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LEAGUE OF NATIONS

**COMMITTEE FOR THE INTERNATIONAL
REPRESSION OF TERRORISM**

**REPORT ADOPTED BY THE COMMITTEE
ON APRIL 26TH, 1937**

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REPORT ADOPTED BY THE COMMITTEE ON APRIL 26TH, 1937.

The Committee for the International Repression of Terrorism, set up under the resolution adopted by the Council on December 10th, 1934, held its third session at Geneva from April 20th to 26th, 1937.

The following were present at this session of the Committee: ¹

His Excellency Count CARTON DE WIART (Belgium), Minister of State, *Chairman*;
accompanied by M. Simon SASSERATH, Advocate in the Brussels Court of Appeal, Professor in the Belgian Institute of Graduate Studies.

Sir John Fischer WILLIAMS, C.B.E., K.C. (United Kingdom of Great Britain and Northern Ireland);

Substitute: Mr. L. S. BRASS, Assistant Legal Adviser, Home Office.

Mme. Matilde HUICI (Spain), Advocate;

Substitute: M. Cipriano RIVAS CHERIF, Consul-General of Spain at Geneva.

M. Jules BASDEVANT (France), Professor in the Faculty of Law of Paris, Legal Adviser to the Ministry of Foreign Affairs of the French Republic.

M. Paul SEBESTYÉN (Hungary), Ministerial Counsellor of Section in the Ministry of Foreign Affairs;

accompanied by M. Eugene ASZTALOS, Chief of Section in the Ministry of Justice.

M. Lucien BEKERMANN (Poland), Public Prosecutor in the Court of Cassation, Chief of Section in the Ministry of Justice.

His Excellency M. V. V. PELLA (Roumania), Roumanian Minister at The Hague, Professor in the Faculty of Law of the University of Bucharest;

Substitute: M. Slavko STOYKOVITCH, Chief Representative of the Yugoslav Government in the Mixed Arbitral Tribunals.

M. E. DELAQUIS (Switzerland), Professor in the University of Geneva.

M. Victor BROWN (Union of Soviet Socialist Republics), Secretary of Embassy.

The Committee considered the report and resolution on the international repression of terrorism (document A.72.1936.V ²) which were adopted by the Assembly of the League on October 10th, 1936, together with the observations contained in the replies received from Governments or formulated during the discussions in the First Committee of the Assembly.³

In the light of the new material afforded by a study of the above-mentioned documents, the Committee proceeded to hold a general discussion on the problem of the international prevention and punishment of terrorism, and this was followed by a final review of the two draft Conventions drawn up by the Committee at its second session (January 1936).

When revising the first draft, which deals with the prevention and punishment of terrorism (Appendix I), the Committee thought it proper to define the situations in which acts of terrorism assume an international character, and which are the primary justification for international co-operation to prevent and punish such acts.

Furthermore, to meet a trend of opinion which received definite expression in the First Committee of the 1936 Assembly, the Committee embodied in the draft Convention a clause emphasising that States are under an obligation—imposed, indeed, by international law—themselves to refrain from any act designed to encourage terrorist activities directed against the safety and public order of any other State.

With the object of avoiding difficulties in the interpretation of the Convention and defining the exact sense and scope of some of its clauses, the Committee found it necessary to lay down in a general provision what is to be understood by “acts of terrorism” within the meaning of the proposed Convention.

With regard to the clauses providing for various forms of co-operation between States in the prevention and punishment of terrorism, the Committee came to the conclusion that certain amendments were necessary in order to make it clearer that the legal rules held by the different contracting parties as to political offences are not affected.

The Committee's attention was also drawn to the question of civil war. The Committee took the view that this is a question which is clearly outside the scope of the Convention.

The other amendments to the original draft Convention are due to the Committee's desire either to make the text clearer or to limit the scope of the Convention to those situations of which

¹ M. E. J. GAJARDO (Chile), His Excellency M. Ugo ALOISI and Professor Tommaso PERASSI (Italy) were not present at this session.

² See Minutes of the First Committee of the Seventeenth Ordinary Session of the Assembly (1936), pages 84-85.

³ See documents A.24.1936.V, A.24(a).1936.V, C.552.M.356.1936.V and C.194.M.139.1937.V.

it is absolutely to take account if acts of terrorism of an international character are to be effectually prevented and punished.

