17. บอทสวานา | 18. บราซิล |

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| 19. บรูไน | 20. เบอร์ดีนา ฟาไซ |
| 21. หม่า | 22. บูร์นดี |
| 23. คาเมรูน | 24. แคนาดา |
| 25. สาธารณรัฐอัฟริกากลาง | 26. ชาด |
| 27. ซิลี | 28. จีน |
| 29. โคลัมเบีย | 30. คองโก |
| 31. คอสตาริกา | 32. Cole d' Ivire |
| 33. คิวบา | 34. ไชปรัส |
| 35. เดนมาร์ค | 36. คิวไบยติ |
| 37. โดมินีกา | 38. สาธารณรัฐโดมินิกัน |
| 39. เอกวาดอร์ | 40. อียิปต์ |
| 41. เอกัวโตเรียลโกเนีย | 42. เอธิโอเปีย |
| 43. ฟีจี | 44. ฟินแลนด์ |
| 45. ฝรั่งเศส | 46. กาบอน |
| 47. แคมเบีย | 48. เยอรมัน |
| 49. คานา | 50. กรีซ |
| 51. กรีนาดา | 52. กัวเตมาลา |
| 53. โกลเลีย | 54. กูตานา |
| 55. ไลบีเรีย | 56. ฮอนดูรัส |
| 57. ฮังการี | 58. ไอซ์แลนด์ |
| 59. อินเดีย | 60. อินโดเนเซีย |
| 61. อิหร่าน | 62. อิรัก |
| 63. ไอร์แลนด์ | 64. อิสราเอล |
| 65. อิตาลี | 66. จาไมกา |
| 67. ญี่ปุ่น | 68. จอร์แดน |
| 69. กัมพูชา | 70. เคนยา |
| 71. กิรีมาตี | 72. สาธารณรัฐเกาหลี |

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| 73. คูเวต | 74. ลาว |
| 75. เลบานอน | 76. เลโซโท |
| 77. ลิเบีย | 78. ลิเบีย |
| 79. ลิกเตนสไตน์ | 80. ลักเซมเบิร์ก |
| 81. มาดากัสการ์ | 82. มาลาวี |
| 83. มาเลเซีย | 84. มัลดีเวส |
| 85. มาลี | 86. มอลตา |
| 87. มัวยิกาเนีย | 88. มัวยูทียูส |
| 89. เม็กซิโก | 90. โมนาโค |
| 91. โมร็อกโก | 92. นักรู |
| 93. เนปาล | 94. เนเธอร์แลนด์ |
| 95. เนเธอร์แลนด์ แอนติลเลส | 96. นิวซีแลนด์ |
| 97. นิการากัว | 98. ไนเจอร์ |
| 99. ไนจีเรีย | 100. นอร์เวย์ |
| 101. โอมาน | 102. ปากีสถาน |
| 103. ปานามา | 104. ปาปัวนิวกินี |
| 105. ปารากวัย | 106. เปรู |
| 107. ฟิลิปปินส์ | 108. โปรตุเกส |
| 109. คатар | 110. โรมานี |
| 111. รวันดา | 112. เซิน กิฮ์และเนวิส |
| 113. เซ็นลูเซีย | 114. เซิน วิน เซนและกรีนาดีน |
| 115. ซาอุดีอาระเบีย | 116. เซเนกัล |
| 117. เซเชลเลส | 118. ซาเอร่า เลอัน |
| 119. สิงคโปร์ | 120. โซมาเลีย |
| 121. สเปน | 122. ศรีลังกา |
| 123. ซูดาน | 124. ซูรินาม |
| 125. สวาซีแลนด์ | 126. สวีเดน |

- | | |
|------------------------|---------------------------|
| 127. สวิสเซอร์แลนด์ | 128. ซีเรีย |
| 129. แทนซาเนีย | 130. ไทยแลนด์ |
| 131. โตโก | 132. โคนดา |
| 133. ไตรนิแดดและโตมาโก | 134. ตูนิเซีย |
| 135. เดอร์กี | 136. อูกานดา |
| 137. สหภาพริบอิมิเวทส์ | 138. สหราชอาณาจักร |
| 139. สหรัฐอเมริกา | 140. อูรุกวัย |
| 141. เวเนซุเอล่า | 142. สาธารณรัฐอาหรับเยเมน |
| 143. ยูโกสลาเวีย | 144. แชร์ |
| 145. แซมเบีย | 146. ซิมบับเว |

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

XXTH GENERAL ASSEMBLY OF THE
INTERANTIONAL CRIMINAL POLICE COMMISSION

LISBON JUNE 11TH TO 15TH 1951

REQUEST FOR INTERNATIONAL
ENQUISRIES

51. (Resolution n°14)

"The International Criminal Police Commission, meeting at its General Assembly in LISBON, from June 11th to 15th 1951,

Having taken cognizance of the communication submitted by its President, Mr.F.E. LOUWAGE, as also the report submitted by the specialised sub-committee presided over by Professor LUTHI,

- 1°) RECOMMENDS to its members and to the Heads of the National Central Bureaux to see that no request for information, notice of person wanted and above all no request for crimes of a predominant political, racial or religious character, is ever sent to the International Bureau or to the National Bureaux, even if, in the requesting Country, the facts amount to an offence against the ordinary law;
- 2°) DECIDES, in view of respecting as much as possible the prescriptions of article 1 of the Statutes, that, in case of doubt with regard to the political, racial or religious character of a request, the Chief of the International Bureau, in agreement with the Secretary

General of the I.C.P.C., be authorised to suspend the circulation of any request for information or wanted notice emanating from a National Central Bureau or any other requesting police authority in order to ask for such precisions as are necessary to enlighten him with regard to the exact nature of the acts and the true situation of the delinquents:

- 3 °) RECOMMENDS, moreover, to the Members and Chiefs of the National Central Bureaux also to take care, as far as possible, that the requests which reach them from foreign police authorities do not appear to violate the principles set forth in 1 ° and 2 ° of the present resolution and to notify immediately, if necessary, the International Bureau in PARIS, who will inform the Secretary General. The President will be informed by the Secretary General of the acts referred to in paragraphs 2 °) and 3 °) of the present Resolution.
- 4 °) DECIDES, moreover, that the police authorities who address either to the Chief of the International Bureau, for circulation to the National Central Bureaux or to a foreign National Bureau, requests for information or enquiries, have the entire responsibility, which would result from the political, racial or religious character of the affair to which the request refers."

Unanimously adopted.

