
INTERNATIONAL CONVENTION AGAINST THE TAKING OF HOSTAGES (HOSTAGES CONVENTION)

Adopted: 17 December 1979.

Opened for Signature: 18 December 1979.

Entered into Force: 3 June 1983.

Duration: The Convention does not set any limits on its duration.

Number of Signatories: 39.

Number of Ratifications: 138.

Depository: The Secretary-General of the United Nations.

Background: In the 1970s, the numbers of cases in which persons were taken hostage; or deprived of their personal liberty and threatened with death with a view to impelling others to do certain acts against their will had assumed frightening proportions all over the world. Incidents often ended with the deliberate killing of hostages.

By a letter of 28 September 1976, the Federal Republic of Germany asked the [United Nations](#) General Assembly (UNGA) to consider at its 1976 session the possibility of drafting and adopting a convention on international action against the taking of hostages.

The UNGA agreed to place the item on its agenda and allocated it to the Sixth (Legal) Committee. On 15 December 1976, on the Committee's recommendation, the UNGA adopted a resolution by which it decided to establish an Ad Hoc Committee on the Drafting of an International Convention against the Taking of Hostages, to be composed of 35 Member States appointed by the President of the UNGA on the basis of equitable geographical distribution and representing the principal legal systems of the world.

The Ad Hoc Committee held a series of meetings in 1978 and 1979 in Geneva. On 17 December 1979, the General Assembly adopted by consensus Resolution 34/146, thereby adopting the International Convention against the Taking of Hostages, and opened it for signature and ratification or accession. The Convention was opened for signature on 18 December 1979.

As a measure to strengthen this Convention, on 9 December 1988, the General Assembly adopted the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment by Resolution 43/173.

Obligations: The Convention applies to the offense of direct involvement or complicity in the seizure or detention of, and threat to kill, injure, or continue to detain a hostage, whether actual or attempted, in order to compel a State, an international intergovernmental organization, a 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.

Each State Party is required to make this offense punishable by appropriate penalties. In situations where hostages are held in the territory of a State Party, the State Party is obligated to take all measures it considers appropriate to ease the situation of the hostages and secure their release. After the release of the hostages, States Parties are obligated to facilitate the departure of the hostages. Each State Party is obligated to take such actions as may be necessary to establish jurisdiction over the offense of taking of hostages.

Compliance and Enforcement: States Parties have obligations to establish their jurisdiction over the offenses described, make the offenses punishable by appropriate penalties, take alleged offenders into custody, prosecute or extradite alleged offenders, cooperate in preventive measures, and exchange information and evidence needed in related criminal proceedings. The offenses referred to in the Convention are deemed to be extraditable offenses between States Parties under existing extradition treaties, and under the Convention itself.

This Convention does not apply where the offense 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.

Reservation and Withdrawal: Article 16 covers the question of disputes between States Parties arising from the interpretation or application of the Convention. Article 16 paragraph 1 deals with arbitration procedures, and includes the provision that the dispute, if unresolved after a period of time, should be submitted to the International Court of Justice. Paragraph 2 entitles each State, at the time of signature or ratification or accession to this Convention, to declare that it does not consider itself bound by para-

graph 1 of this article. Paragraph 1 shall also not be binding on other States Parties, with respect to any State having made such a reservation. Paragraph 3 details that any State Party that 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.

In accordance with Article 19, any State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. The denunciation shall take effect one year following the date on which the Secretary-General of the United Nations receives notification.

A group of States, including Algeria, Belarus, China, El-Salvador, India, Kenya, Saudi Arabia, Tunisia, Turkey, and Venezuela, declared that they do not consider themselves bound by the provisions of paragraph 1 of Article 16.