In revising the second draft Convention—that for the creation of an International Criminal Court (Appendix II)—the Committee was chiefly influenced by the desire expressed by the First Committee of the 1936 Assembly. It is plain from the new amendments that States which become parties to this Convention cannot rely upon the International Criminal Court in their relations with States which are parties only to the first Convention (that for the prevention and punishment of terrorism).

The other amendments to the second Convention are mainly due to the observations made by various Governments on the organisation and working of such a Court.

In submitting the present report and the two draft Conventions appended embodying the results of its work, the Committee expresses the hope that it may have provided a useful basis for the deliberations of the Diplomatic Conference which, in accordance with the resolution adopted by the Assembly of the League on October 10th, 1936, is to meet in 1937.

April 26th, 1937.

(Signed) H. CARTON DE WIART,
Chairman.

Appendix I.

DRAFT CONVENTION FOR THE PREVENTION AND PUNISHMENT OF TERRORISM.

[*Translation.*]

Article 1.

1. Acts of terrorism within the meaning of the present Convention are criminal acts which are directed against a State and which are intended or calculated to create a state of terror among individuals, groups of persons or the general public.

2. The object of the present Convention is to ensure co-operation between the High Contracting Parties for the prevention and punishment of such acts when they are of an international character, it being the duty of States to refrain from any act designed to encourage terrorist activities directed against the safety and public order of another State.

Article 2.

Each of the High Contracting Parties should make the following acts committed on its own territory criminal offences if they are directed against another High Contracting Party and if they constitute acts of terrorism within the meaning of Article 1:

(1) Any act intended to cause death or grievous bodily harm or loss of liberty to:

(a) Heads of States, persons exercising the prerogatives of the head of the State, their hereditary or designated successors;

(b) The wives or husbands of the above-mentioned persons;

(c) Persons charged with public functions or holding public positions when the act is directed against them in their public capacity.

(2) Wilful destruction of or damage to public property or property devoted to a public purpose belonging to or subject to the authority of another High Contracting Party.

(3) Any wilful act calculated to endanger the lives of members of the public.

(4) The manufacture, obtaining, or supplying of arms, ammunition, explosives or harmful substances with a view to the commission in any country whatsoever of an offence falling within the present Article.

(5) Any attempt to commit any of the acts falling within the present Article.

Article 3.

1. Each of the High Contracting Parties should also make the following actions criminal offences when they are committed on his own territory with a view to acts of terrorism directed against another High Contracting Party, whatever the country in which the acts of terrorism are to be carried into execution:

(a) Any agreement to commit any of the acts mentioned in Article 2 (Nos. (1) to (4));

(b) Any direct public incitement, whether successful or not;

(c) Any successful private incitement;

(d) Any wilful complicity;

(e) Any help given towards the commission of such an act.

2. Acts of participation in the offences falling within the present Convention shall be treated as separate offences when the persons committing them can only be brought to trial in different countries.

Article 4.

Without prejudice to the characterisation of offences and to other special provisions of national law relating to the persons and property mentioned in Article 2, no High Contracting Party shall make any distinction as regards the protection afforded by criminal law between acts, falling under Articles 2 and 3, directed against the Party itself and similar acts directed against another High Contracting Party.

Article 5.

1. In countries where the principle of the international recognition of previous convictions is accepted, foreign convictions for any of the acts mentioned in Articles 2 and 3 will, within the conditions prescribed by the domestic law, be taken into account for the purpose of establishing habitual criminality.

2. Such convictions will, further, in the case of High Contracting Parties whose law recognises foreign convictions, be taken into account, with or without special proceedings, for the purpose of imposing, in the manner provided by that legislation, incapacities, disqualifications or interdictions whether in the sphere of public or of private law.

Article 6.

In so far as *parties civiles* are admitted under the domestic law, foreign *parties civiles*, including, in proper cases, a High Contracting Party, should be entitled to all rights allowed to nationals by the law of the country in which the case is tried.

Article 7.

1. Without prejudice to the provisions of paragraph 4 below, the acts set out in Articles 2 and 3 shall be deemed to be included as extradition crimes in any extradition treaty which has been, or may hereafter be, concluded between any of the High Contracting Parties.

2. The High Contracting Parties who do not make extradition conditional on the existence of a treaty shall henceforward, without prejudice to the provisions of paragraph 4 below and subject to reciprocity, recognise the acts set out in Articles 2 and 3 as extradition crimes as between themselves.

3. For the purposes of the present Article, any act specified in Articles 2 and 3, if committed in the territory of the High Contracting Party against whom it is directed, shall also be deemed to be an extradition crime.