<p>52.RESOLUTION No. AGN/41/RES/7</p> <p>SUBJECT:</p> <p>HOSTAGES AND BLACKMAIL</p>	<p>To be classified as follows:</p> <p>1 copy in the Chronological Series: year 1972</p> <p>1 copy in the Subject Series under heading Crimes of Violence sub-heading Hostage cases-Blackmail</p> <p>1 copy in the Subject Series under heading Basic Texts and Internal Administration of the ICPO- Interpol sub-heading Constitution, Application of article 3</p>
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TEXT OF RESOLUTION

CONSIDERING that certain aspects of modern international criminality, such as the holding of hostager, with the intention of perpetrating blackmail or other forms of extortion, have developed to the extent of constituting a severe menace to the life and safety of persons as well as the security of property:

The I.C.P.O.-INTERPOL General Assembly, meeting in Frankfurt from 19th to 26th September 1972, at its 41st session:

RECOMMENDS that member countries take appropriate measures in order to prevent or suppress these forms of criminal, and co-operate among themselves utilising existing machinery and services of

Interpol, within the limits of Articles 2 and 3 of the Constitution of the Organization (*)

(*) ARTICLE 2

The aims of the International Criminal Police Organization - INTERPOL are:

- a) To ensure and promote the widest possible assistance between all criminal police authorities within the limits of the laws existing in the different countries and in the spirit of the "Universal Declaration of Human Rights":
- b) To establish and edvelop all institutions likely to contribute effectively to the prevention and suppression of ordinary law crimes.

ARTICLE 3

It is strictly forbidden for the Organization to undertake any intervention of activities of a political, military, religious or racial character.

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

53.RESOLUTION No. AGN/44/RES/6	To be classified as follows:
SUBJECT:	1 copy in the CHRONOLOGICAL SERIES year 1975
TAKING OF HOSTAGES:	1 copy in the SUBJECT SERIES
ADOPTION OF A FORM.	Heading: Crimes of violence
	Sub-heading: Hostage cases-Black mail

TEXT OF RESOLUTION

HAVING NOTED the results of the symposium on the taking of hostages held from 3rd to 5th February 1975:

CONSIDERING that in this field the exchange of technical information regarding previous cases is specially important for purposes of prevention:

HAVING STUDIED the draft form attached to Report No. 16, designed to facilitate exchanges of information concerning the modus operandi of the criminals and the technical means used to combat them:

The ICPO-INTERPOL General Assembly, meeting in Buenos Aires from 9th to 15th October 1975 at its 44th session:

ADOPTS the draft international form attached to Report No. 16, Subject to the condition that the modifications suggested during the debate thereon, as set down in the records of the meeting, be taken into consideration:

REQUESTS the Secretary General to establish the modes of use of the form.

<p>54.RESOLUTION No. AGN/48/RES/8</p> <p><u>SUBJECT:</u></p> <p>ACTS OF VIOLENCE COMMITTED BY ORGANISED GROUPS</p>	<p>To be classified as follows:</p> <p>1 copy in the Chronological Series: Year 1979</p> <p>1 copy in the Subject Series under Heading: Crimes of violence Sub-heading: Miscellaneous</p> <p>1 copy in the Subject Series under Heading: Aviation, civil - Air Police Sub-heading: Unlawful interference with civil aviation</p> <p>1 copy in the Subject Series under Heading: Basic texts and internal administration of the ICPO-INTERPOL Sub-heading: Constitution. Application of Article 3</p>
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TEXT OF RESOLUTION

MINDFUL of Article 3 of the Organization's Constitution,

NOTING that in various countries organised groups, sometimes claiming to be ideologically motivated, commit acts of violence such as murder, wounding, kidnapping, hostage-taking, unlawful interference with civil aviation, arson and bombing,

CONSIDERING that such acts of violence seriously jeopardise general public safety,

NOTING that the operations of any one of these organised groups may affect several different countries (commission of preparation of offences, escape of the offenders),

CONSIDERING that all countries belonging to the Organization are thus affected by this form of criminal activity,

THE ICPO-INTERPOL General Assembly, meeting in Nairobi from 4th to 11th September 1979 at its 48th session:

RECOMMENDS that NCBS bring this to the attention of the appropriate authorities in their countries in order that:

1. All relevant measures may be taken to ensure the effective enforcement of the legal provisions intended to prevent and combat this form of criminal activity;
2. Existing legal provisions may be strengthened where necessary to meet general public safety requirements;
3. The Tokyo (1963), The Hague (1970) and the Montreal (1971) Conventions on civil aviation security may be ratified (Where this has not already been done) and effectively enforced;

RECOMMENDS that National Central Bureaus draw the attention of the appropriate authorities in their countries to the importance of adopting international conventions aimed at improved prevention and law enforcement in regard to acts of violence committed by organised groups:

RECOMMENDS that international co-operation, within the framework provided by the ICPO-INTERPOL, in searching for members of organised groups responsible for serious crimes of violence and their accomplices, be developed as far as possible.

55. RESOLUTION No. AGN/49/RES/3 To be classified as follows:
 1 copy in the Chronological Series:
 year 1980

SUBJECT: 1 copy in the Subject Series

COMMITTEE OF EXPERTS Heading: Crimes of violence

NO CRIMES OF VIOLENCE Sub-heading: Miscellaneous

1 copy in the Subject Series
 Heading: Firearms, ammunition and
 explosives
 Sub-heading: Miscellaneous

TEXT OF RESOLUTION

HAVING HEARD the report given by the Chairman of the Committee on Violent Crime:

CONSIDERING that the ever-increasing growth and seriousness of crimes of violence, particularly those committed by gangs of specialised criminals, require detailed study,

The ICPO-INTERPOL General Assembly, meeting in Manila, from 13th to 21st November 1980, at its 49th session:

DECIDES THAT:

1/ A Committee of Experts shall be set up to study law enforcement problems connected with crimes of violence, the Committee to be composed of experts appointed by the following countries: Costa Rica, France, Germany, Israel, Ivory Coast, Japan, Netherlands, Peru, Spain, Uganda, United Kingdom, United States and Zimbabwe;

2/ The Committee of Experts shall decide its own Agenda: its work shall include a study of the following questions:

a) the organisation of services specialising in the fight against violent crime, and the methods used by them:

b) possible solutions to problems such as kidnapping and hostagetaking:

c) procedures used to tag explosives:

3/ The Committee of Experts shall report to the General Assembly.

56. RESOLUTION No. AGE/50/RES/2 To be classified as follows:
1 copy in the Chronological series:
year 1981

1 copy in the Subject Series

Heading: Firearms, Ammunition and explosives

SUBJECT:

Sub-heading: Miscellaneous

TAGGING OF EXPLOSIVES

1 copy in the SUBJECT SERIES

Heading: Crimes of violence

Sub-heading: Miscellaneous

1 copy in the Subject Series:

Heading: Identification of object

TEXT OF RESOLUTION

TAKING INTO ACCOUNT THAT individuals and organised groups continue to use explosives to commit acts of violence such as assassinations, unlawful interference with civil aviation, extortion,

57. RESOLUTION No. 52/AGN/RES/8 TO BE CLASSIFIED AS FOLLOWS:
1 copy in the CHRONOLOGICAL SERIES:
Year 1983

heading: Crimes of violence

Sub-heading: Miscellaneous

SUBJECT:

1 copy in the SUBJECT SERIES

TERRORISM

Heading: Basic texts and internal

administration of the ICPO-Interpol

Sub-heading: Constitution, application
of Article 3

1 copy in the SUBJECT SERIES

Heading: Firearms, ammunition and
explosives

Sub-heading: Miscellaneous

TEXT OF THE RESOLUTION

CONSIDERING that in very many countries many people are the victims of various criminal acts which are committed by organized groups and which are usually covered by the general term "terrorism"

AWARE of the fact that the Organization cannot remain indifferent to this problem,

BEARING IN MIND the provisions of Article 3 of the Organization's Constitution,

The ICPO-Interpol General Assembly, meeting in Cannes from 18th to 25th October 1983 at its 52nd session:

ASKS the Executive Committee to carry out a study to define the Organization's position regarding this form of crime and to lay

and other types of crime,

AWARE THAT all countries may be affected by these criminal activities,

NOTING THAT there exists improved technology for detecting industrially manufactured explosive materials by the use of tagging methods, thus increasing the likelihood of preventing bombings,

NOTING THAT there now exists a technology for marking industrially manufactured explosive materials for post-detonation identification which increases the likelihood of successful apprehension, prosecution, and conviction of offenders,

The ICPO-Interpol General Assembly, meeting in Nice from 3rd to 10 th November 1981 at its 50th session:

RECOMMENDS THAT in addition to taking all proper steps to improve controls over the production, distribution, sale and storage of explosive substances, member countries which do not already use them, actively consider the introduction of explosives marking and tagging methods and freely exchange scientific information concerning research and development in this field.



down the international co-operation procedure to be followed when combating such crimes;

PROPOSES that, when carrying out its study, the Executive Committee should take account of the advice given by qualified experts from member States;

ASKS the Executive Committee to report back to the General Assembly at its 53rd session:

INSTRUCTS the secretary General to organize a symposium in 1984 to discuss this type of crime, with particular reference to the traffic in the weapons used by offenders engaging in such acts.

58. RESOLUTION No. AGN/53/RES/6 TO CLASSIFIED AS FOLLOWS:
1 copy in the CHRONOLOGICAL SERIES:
year 1984

SUBJECT: Heading: Crimes of violence
VIOLENT CRIME COMMONLY Sub-heading: Crimes of violence
1 copy in the SUBJECT SERIES:
Heading: Basic tests and internal
administration of the ICPO-Interpol
Sub-Heading: Constitution, Application
of Article 3

TEXT OF THE RESOLUTION

TAKING INTO ACCOUNT Article 3 of the Organization's Constitution,
TAKING INTO ACCOUNT the Resolutions already adopted by the
General Assembly and entitled:

- Requests for international enquires
(Resolution No. 14, Lisbon, 1951)
- Unlawful acts against international civil aviation
(Resolution No.3, Brussels, 1970)
- Hostages and blackmail
(Resolution No.6 Vienna, 1973)
- Safeguarding of international civil aviation
(Resolution No.3, Cannes, 1974)
- Acts of violence committed by organized groups
(Resolution No. 8, Nairobi, 1979)

CONSIDERING THAT:

(a) in many countries there are organized groups engaging in violent criminal activities designed, by spreading terror or fear, to enable them to attain allegedly political objectives,

(b) such activities are commonly covered by the term "terrorism", that they constitute an international phenomenon and they are connected with other forms of crime,

(c) the types of crime committed in the context of terrorism include, in particular, attacks on human life and physical integrity, kidnapping, hostage-taking, unlawful interference with civil aviation and serious attacks on public or private property,

AWARE THAT several international conventions covering such matters (the European Convention on the suppression of terrorism, the Organization of American States' Convention to prevent and punish acts of terrorism, the League of Arab States' Extradition Convention) do not admit exceptions for political reasons in extradition cases where certain serious crimes have been committed in the context of terrorism,

ACKNOWLEDGING THAT:

(a) by virtue of the principle of national sovereignty, the political character of any offence can only be determined by national legislation,

(b) it is nonetheless essential combat this type of crime which causes considerable damage in Member States,

The ICPO-Interpol General Assembly, meeting in Luxembourg from 4th to 11th September 1984 at its 53rd session:

ASKS the NCBS, while respecting the provisions of Article 3 of the Organization's Constitution, to co-operate as fully as possible to combat terrorism as far as their national laws permit.

59. RESOLUTION No. AGN/53/RES/7 TO BE CLASSIFIED AS FOLLOWS:

1 copy in the CHRONOLOGICAL SERIES:

Year 1984

SUBJECT:

1 copy in the SUBJECT SERIES:

APPLICATION OF ARTICLE 3

Heading: Basic texts and internal

OF THE CONSTITUTION

administration of the ICPO—Application

Sub-heading: Constitution, Application

of Article 3

TEXT OF THE RESOLUTION

1. Under Article 3 of the Constitution, the Organization is strictly forbidden "to undertake any intervention or activities of a political, military, religious or racial character"

2. A resolution adopted by the General Assembly in 1951 makes it clear that the scope of the Article covers "offences of a

predominantly political, racial or religious character... even of - in the requesting country-the facts amount to an offence against the ordinary law."

3. It is impossible to give a more precise definition of a political military, religious or racial case. Each case has to be examined separately, with due consideration for the specific context.
4. When the Secretary General is aware of a case in which it might be necessary to apply Article 3, he discusses it with the requesting NCB to determine whether Article 3 is in fact applicable.
5. If the NCB maintains its request for action, it assumes full responsibility for the specific nature of the case and the Secretariat gives the fullest possible details in any notice published about it.
6. When, in the light of the provisions of Article 3, the Secretary General is in complete disagreement with an NCB over the interpretation to be given to certain facts, the Secretariat refuses to collaborate on the case.
7. When an NCB, acting on its own initiative, obviously infringes the provisions of Article 3, the Secretary General informs the other NCBs of his point of view.
8. If, during a bilateral exchange between NCBs, a difference of opinion arises regarding the application of Article 3, the General Secretariat must be informed.
9. The refusal of one or more countries to act on a request circulated by an NCB or by the General Secretariat (an extradition request, for example), does not mean that the request itself is invalid and that it automatically comes under Article 3 of the Constitution. However, if certain countries refuse extradition, this

is reported to the other NCBs in an addendum to the original notice indicating that the offender has been released. When a person is arrested with a view to extradition the wanted notice remains valid, unless the requesting country decides otherwise, until the person concerned has been extradited.