4. The obligation to grant extradition under the present Article shall be subject to any limitations recognised by the law of the country to which application is made.

Article 8.

1. When the principle of the extradition of nationals is not recognised by a High Contracting Party, nationals who have returned to the territory of their own country after the commission abroad of an offence mentioned in Articles 2 or 3 should be prosecuted and punished in the same manner as if the offence had been committed in their own country, even in a case where the offender has acquired his nationality after the commission of the offence.

2. The provisions of the present Article shall not apply if, in similar circumstances, the extradition of a foreigner cannot be granted.

Article 9.

Foreigners who are on the territory of a High Contracting Party and who have committed abroad any of the acts set out in Articles 2 and 3 should be prosecuted and punished as though the act had been committed in the territory of that High Contracting Party, if the following conditions are fulfilled—namely, that:

(a) Extradition has been demanded and could not be granted for a reason not connected with the act itself;

(b) The law of the country of refuge recognises the jurisdiction of its own courts in respect of offences committed abroad by foreigners;

(c) The foreigner is a national of a country which recognises the jurisdiction of its own courts in respect of offences committed abroad by foreigners.

Article 10.

The provisions of Articles 8 and 9 shall also apply to acts referred to in Articles 2 and 3 which have been committed in the territory of the High Contracting Party against which they were directed.

As regards the application of Articles 8 and 9, the High Contracting Parties do not undertake to pass a sentence exceeding the maximum sentence prescribed by the law of the country where the offence was committed.

Article 11.

Each High Contracting Party should take on his own territory appropriate measures to prevent any activity contrary to the purpose of the present Convention.

Article 12

1. The carrying, possession and distribution of firearms, other than smooth-bore sporting-guns, and of ammunition and explosives should be subjected to regulation, and it should be a punishable offence to transfer, sell or distribute them to any person who does not hold such licence or make such declaration as may be required by the domestic legislation concerning the possession and carrying of such articles.

2. Manufacturers of firearms, other than smooth-bore sporting-guns, should be required to mark each arm with a serial number and factory mark permitting it to be identified, and to keep a register of the names and addresses of purchasers.

Article 13.

1. The following acts should be punishable:

(a) Any fraudulent manufacture or alteration of passports or other equivalent documents;

(b) Bringing into the country, obtaining or being in possession of such forged or falsified documents knowing them to be forged or falsified;

(c) Obtaining such documents by means of false declarations or documents;

(d) Using any such documents which are forged or falsified or were made out for a person other than the bearer.

2. The wilful issue of passports, other equivalent documents, or visas by competent officials to persons known not to have the right thereto under the laws or regulations applicable, with the object of assisting any activity contrary to the purpose of the present Convention, should also be punishable.

3. The provisions of the present Article shall apply irrespective of the national or foreign character of the document.

Article 14.

1. The results of the investigation of offences provided for in Articles 2, 3 and 13 should in each country and within the framework of the law of that country be centralised in an appropriate service.

2. Such service should be in close contact:

(a) With the police authorities of the country;

(b) With the corresponding services in other countries.

3. It should furthermore bring together all information calculated to facilitate the prevention and punishment of the acts mentioned in Articles 2, 3 and 13 and should, as far as possible, keep in close contact with the judicial authorities of the country.

Article 15.

Each service, so far as it considers it desirable to do so, should notify to the services of the other countries, giving all necessary particulars:

(a) Any act mentioned in Articles 2 and 3, even if it has not been carried into effect, such notification to be accompanied by descriptions, copies and photographs;

(b) Any search for, any prosecution, arrest, conviction or expulsion of persons guilty of acts dealt with in the present Convention, the movements of such persons and any pertinent information with regard to them, as well as their description, finger-prints and photographs;

(c) Discovery of documents, arms, appliances or other objects connected with acts mentioned in Articles 2, 3, 12 and 13.

Article 16.

1. The High Contracting Parties shall be bound to execute letters of request in accordance with their domestic law and practice.

2. The transmission of letters of request relating to offences referred to in the present Convention should be effected:

- (a) By direct communication between the judicial authorities; or
- (b) By direct correspondence between the Ministers of Justice of the two countries, or by direct communication from the authority of the country making the request to the Minister of Justice of the country to which the request is made; or
- (c) Through the diplomatic or consular representative of the country making the request in the country to which the request is made; this representative shall send the letters of request direct to the competent judicial authority, or to the authority indicated by the Government of the country to which the request is made, and shall receive direct from such authority the papers constituting the execution of the letters of request.