II. ANALYSIS OF POSITIONS ADOPTED IN SPECIFIC INSTANCES

1. Some of the acts included as offences in various national penal codes are by their very nature political, military, religious or racial (e.g. membership of a prohibited organization, the expression of certain prohibited opinions, offences involving the press, insulting the authorities, offences against the internal or external security of the State, desertion from the armed forces, treason, espionage, practising a prohibited religion, recruitment or propaganda for particular religions, membership of a racial association).

Such acts come within the scope of Article 3.

2. Article 3 also covers any acts committed by politicians in connection with their political activities, even if those concerned are prosecuted after they fall from power and, in some cases, after they have fled abroad. The situation is different in the case of an offence committed by a politician acting as a private individual.

3. When offences are committed by persons with definite political motives but when the offences committed have no direct connection with the political life of the offenders' country or the cause for which they are fighting, the crime may no longer be deemed to come within the scope of Article 3. This is particularly true when offences are committed in countries which are not directly involved (i.e. "conflict

area") and when the offences constitute a serious threat to personal freedom, life or property.

Examples are cases in which:

- police officers are killed hostages are taken outside the conflict area with a view to obtaining the release of an accomplice

- there is an attack on members of the general public outside the conflict area (for instance by leaving a bomb in a bank or throwing a grenade into a cafe)

4. offences committed outside the conflict area in order to draw attention to a particular cause (aircraft hijacking, the taking of hostages, kidnapping) do not come within the scope of Article 3.

5. generally speaking, a valid criterion is whether or not there is anything to connect the victims directly or indirectly to the aims and objectives pursued by offenders, and with countries in the conflict area or with the relevant political situation.

6. when assessing a particular case in the light of the provisions of Article 3 of the constitution, the type of co-operation requested by the NCB concerned also has to be considered. when prevention is involved it is nothing to hinder the circulation of technical information, even if this has been obtained in connection with politically motivated cases. Similarly it must be possible to circulate information about aircraft hijackers or offenders likely to take hostages, provided that such circulars are not based solely on the fact that the person in question belongs to a particular political movement.

60. RESOLUTION No. AGN/54/Res/1

SUBJECT: INTERNATIONAL TERRORISM AND UNLAWFUL INTERFERENCE
WITH CIVIL AVIATION

HAVE STUDIED Report No. submitted by the secretary General,
entitled "International terrorism and attacks against civil aviation "

EXPRESSING ITS SATISFACTION at the fact that a meeting of
experts on international terrorism and attacks against civil aviation
was held at the General secretariat from 26th 28th August 1985,

CONVINCED OF THE NEED to intensify co-operation in this area
through interpol,

BEARING IN MIND Article 3 of the constitution,

TAKING NOTE of the resolution intitled "Criminal acts of the
terrorist nature" adopted at the seventh united nations congress on
the prevention of crime and treatment of offenders, meeting in Milan,
Italy from 26th August to 6th September 1985,

The ICPO-interpol general Assenbly, meeting on Washington, D.C
from 1st to 8th October 1985 its 54th session:

DECIDES:

(1) That the General secretariat shall prepare an instruction
manual -similar to the existing one for co-operation in combating
illicit drug traffic (cf. ICPO Vade Mecum, Part 3, Chapter 1)-for the use
of National Central Bureaus and specialiat services, outlining the
practical possibilities that currently exist for co-operation in
dealing with terrorist cases:

(2) That the General secretariat shall organize a fourth
symposium on international which shall a discussion on the role of

Interpool in the fight against international terrorism to enable those Member states which did not participate in the above-mentioned meeting to debate this important subject;

(3) That combating international terrorism shall be an item on the agendas of all General Assembly and Executive committee meetings;

(4) That combating international terrorism shall be item on the agendas of all Regional Conferences;

WISHES:

(1) That the standing committee on Information Technology conclude its work on the security of the Interpol communications network as soon as possible, and make recommendations to the Executive committees;

(2) That in furtherance of implementation of Resolution No. AGN/53RES/6 (Luxembourg, 1984), the General Secretariat's existing capability to co-ordinate and enhance co-operation in combating international terrorism be reinforced by creating a specialized group within the police Division (Sub-Division 1)

Adopted with in favour

none against, and 5 abstentions.

61. RESOLUTION No. AGN/36/RES/2 To be classified as follows:

1 copy in the Chronological Series:
year 1967

1 copy in the Subject Series
under heading: Aviation, Civil-
Air police

SUBJECT:
BOMB HOAXES under sub-heading: Unlawful inter-
ference with civil aviation

1 copy in the heading: Firearms,
ammunition and explosives
under sub-heading: Miscellaneous

TEXT OF RESOLUTION

HAVING DISCUSSED the instructive report prepared by the General secretariat on the subject of hoaxes concerning bombs on aircraft:

The ICPO-INTERPOL General Assembly, meeting in Kyoto from 27th September to 4th October 1967 at its 36th session:

RECORDS its satisfaction with the report in question:

ASKS the General secretariat to pursue the study of this subject with the assistance of experts and to give particular emphasis to the following

1) Technical progress on the problem of identifying anonymous telephone callers;

2) Standard rules of procedure for police action in connection with anonymous telephone calls;

3) Devices for detecting the presence of bombs.

62. RESOLUTION No. AGN/36.RES/3 To be classified as follows:
1 copy in the Chronological Series:
year 1967

1 copy in the Subject Series
under heading: Aviation, Civil-Air
Police

SUBJECT:

AIRCRAFT HIJACKING

1 copy in the Subject Series
under heading: Co-operation with
international organizations
under sub-heading: Co-operation with
international organisations other
than the United Nations

TEXT OF RESOLUTION

AT THE REQUEST OF the representatives of Chile, Colombia,
Nigeria, Venezuela and Zambia, and

HAVING NOTED the points made by the representative of the
Association of Airline security officers;

THE ICPO-INTERPOL General Assembly, meeting in Kyoto from 27th
September to 4th 1967 36th session:

ASKS the General Secretariat to study, in the context of the
research already done on this subject by the International Civil Aviation
Organization (ICAO), the problems of aircraft hijacking and forced
landings by means of unlawful threats in order to determine the
measures that should be taken by police forces to prevent this form of
crime.

63. RESOLUTION No. AGN/39/RES/3 To be classified as follows:

1 copy in the Chronological Series:

year 1970

1 copy in the Subject Series

under heading: Aviation, Civil -
Air police

SUBJECT :

UNLAWFUL ACTS AGAINST

under sub-heading: Unlawful inter-
ference with civil aviation

INTERNATIONAL CIVIL AVIATION

1 copy in the Subject Series

under heading: Co-operation with
international organisations

under sub-heading: Co-operation with
international organisations other
than the United Nations

1 copy in the Subject Series

under heading: Basic texts and
internal administration of the
I.C.P.O.- Interpol

under sub-heading: Constitution,
application of Article 3

TEXT OF RESOLUTION

IN VIEW OF THE FACT THAT :

1. Unlawful seizures of aircraft and other acts of violence directed against international civil aviation - against its installations and/or services - seriously compromise the safety vital

for it to function efficiently, endanger the lives of passengers and crews and constitute a threat to aircraft;

2. Such unlawful acts are increasing on an alarming scale;

3. At its 17th session (Montreal - June 1970) , the ICAO (International Civil Aviation Organisation) Assembly adopted Resolution No. A.17-14, inviting the ICPO-INTERPOL to co-operate with it as far as possible in the search for a solution to the problem of unlawful interference in international civil aviation;

BEARING IN MIND Report No.6 on "Hijacking of Aircraft" submitted by the General Secretariat at the 38th General Assembly session in Mexico City in 1969;

HAVING TAKEN NOTE OF the proposals made by the General Secretariat in its report "The protection of international civil aviation against acts of unlawful interference" submitted in 1970 to the 17th ICAO Assembly session and published by that Organisation under reference A.17.WP/12;

CONSIDERING that international police co-operation should as far as possible combine its efforts with those which have been and are being made in this field by the United Nations and other international organisations, notably by ICAO and IATA (International Air Transport Association), to prevent and reduce these unlawful activities and to restore the safety of international air transport;

The ICPO-INTERPOL General Assembly, meeting in Brussels from 5th to 10th October 1970 at its 39th session:

DRAWS THE ATTENTION of affiliated countries to the conventions and resolutions adopted by ICAO to strengthen international co-operation in the field concerned and to prevent and reduce such

acts, and urges affiliated countries which have not yet done so to accept the relevant multilateral conventions of ICAO and to adopt the principles and measures recommended in such conventions and resolutions;

DECIDES that the machinery and services set in place by the ICPO-INTERPOL should be used, within the limits of the Organization's Constitution (namely Articles 2 and 3), against persons suspected of acts of unlawful seizure of aircraft or other unlawful acts committed against international civil aviation;

ASKS the General Secretariat :

1. To continue to co-operate with ICAO and IATA on this subject;
2. to draw up an annual list of the legal provisions and security measures taken in affiliated countries:
 - a) to ensure or increase the safety of installations and services at airports and that of aircraft on the ground and in the air;
 - b) to provide penalties and ensure prosecution and, where appropriate, extradition of persons presumed to be guilty of unlawful seizure of aircraft or of other unlawful acts committed against international civil aviation

ศูนย์วิจัยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

64. RESOLUTION No. AGN/41/RES/6 To be classified as follows:

1 copy in the Chronological Series:
year 1972

SUBJECT: 1 copy in the Subject Series .

ACTS OF UNLAWFUL INTERFERENCE under heading: Aviation, civil -
WITH INTERNATIONAL CIVIL AVIATION Air police
under sub-heading: Unlawful
interference with civil aviation

1 copy in the Subject Series
under heading: Co-operation with
international organisations
under sub-heading: Co-operation
with international
organisations other than the
United Nations

TEXT OF RESOLUTION

BEARING IN MIND the resolution on unlawful acts against international civil aviation adopted unanimously by the General Assembly in Brussels in 1970;

The ICPO-INTERPOL General Assembly, meeting in Frankfurt from 19th to 26th September 1972 at its 41st session:

ASKS the General Secretariat, in collaboration with the international civil aviation organisations concerned and the Chairman of the present committee to examine the possibility of improving the methods of processing and circulating information concerning civil aviation security, and to report on this subject to the next general

Assembly:

DRAWS THE ATTENTION of affiliated countries, as was done in the above-mentioned 1970 resolution, to the international conventions and resolutions adopted under the auspices of ICAO (International Civil Aviation Organisation) with a view to strengthening international co-operation aimed at preventing and reducing unlawful interference with international civil aviation;

RECOMMENDS that affiliated countries which have not already done so accept the multilateral conventions concerning unlawful interference with international civil aviation signed under the auspices of ICAO, and adopt the principles and measures recommended therein.

65. RESOLUTION No. AGN/42/RES/6 To be classified as follows:

1 copy in the Chronological

Series: year 1973

SUBJECT :

1 copy in the subject series

under heading: international

UNLAWFUL ACTS

civil aviation - Air police

OF INTERNATIONAL CONCERN

under sub-heading: Unlawful

interference with civil aviation

1 copy in the Subject Series

under heading: basic texts

and internal administration of

the I.C.P.O. - Interpol

under sub-heading: constitution,

application of Article 3

TEXT OF RESOLUTION

MINDFUL of the continued occurrence of unlawful acts such as taking hostages, interference with international civil aviation and murder;

CONCERNED that the notorious nature of such acts has the effect of creating disregard for the law throughout the world to the great detriment of the objectives of INTERPOL and the member states with the consequent burdens and dangers to police professional throughout the world;

REMEMBERING that INTERPOL itself may not become involved in activities of a political, military, religious or racial character, which is but a conduct of law enforcement activities;

The ICPO-INTERPOL General Assembly, meeting in Vienna from 2nd to 9th October 1973 at its 42nd session:

URGES firm and resolute opposition to interference with due enforcement of the law and observance of international obligations.

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

66. RESOLUTION No. AGN/42/RES/7 To be classified as follows:
 1 copy in the Chronological Series:
 year 1973

SUBJECT:

UNLAWFUL INTEREERENCE
 WITH CIVIL AVIATION

1 copy in the Subject Series
 under heading: Aviation, Civil -
 Air police
 under sub-heading: Unlawful inter-
 ference with civil aviation
 1 copy in the Subect Series
 under heading: Co-operation with
 international organisations other
 than the United Nations

TEXT OF RESOLUTION

MINDFUL of the utmost importance that the recommendations formulated by the specialised international organisations, notably ICAO (International Civil Aviation Organization), should be implemented as rapidly as possible if a common front is to be formed in the fight against the various unlawful acts which jeopardise interantional civil aviation:

RECOGNISING the growing number of unlawful acts against international civil aviation and the gravity of their consequences:

RECOGNISING the various geographic and design differences of airports:

The ICPO-INTERPOL General Assembly, meeting in Vienna from 2nd to 9th October 1973 at its 42nd session:

STRONGLY RECOMMENDS that each country should establish a

security group of appropriate representatives of government, airlines and other competent parties to ensure that all appropriate security measures are taken at airports both international and domestic and in particular that complete control exists over the movement of persons from landide to airside, and vice versa, and especially when there is a high degree of risk of ny unlawful interference with aircraft that necessary accommodations and equipment are provided to enable passengers and their baggage to be fully checked at the point of transition to the airside:

FURTHER RECOMMEND that security areas should be created at each airport. These security areas should occupy part of the airport perimeter and constitute a kind of mini-embarkation and disembarkation area. It should have a minimum number of exits for borth staff and aircraft. Each exit should be kept under strict surveillance:

FURTHER RECOMMENDS that all ICPO-INTERPOL member countries should ratify the Tokyo, The Hague and Montreal Conventions or accede to them, in order to ensure a certain uniformity of legal principles, and thereby contribute to the common fight against ulawful acts which are likely to jeopardise the safety of civil aviation.