3. In cases (a) and (c), a copy of the letters of request shall always be sent simultaneously to the superior authority of the country to which application is made.

4. Unless otherwise agreed, the letters of request shall be drawn up in the language of the authority making the request, provided always that the country to which the request is made may require a translation in its own language, certified correct by the authority making the request.

5. Each High Contracting Party shall notify to each of the other High Contracting Parties the method or methods of transmission mentioned above which he will recognise for the letters of request of the latter High Contracting Party.

6. Until such notification is made by a High Contracting Party, his existing procedure in regard to letters of request shall remain in force.

7. Execution of letters of request shall not give rise to a claim for reimbursement of charges or expenses of any nature whatever other than expenses of experts.

8. Nothing in the present Article shall be construed as an undertaking on the part of the High Contracting Parties to adopt in criminal matters any form or methods of proof contrary to their laws.

Article 17.

The participation of a High Contracting Party in the present Convention shall not be interpreted as affecting that Party's attitude on the general question of the limits of criminal jurisdiction as a question of international law.

Article 18.

The present Convention does not affect the principle that, subject to the acts in question not being allowed to escape punishment, the characterisation of the various acts dealt with in the present Convention and the determination of the applicable penalties and of the methods of prosecution and trial depend in each country upon the general rules of the domestic law. It, further, does not impair the right of the High Contracting Parties to make such rules as they consider proper regarding the effect of mitigating circumstances, the right of pardon and the right of amnesty.

Article 19.

If any dispute should arise between the High Contracting Parties relating to the interpretation or application of the present Convention, and if such dispute has not been satisfactorily solved by diplomatic means, it shall be settled in conformity with the provisions in force between the parties concerning the settlement of international disputes.

If such provisions should not exist between the parties to the dispute, the parties shall refer the dispute to an arbitral or judicial procedure. If no agreement is reached on the choice of another court, the parties shall refer the dispute to the Permanent Court of International Justice, if they are all parties to the Protocol of December 16th, 1920, relating to the Statute of that Court; and if they are not all parties to that Protocol, they shall refer the dispute to a court of arbitration constituted in accordance with the Convention of The Hague of October 18th, 1907, for the Pacific Settlement of International Disputes.

Article 20.

1. The present Convention, of which the French and English texts shall be both authentic, shall bear to-day's date. Until . . . it shall be open for signature on behalf of any Member of the League of Nations and on behalf of any non-member State represented at the Conference which drew up the present Convention or to which a copy thereof is communicated for this purpose by the Council of the League of Nations.

2. The present Convention shall be ratified. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations to be deposited in the archives of the League; the Secretary-General shall notify their deposit to all the Members of the League and to the non-member States mentioned in the preceding paragraph.

Article 21.

1. After the . . . , the present Convention shall be open to accession by any Member of the League of Nations and any of the non-member States referred to in Article 20 on whose behalf the Convention has not been signed.

2. The instruments of accession shall be transmitted to the Secretary-General of the League of Nations to be deposited in the archives of the League; the Secretary-General shall notify their receipt to all the Members of the League and to the non-member States referred to in Article 20.

Article 22.

Any Member of the League of Nations or non-member State which is prepared to ratify the Convention under the second paragraph of Article 20, or to accede to the Convention under Article 21, but desires to be allowed to make reservations with regard to the application of the Convention, may so inform the Secretary-General of the League of Nations, who shall forthwith communicate such reservations to all the Members of the League and non-member States on whose behalf ratifications or accessions have been deposited and enquire whether they have any objection thereto. Should the reservation be formulated within two years from the entry into force of the Convention, the same enquiry shall be addressed to Members of the League and non-member States whose signature of the Convention has not yet been followed by ratification. If, within six months from the date of the Secretary-General's communication, no objection to the reservation has been made, it shall be treated as accepted by the High Contracting Parties.

Article 23.

Ratification of or accession to the present Convention by any High Contracting Party implies an assurance by him that his legislation and his administrative organisation are in conformity with the rules contained in the Convention.

Article 24.

1. Any High Contracting Party may declare, at the time of signature, ratification or accession, that, in accepting the present Convention, he is not assuming any obligation in respect of all or any of his colonies, protectorates, oversea territories, territories under his suzerainty or territories in respect of which a mandate has been entrusted to him; the present Convention shall, in that case, not be applicable to the territories named in such declaration.

2. Any High Contracting Party may subsequently notify the Secretary-General of the League of Nations that he desires the present Convention to apply to all or any of the territories in respect of which the declaration provided for in the preceding paragraph has been made. The Convention shall, in that case, apply to all the territories named in such notification ninety days after the receipt thereof by the Secretary-General of the League of Nations.

3. Any High Contracting Party may at any time declare that he desires the present Convention to cease to apply to all or any of his colonies, protectorates, oversea territories, territories under his suzerainty or territories in respect of which a mandate has been entrusted to him. The Convention shall, in that case, cease to apply to the territories named in such declaration one year after the receipt of this declaration by the Secretary-General of the League of Nations.

4. The Secretary-General of the League of Nations shall communicate to all the Members of the League of Nations and to the non-member States referred to in Article 20 the declarations and notifications received in virtue of the present Article.

Article 25.

The present Convention shall, in accordance with the provisions of Article 18 of the Covenant, be registered by the Secretary-General of the League of Nations on the ninetieth day after the receipt by the Secretary-General of the . . . ratification or accession.

The Convention shall come into force on the date of such registration.

Article 26.

Each ratification or accession taking place after the deposit of the . . . instrument of ratification or accession shall take effect on the ninetieth day following the date on which the instrument of ratification or accession is received by the Secretary-General of the League of Nations.

Article 27.

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

Such notification shall be communicated by the Secretary-General to all the other High Contracting Parties and, if it is supported by at least a third of those Parties, the High Contracting Parties undertake to hold a conference for the revision of the Convention.

Article 28.

The present Convention may be denounced on behalf of any High Contracting Party by a notification in writing addressed to the Secretary-General of the League of Nations, who shall inform all the Members of the League and the non-member States referred to in Article 20. Such denunciation shall take effect one year after the date of its receipt by the Secretary-General of the League of Nations, and shall be operative only in respect of the High Contracting Party on whose behalf it was made.

IN FAITH WHEREOF the Plenipotentiaries have signed the present Convention.

DONE at Geneva, in a single copy, which will be deposited in the archives of the Secretariat of the League of Nations; a certified true copy thereof shall be transmitted to all the Members of the League of Nations and all the non-member States referred to in Article 20.

Appendix II.

DRAFT CONVENTION FOR THE CREATION OF AN INTERNATIONAL CRIMINAL COURT.

[*Translation*]

Article 1.

An International Criminal Court for the trial, as hereinafter provided, of persons accused of an offence dealt with in the Convention for Prevention and Punishment of Terrorism is hereby established.

Article 2.

The Court shall be a permanent body, but shall sit only when it is seized of proceedings for an offence within its jurisdiction.

Article 3.

1. In the cases referred to in Articles 2, 3, 8 and 9 of the Convention for Prevention and Punishment of Terrorism, each High Contracting Party to the present Convention shall be entitled, instead of prosecuting before his own tribunal, to send the accused for trial before the Court.

2. A High Contracting Party shall further be entitled in the cases mentioned in Article 7 of the said Convention, instead of extraditing, to send the accused for trial before the Court if the State demanding extradition is also a Party to the present Convention.

3. The provisions of the present Article shall be applicable only if the accused is a national of a State which is a Party to the present Convention and if the offence is directed against the interests of a High Contracting Party to the present Convention.

Article 4.

The Court shall be composed of judges chosen from among jurists who are acknowledged authorities on criminal law and who are or have been members of courts of criminal jurisdiction or possess the qualifications required for such appointments in their own countries.

Article 5.

The Court shall consist of five regular judges and five deputy judges, each belonging to a different nationality, but so that the regular judges and deputy judges shall be nationals of the High Contracting Parties.

Article 6.

1. Any Member of the League of Nations and any non-member State in respect of which the present Convention is in force may nominate not more than two candidates for appointment as judges of the Court.

2. The Council of the League of Nations shall be requested to choose the regular and deputy judges from the persons so nominated.

Article 7.

1. Judges shall hold office for ten years.
2. Every two years, one regular and one deputy judge shall retire.
3. For the first period of ten years, the order of retirement shall be determined under the authority of the Council of the League of Nations by drawing lots.
4. Judges may be re-appointed.
5. Judges shall continue to discharge their duties until their places have been filled.
6. Nevertheless, judges, though replaced, shall finish any cases which they have begun.

Article 8.

A judge appointed in place of a judge whose period of appointment has not expired shall hold the appointment for the remainder of his predecessor's term.