จุฬาลงกรณ์มหาวิทยาลัย

67. RESOLUTION No. AGN/43/RES/3

To be classified as follows :

1 copy in the Chronological
Series: year 1974

1 copy in the Subject Series

under heading: Aviation,
Civil-Air police

under sub-heading: Unlawful
interference with civil
aviation

SUBJECT :

SAFEGUARDING OF INTERNATIONAL
CIVIL AVIATION

1 copy in the Subject Series

under heading: Basic texts and
internal administration of the
I.C.P.O.- Interpol.

under sub-heading:
Constitution, application of
Article 3

1 copy in the Subject Series

under heading: Co-operation
with international
organisations

under sub-heading: Co-operation
with international organisation
other than the United Nations

TEXT OF RESOLUTION

BEARING IN MIND Article 3 of the ICPO-INTERPOL Constitution;

RECOGNISING that acts of unlawful interference continue to

pose a serious threat to the safety of international civil aviation;

RECOGNISING ALSO that there are still trends towards international crimes of violence throughout the world and that civil air transportation is a vulnerable target, as evidenced by recent events;

The ICPO-INTERPOL General Assembly, meeting in Cannes from 19th to 25th September 1974 at its 43rd session :

URGES that all ICPO-INTERPOL member countries take early action to implement the provisions contained in the security specifications adopted by the International Civil Aviation Organization (ICAO) for the safeguarding of international civil aviation against acts of unlawful interference.

68. RESOLUTION No. AGN/46/RES/5

To be classified as follows:

1 copy in the Chronological
Series: year 1977

SUBJECT :

1 copy in the Subject Series

UNLAWFUL INTERFERENCE WITH
INTERNATIONAL CIVIL AVIATION

under heading: Aviation, Civil-
Air police

under sub-heading: Unlawful
interference with civil
aviation:

1 copy in the Subject Series
under heading: Prevention of
crime-Social role of the police
under sub-heading: Protection
of persons

TEXT OF RESOLUTION

HAVING TAKEN NOTE of General 1 Secretariat Report No. 10 and the Addendum thereto, presenting the conclusions of the American, Asian and European Regional 1 Conferences' discussions on prevention of unlawful interference with international civil aviation,

HAVING HEARD the African countries' delegates report on the situations and the concerns in their respective countries,

The I.C.P.O.-INTERPOL General Assembly, meeting in Stockholm from 1st to 8th September 1977 at its 46th session,

NOTES that those discussions have confirmed the prime importance of prevention in the fight against this form of crime,

REAFFIRMS the principles contained in the relevant resolutions adopted by the General Assembly at previous sessions (Kyoto, 1967; Brussels, 1970; Frankfurt, 1972; Vienna, 1973; Cannes, 1974),

EMPHASIZES the preventive value of the following measures in accordance with the prevailing threat as known to the State:

- checking of passengers and carry-on baggage not only on international

flights, but also, as far as possible, on domestic and flights;

- checking of hold-stowed baggage in the case of a specific sabotage threat;

- precautions to control transfer and transit passengers and their hand baggage;

- proper installation, operation, maintenance and periodic testing of screening equipment; training and supervision of personnel responsible for screening;

- rigorous identification of airport employees;
- surveillance of access points and all vital air navigation facilities on and off airports, and prevention of unauthorised access to aircraft;

CONSIDERS IT INDISPENSABLE for there to be close co-operation within each country among law enforcement agencies, civil aviation authorities and airline companies,

RECOMMENDS that there be close international co-operation in the exchange of scientific and technical information, particularly via the "Modus Operandi Sheets",

ASKS the Secretary General to organise (in 1978 if possible) a symposium on the prevention of unlawful interference with international civil aviation.

69. RESOLUTION No. AGN/47/RES/5 To be classified as follows:

1 copy in the Chronological Series, year 1978

SUBJECT : 1 copy in the Subject Series

INTERNATIONAL CIVIL AVIATION Heading: Aviation, Civil-Air Police Sub-heading: Unlawful interference with civil aviation

TEXT OF RESOLUTION

RECOGNIZING that crimes involving unlawful interference with international civil aviation continue to threaten civil aviation safety, most importantly the safety of passengers and crew and possibly other persons,

RECOGNIZING that such crimes have resulted in the loss of lives and destruction of and/or extensive damage to aircraft and airport facilities,

RECOGNIZING that the civil aviation systems of all member countries are potential targets and the citizens of all member countries potential victims,

RECOGNIZING that it is vitally important that all member countries seek to prevent and eliminate the use of their territories for criminal activity related to acts of unlawful interference with civil aviation,

RECOGNIZING that the establishment of preventive security measures would further limit the capabilities of these offenders to conduct their dangerous activities,

CONVINCED that the mutual co-operation of all member countries is absolutely necessary to effectively combat and prevent such crimes,

The ICPO-INTERPOL General Assembly meeting in Panama City from 19th to 26th October 1978 at its 47th session:

RECOMMENDS that the Interpol National Central Bureaus:

1) Bring to the attention of and encourage their respective governments to take whatever actions are considered necessary to prevent the use of their territories for criminal activity related to acts of unlawful interference with civil aviation and/or as a refuge to avoid criminal prosecution for such acts;

2) Encourage their respective governments to take whatever actions that are necessary to ensure the effective administration and maintenance of security measures in international air transportation that are at least equal to the minimum standards which are established

pursuant to the conventions or other texts on international civil aviation security, i.e.:

- a) The protection of airports, aviation facilities and aircraft,
- b) The screening of passengers and their carry-on baggage,
- c) The additional screening of hold baggage, cargo and mail when necessary to cope with certain special risk situation,
- d) Planning to meet every conceivable contingency associated with the unlawful interference with civil aviation,
- e) Appropriate training and continued supervision of personnel engaged in any way with implementation of the measures mentioned in the present resolution,
- f) To provide adequate manpower and facilities, including equipment, for the implementation of the measures mentioned in the present resolution.