Article 9.

1. Deputy judges shall be called upon to sit in the order laid down in a list.
2. The list shall be prepared by the Court and shall have regard, first, to priority of appointment and, secondly, to age.

Article 10.

1. Members of the Court may not participate in the settlement of any case on which they have previously been engaged in any capacity whatsoever. In case of doubt, the Court shall decide.
2. Every member of the Court shall, before taking up his duties, give a solemn undertaking in open Court that he will exercise his powers impartially and conscientiously.

Article 11.

1. Any vacancy, whether occurring through the expiration of a judge's term of office or for any other cause, shall be filled as provided in Article 6.
2. In the event of the resignation of a member of the Court, the resignation shall take effect on notification being received by the Registrar.

Article 12.

A member of the Court cannot be dismissed unless in the unanimous opinion of the other members he has ceased to fulfil the required conditions.

Article 13.

The High Contracting Parties shall grant the members of the Court diplomatic privileges and immunities when engaged on the business of the Court.

Article 14.

1. The Court shall elect its President and Vice-President for two years; they may be re-elected.
2. The work of the Registry of the Court shall be performed by the Registry of the Permanent Court of International Justice, if that Court consents.

Article 15.

The seat of the Court shall be established at The Hague. For any particular case, the President may take the opinion of the Court and the Court may decide to meet elsewhere.

Article 16.

A High Contracting Party who avails himself of the right to send a person for trial before the Court shall notify the President through the Registry.

Article 17.

The Court shall apply the substantive criminal law of the State on the territory of which the offence was committed. Any dispute as to what substantive criminal law is applicable shall be decided by the Court.

Article 18.

If, for some special reason, a member of the Court considers that he should not sit to hear a particular case, he shall so notify the President as soon as he has been informed that the Court is seized of that case.

Article 19.

1. The presence of five members shall be necessary to enable the Court to sit.
2. If the presence of five regular judges is not secured, the necessary number shall be made up by calling upon the deputy judges in their order on the list.

Article 20.

If the Court has to apply, in accordance with Article 17, the law of a State of which no sitting judge is a national, the Court may invite a jurist who is an acknowledged authority on such law to sit with it in a consultative capacity as a legal assessor.

Article 21.

As soon as the Court is seized of a case, the President of the Court shall notify the State against which the offence was directed, and the State on the territory of which the offence was committed. These States, and any other States, may put before the Court the results of their investigations and any evidence and objects connected with the crime which they have in their possession; these shall be included in the file of the case.

Article 22.

1. The Court shall be seized of a case by an indictment issuing from a High Contracting Party.
2. The right to conduct the prosecution shall rest with the State against which the offence was committed. Failing that State, it shall belong to the State on the territory of which the offence was committed, and failing also that latter State, then to the State by which the Court was seized.
3. The State which seizes the Court shall at the same time name the agent by whom it will be represented.
4. The Court must not proceed further with the case if the charge is withdrawn.

Article 23.

Any State or person injured by an offence may constitute itself or himself *partie civile* before the Court, inspect the file, submit a statement of its or his case to the Court, and take part in the debates.

Article 24.

The file of the case and the statement of the *partie civile* shall be communicated to the person who is before the Court for trial.

Article 25.

The parties may propose the hearing of witnesses and experts by the Court, which shall be free to decide whether they shall be summoned and heard. The Court may always, even of its own motion, hear other witnesses and experts.

Article 26.

1. The Court shall decide whether a person who has been sent before it for trial shall be placed or remain under arrest. Where necessary, it shall determine on what conditions he may be provisionally set at liberty.
2. The State on the territory of which the Court is sitting shall place at the Court's disposal a suitable place of internment and the necessary staff of warders for the custody of the accused.

Article 27.

Any letters of request which the Court considers it necessary to have despatched shall at its demand be addressed by the High Contracting Party on the territory of which the Court is sitting to the State competent to give effect to such letters of request.

Article 28.

No examination of the person sent to the Court for trial, no hearing of witnesses or experts and no confrontation may take place before the Court except in the presence of the counsel for that person, the representatives of the State against which the offence was directed or on the territory of which the offence was committed or which laid the case before the Court and the representatives of the *parties civiles*, or after due summons to such persons to be present.

Article 29.

1. Accused persons may be defended by advocates belonging to a Bar.
2. If provision is not made for the conduct of the defence by a barrister chosen by the accused, the Court shall assign to each accused person a counsel selected from advocates belonging to a Bar.