70. RESOLUTION No. AGN/51/RES/5

TO BE CLASSIFIED AS FOLLOWS:

SUBJECT :

1 copy in the CHRONOLOGICAL

SERIES: Year 1982

DISEMBARKATION OF PASSENGERS

1 copy in the SUBJECT SERIES:

IN APPLICATION OF

Heading: Aviation, Civil-Air

THE TOKYO CONVENTION

police

TEXT OF RESOLUTION

WHEREAS difficulties have been experienced at some airports from failure to deal with persons disembarked by the commander of an aircraft for having committed offences or acts which jeopardized the safety of the passengers or crew,

WHEREAS the International Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed in Tokyo on 14th September 1963 and ratified or acceded to by over 100 States, specifies the powers and duties of States called upon to take action against such persons,

The ICPO-Interpol General Assembly, meeting in Torremolinos from 5th to 12th October 1982 at its 51st session:

URGES National Central Bureaus to draw the attention of authorities responsible for law enforcement at international airports to their powers and duties given by the national legislation called for by the Convention.

71. RESOLUTION No. AGN/51/RES/6

TO BE CLASSIFIED AS FOLLOWS:

1 copy in the CHRONOLOGICAL
SERIES: Year 1982

SUBJECT :

1 copy in the SUBJECT SERIES:

Heading: Aviation, Civil-Air
police

WEAPONS ON BOARD

Sub-heading: Unlawful inter-

AIRCRAFT

ference with civil aviation

1 copy in the SUBJECT SERIES:

Heading: Firearms, ammunition
and explosives

Sub-heading: Control of sale,
purchase, carrying and possession
of firearms, ammunition and
explosives and smuggling thereof

TEXT OF RESOLUTION

GIVEN THAT carrying weapons on board an aircraft is liable to lead to incidents endangering the aircraft and persons on board,

The ICPO-Interpol General Assembly, meeting in Torremolinos from 5th to 12th October 1982 at its 51st session:

INVITES the National Central Bureause to draw the attention of their countries' appropriate authorities to the importance of the following recommendations:

- (1) No person should, while on board an aircraft being operated by an air carrier, carry on or about his person a dangerous weapon, either concealed or unconcealed, without the express permission of the competent authority;
- (2) Any dangerous weapons permitted on board should be stowed in a compartment inaccessible in flight;
- (3) Such weapons should be returned to the persons entitled to carry them only after notification to the local competent authority;
- (4) Nothing in this resolution shall override the national legislation of the countries concerned.

จุฬาลงกรณ์มหาวิทยาลัย

รายชื่อรัฐสมาชิกของกลุ่ม 77 และกลุ่มไม่ฝักใฝ่ฝ่ายใด จนถึงปัจจุบัน (ปี ค.ศ.1988)

<u>สมาชิกกลุ่ม</u>	<u>สมาชิกกลุ่มไม่ฝักใฝ่ ฝ่ายใด (X หมายถึง รัฐสมาชิกในกลุ่มไม่ ฝักใฝ่ฝ่ายใด</u>	<u>วันที่สหประชาชาติ รับเข้าเป็นสมาชิก</u>
1. อัฟกานิสถาน	X	19 พฤศจิกายน 1946
2. อัลจีเรีย	X	8 ตุลาคม 1962
3. แอนโกลา	X	11 ธันวาคม 1976
4. แอนติกัว และบาร์บูดา		11 พฤศจิกายน 1981
5. อาร์เจนตินา	X	24 ตุลาคม 1945
6. บาฮามาส์		18 กันยายน 1973
7. บาห์เรน	X	21 กันยายน 1977
8. บังกลาเทศ	X	17 กันยายน 1974
9. บาร์บาโดส	X	8 ธันวาคม 1966
10. เบลีซ		25 พฤศจิกายน 1981
11. เบนิน	X	20 กันยายน 1960
12. บูตัน	X	21 กันยายน 1971
13. โบลิเวีย	X	14 พฤศจิกายน 1945
14. บอสวานา	X	17 ตุลาคม 1966
15. บราซิล		24 ตุลาคม 1945
16. บรูนาย		19 เมษายน 1948
17. บุรุนดี	X	18 กันยายน 1962
18. เคนยา	X	16 กันยายน 1975
19. สาธารณรัฐประชาชน แอฟริกากลาง	X	20 กันยายน 1960
20. ชาด	X	20 กันยายน 1960

<u>ลมาชิกกลุ่ม</u>	<u>ลมาชิกกลุ่มไม่ฝึกไม่</u> <u>ฝ่ายโต (X หมายถึง</u> <u>รัฐลมาชิกในกลุ่มไม่</u> <u>ฝึกไม่ฝ่ายโต)21. ซิลี</u>	<u>วันที่ลหประชาชาติ</u> <u>รับเข้าเป็นลมาชิก</u>
22. โคลัมเบีย		5 พฤศจิกายน 1945
23. โคลโมโรล	X	12 พฤศจิกายน 1975
24. คองโก	X	20 กันยายน 1960
25. คอลตาริกา		2 พฤศจิกายน 1945
26. คิวบา	X	24 ตุลาคม 1945
27. ไชบรล	X	20 กันยายน 1960
28. กัมพูชาประชาธิปไตย		14 ธันวาคม 1955
29. ลาธารณรัฐประชาชน		
เกาหลีประชาธิปไตย	X	
30. เยเมนประชาธิปไตย	X	14 ธันวาคม 1967
31. คจิบัวตี	X	20 กันยายน 1977
32. โดมินีกา		18 ธันวาคม 1978
33. ลาธารณรัฐโดมินีกัน		24 ตุลาคม 1945
34. เอกัวดอร์	X	21 ธันวาคม 1945
35. อียิปต์	X	24 ตุลาคม 1945
36. เอล ซาลวาดอร์		24 ตุลาคม 1945
37. เอกวะโตเรียลกีเนีย	X	12 พฤศจิกายน 1960
38. เอธิโอเปีย	X	13 พฤศจิกายน 1945
39. ฟิจิ		13 ตุลาคม 1970
40. กาบอน	X	20 กันยายน 1960
41. แกมเบีย	X	20 กันยายน 1965
42. กาน่า	X	8 มีนาคม 1957