Article 30.

1. The hearings before the Court shall be public.
2. Nevertheless, the Court may, by a reasoned and unanimous judgment, decide that the hearing shall take place *in camera*. Judgment shall always be pronounced at a public hearing.

Article 31.

The Court shall sit in private to consider its judgment.

Article 32.

The decisions of the Court shall be by majority of the judges.

Article 33.

Every judgment or order of the Court shall state the reasons therefor and be read at a public hearing by the President.

Article 34.

The Court may not entertain charges against any person except the person sent before it for trial, or try any accused person for any offences other than those for which he has been sent for trial.

Article 35.

1. The Court may sentence the persons sent before it to restore property or to pay damages.
2. The Court shall decide whether any restitution or confiscation of any object is to be made.
3. High Contracting Parties in whose territory objects to be restored or property belonging to convicted persons is situated shall be bound to take all the measures provided by their own laws to ensure the execution of the sentences.
4. The provisions of the preceding paragraph shall also apply to cases in which pecuniary penalties imposed by the Court or costs of proceedings have to be recovered.

Article 36.

1. Sentences involving loss of liberty shall be executed by the High Contracting Party which shall be designated by the Court.
2. The Court shall determine the way in which any fines shall be dealt with.

Article 37.

If sentence of death has been pronounced, the State designated by the Court to execute the sentence shall be entitled to substitute therefor the most severe penalty in its national legislation involving loss of liberty.

Article 38.

The right of pardon shall be exercised by the State which has to enforce the penalty. It shall first consult the President of the Court.

Article 39.

1. Against convictions pronounced by the Court, no proceedings other than an application for revision shall be allowable.
2. The Court shall determine in its rules the cases in which an application for revision may be made.
3. The States mentioned in Article 22, and the persons mentioned in Article 29, shall have the right to ask for a revision.

Article 40.

1. The salaries of the judges shall be payable by the States of which they are nationals on a scale fixed by the High Contracting Parties.
2. There shall be created by contributions from the High Contracting Parties a common fund from which the costs of the proceedings and other expenses involved in the trial of cases shall be defrayed, subject to recovery from the accused if he is convicted. The special allowance to the Registrar and the expenses of the Registry shall be met out of this fund.



Article 41.

The Court's archives shall be in the charge of the Registrar.

Article 42.

The Court shall establish regulations to govern its practice and procedure.

Article 43.

1. The Court shall decide any questions as to its own jurisdiction arising during the hearing of a case; it shall for this purpose apply the provisions of the present Convention and of the Convention for Prevention and Punishment of Terrorism and the general principles of law.

2. Should a High Contracting Party, not being the Party who sent the case in question for trial to the Court, dispute the extent of the Court's jurisdiction in relation to the jurisdiction of his own national courts, this issue shall be treated as arising between such High Contracting Party and the High Contracting Party who sent the case for trial to the Court, and shall be settled as provided in Article 45.

Article 44.

1. The representatives of the High Contracting Parties shall meet with a view to taking all necessary decisions concerning:

(a) The election of judges;

(b) The organisation of the Registry;

(c) The constitution and administration of the common fund, the division among the High Contracting Parties of the sums considered necessary to create and maintain such fund and, in general, all financial and administrative questions bearing on the establishment and the working of the Court;

(d) The organisation of the meetings referred to below in paragraph 3.

2. The Government of the Netherlands shall be requested to convene this meeting as soon as possible after the present Convention enters into force.

3. The Registrar of the Court shall convene subsequent meetings in conformity with the rules established to that effect.

4. On all questions of procedure that may arise at the meetings referred to in paragraphs 2 and 3, decisions shall be taken by a majority of the High Contracting Parties represented at the meeting.

Article 45.

If any dispute should arise between the High Contracting Parties relating to the interpretation or application of the present Convention, and if such dispute has not been satisfactorily solved by diplomatic means, it shall be settled in conformity with the provisions in force between the Parties concerning the settlement of international disputes.

If such provisions should not exist between the parties to the dispute, the parties shall refer the dispute to an arbitral or judicial procedure. If no agreement is reached on the choice of another court, the parties shall refer the dispute to the Permanent Court of International Justice, if they are all parties to the Protocol of December 16th, 1920, relating to the Statute of that Court; and if they are not all parties to that Protocol, they shall refer the dispute to a court of arbitration constituted in accordance with the Convention of The Hague of October 18th, 1907, for the Pacific Settlement of International Disputes.

Article 46.

1. The present Convention, of which the French and English texts shall both be authentic, shall bear to-day's date. Until . . . it shall be open for signature on behalf of any Member of the League of Nations or any non-member State on whose behalf the Convention for Prevention and Punishment of Terrorism has been signed.

2. The present Convention shall be ratified. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations to be deposited in the archives of the League. The Secretary-General shall notify their deposit to all the Members of the League and to the non-member States mentioned in the preceding paragraph. The deposit of an instrument of ratification of the present Convention shall be conditional on the deposit by the same High Contracting Party of an instrument of ratification of or accession to the Convention for the Prevention and Punishment of Terrorism.

Article 47.

1. After . . . , the present Convention shall be open to accession by any Member of the League of Nations and any non-member State which has not signed this Convention. Nevertheless, the deposit of an instrument of accession shall be conditional on the deposit by the same High Contracting Party of an instrument of ratification of or accession to the Convention for the Prevention and Punishment of Terrorism.

2. The instruments of accession shall be transmitted to the Secretary-General of the League of Nations to be deposited in the archives of the League; the Secretary-General shall notify their deposit to all the Members of the League and to the non-member States referred to in Article 46 and the first paragraph of the present Article.

Article 48.

1. Any High Contracting Party may declare, at the time of signature, ratification or accession, that, in accepting the present Convention, he is not assuming any obligation in respect of all or any of his colonies, protectorates or oversea territories, territories under his suzerainty or territories in respect of which a mandate has been entrusted to him; the present Convention shall, in that case, not be applicable to the territories named in such declaration.

2. Any High Contracting Party may subsequently notify the Secretary-General of the League of Nations that he desires the present Convention to apply to all or any of the territories in respect of which the declaration provided for in the preceding paragraph has been made. The Convention shall, in that case, apply to all the territories named in such notification ninety days after the receipt thereof by the Secretary-General of the League of Nations.

3. Any High Contracting Party may, at any time, declare that he desires the present Convention to cease to apply to all or any of his colonies, protectorates, oversea territories, territories under his suzerainty or territories in respect of which a mandate has been entrusted to him. The Convention shall, in that case, cease to apply to the territories named in such declaration one year after the receipt of this declaration by the Secretary-General of the League of Nations.

4. The Secretary-General of the League of Nations shall communicate to all the Members of the League of Nations and to the non-member States mentioned in Articles 46 and 47 the declarations and notifications received in virtue of the present Article.

Article 49.

The present Convention shall, in accordance with the provisions of Article 18 of the Covenant, be registered by the Secretary-General of the League of Nations on the ninetieth day following the receipt by the Secretary-General of the ... instrument of ratification or accession.

The Convention shall come into force on the date of such registration. Nevertheless, its entry into force shall be subject to the entry into force of the Convention for the Prevention and Punishment of Terrorism.

Article 50.

Each ratification or accession taking place after the deposit of the ... instrument of ratification or accession shall take effect on the ninetieth day following the date on which the instrument of ratification or accession is received by the Secretary-General of the League of Nations.

Article 51.

A request for the revision of the present Convention may be made at any time by any High Contracting Party by a notification to the Secretary-General of the League of Nations. Such notification shall be communicated by the Secretary-General to all the other High Contracting Parties and, if it is supported by at least a third of those Parties, the High Contracting Parties undertake to hold a conference for the revision of the Convention.

Article 52.

1. The present Convention may be denounced on behalf of any High Contracting Party by a notification in writing addressed to the Secretary-General of the League of Nations, who shall inform all the Members of the League and the non-member States referred to in Articles 46 and 47. Such denunciation shall take effect one year after the date of its receipt by the Secretary-General of the League of Nations, and shall be operative only in respect of the High Contracting Party on whose behalf it was made.

2. Denunciation of the Convention for the Prevention and Punishment of Terrorism shall *ipso facto* involve denunciation of the present Convention.

Article 53.

A case brought before the Court before the denunciation of the present Convention, or the making of a declaration as provided in Article 48, paragraph 3, shall nevertheless continue to be heard and judgment be given by the Court.

IN FAITH WHEREOF the Plenipotentiaries have signed the present Convention.

DONE at Geneva,, in a single copy, which shall be deposited in the archives of the Secretariat of the League of Nations; a certified true copy thereof shall be transmitted to all the Members of the League of Nations and all the non-member States represented at the Conference.