<u>ลมาชิกกลุ่ม</u>	<u>ลมาชิกกลุ่มไม่ฝึกไฝ่</u> <u>ฝ่ายไต (X หมายถึง</u> <u>รัฐลมาชิกในกลุ่มไม่</u> <u>ฝึกไฝ่ฝ่ายไต)</u>	<u>วันที่ลหประชาชาติ</u> <u>รับเข้าเป็นลมาชิก</u>
43. เกรนาตา	X	
44. กัวเตมาลา		21 พฤศจิกายน 1945
45. กินี	X	12 ธันวาคม 1958
46. กินี-บิสซัว	X	17 กันยายน 1974
47. กัวยานา	X	20 กันยายน 1966
48. ไฮติ		24 ตุลาคม 1945
49. ฮอนดูรัส		17 ธันวาคม 1945
50. อินเดี๋ย	X	30 ตุลาคม 1945
51. อินโดเนเซีย	X	28 กันยายน 1950
52. อิหร่าน	X	24 ตุลาคม 1945
53. อิรัก	X	21 ธันวาคม 1945
54. อิรวรี คอลท์	X	20 กันยายน 1960
55. จาไมกา	X	18 กันยายน 1962
56. จอร์แดน	X	14 ธันวาคม 1955
57. เคนยา	X	16 ธันวาคม 1963
58. คูเวต	X	14 พฤศจิกายน 1963
59. สาธารณรัฐประชาธิปไตย		
ประชาชนลาว	X	14 ธันวาคม 1955
60. เลบานอน	X	24 ตุลาคม 1945
61. เลโซโท	X	17 ตุลาคม 1966
62. ลิเบีย	X	2 พฤศจิกายน 1945

<u>สมาชิกรุ่น</u>	<u>สมาชิกรุ่นไม่ปักใจ</u> <u>ฝ่ายใด (X หมายถึง</u> <u>รัฐสมาชิกในกลุ่มไม่</u> <u>ปักใจฝ่ายใด)</u>	<u>วันที่สหประชาชาติ</u> <u>รับเข้าเป็นสมาชิก</u>
63. ลิเบีย อาหรับ จามาอียา	X	14 ธันวาคม 1955
64. มาดากัสการ์	X	20 กันยายน 1960
65. มาลาวี	X	1 พฤศจิกายน 1964
66. มาเลเซีย	X	17 กันยายน 1957
67. มาตีเวล	X	21 กันยายน 1945
68. มาลี	X	28 กันยายน 1960
69. มอลตา	X	1 ธันวาคม 1964
70. มัรวิตาเนีย	X	27 ตุลาคม 1961
71. มัรวิตัล	X	24 เมษายน 1968
72. เม็กซิโก		7 พฤศจิกายน 1945
73. โมเอลโก	X	12 พฤศจิกายน 1956
74. โมซัมบิก	X	16 กันยายน 1975
75. เนปาล	X	14 ธันวาคม 1955
76. นิคารากัว	X	24 ตุลาคม 1945
77. ไนเจอร์	X	20 กันยายน 1960
78. ไนจีเรีย	X	7 ตุลาคม 1960
79. โอมาน	X	7 ตุลาคม 1971
80. ปากีสถาน	X	30 กันยายน 1947
81. องค์การปลดปล่อยปาเลสไตน์	X	
82. บานามา	X	13 พฤศจิกายน 1945
83. บาบิวีนี		10 ตุลาคม 1975
84. บารากัว		24 ตุลาคม 1945

<u>ลมาชิกกลุ่ม</u>	<u>ลมาชิกกลุ่มไม่ปักไม้</u> <u>ฝ้ายโต (X หมายถึง</u> <u>รัฐลมาชิกในกลุ่มไม่</u> <u>ปักไม้ฝ้ายโต)</u>	<u>วันที่ลประชาชาติ</u> <u>รับเข้าเป็นลมาชิก</u>
85. เปรู	X	31 ตุลาคม 1945
86. ฟิลิปินส์	X	24 ตุลาคม 1945
87. กวาดา	X	21 กันยายน 1971
88. สาธารณรัฐเกาหลี		
89. โรมานี		14 ธันวาคม 1955
90. ลันดา	X	18 กันยายน 1962
91. เซนต์ ลูเซีย	X	18 กันยายน 1979
92. เซนต์วินเซนต์และ กรีนาดิน		16 กันยายน 1980
93. ซามัว	X	15 ธันวาคม 1976
94. เซา โทมัสและมรินซิบ	X	16 กันยายน 1975
95. ซาอุดีอาระเบีย	X	24 ตุลาคม 1945
96. เซเนกัล	X	28 กันยายน 1960
97. เซเชลเลส	X	21 กันยายน 1967
98. โซเอเร เลอวัน	X	27 กันยายน 1961
99. สิงคโปร์	X	21 กันยายน 1965
100. เกาะ โซโลมอน		19 กันยายน 1978
101. โซมาเลีย	X	20 กันยายน 1960
102. ลวาไบส		
103. ศรีลังกา	X	14 ธันวาคม 1955
104. ซูดาน	X	12 พฤศจิกายน 1956
105. ลูรีนัม	X	4 ธันวาคม 1975



<u>สมาชิกกลุ่ม</u>	<u>สมาชิกกลุ่มไม่ฝักใฝ่</u> <u>ฝ่ายใด (X หมายถึง</u> <u>รัฐสมาชิกในกลุ่มไม่</u> <u>ฝักใฝ่ฝ่ายใด)</u>	<u>วันที่สหประชาชาติ</u> <u>รับเข้าเป็นสมาชิก</u>
106. สวาซิแลนด์	X	24 กันยายน 1968
107. สาธารณรัฐอาหรับไซเรีย	X	24 ตุลาคม 1945
108. ไทยแลนด์		16 ธันวาคม 1946
109. โตโก	X	20 กันยายน 1960
110. ซองกา		
111. ไตรนิเตและโตบาโก		12 พฤศจิกายน 1956
112. ตูนิเซีย	X	
113. อุกันดา	X	25 ตุลาคม 1962
114. สาธารณรัฐสหภาพ		
แทนซาเนีย	X	14 ธันวาคม 1961
115. มอลดีวา	X	20 กันยายน 1981
116. อูรุกวัย		18 ธันวาคม 1945
117. วานูวาตู		15 กันยายน 1981
118. เวเนซุเอลา		15 พฤศจิกายน 1945
119. เวียดนาม	X	20 กันยายน 1977
120. เยเมน	X	30 กันยายน 1947
121. ยูโกสลาเวีย	X	24 ตุลาคม 1945
122. ไชรี	X	20 กันยายน 1960
123. แคมเบีย	X	1 ธันวาคม 1964
124. ซิมบับเว	X	25 สิงหาคม 1980

รวมกลุ่มประเทศที่ไม่ฝักใฝ่ฝ่ายใด 90 ประเทศ (ข้อมูลจาก ECDC Handbook Documents of the Movement of Non-aligned Countries and the Group of 77)