

CONVENTION ON DIPLOMATIC ASYLUM

(CARACAS, 1954)

The governments of the Member States of the Organization of American States, desirous of concluding a Convention on Diplomatic Asylum, have agreed to the following articles:

Article I

Asylum granted in legations, war vessels, and military camps or aircraft, to persons being sought for political reasons or for political offenses shall be respected by the territorial State in accordance with the provisions of this Convention.

For the purposes of this Convention, a legation is any seat of a regular diplomatic mission, the residence of chiefs of mission, and the premises provided by them for the dwelling places of asylees when the number of the latter exceeds the normal capacity of the buildings.

War vessels or military aircraft that may be temporarily in shipyards, arsenals, or shops for repair may not constitute a place of asylum.

Article II

Every State has the right to grant asylum; but it is not obligated to do so or to state its reasons for refusing it.

Article III

It is not lawful to grant asylum to persons who, at the time of requesting it, are under indictment or on trial for common offenses or have been convicted by competent regular courts and have not served the respective sentence, nor to deserters from land, sea, and air forces, save when the acts giving rise to the request for asylum, whatever the case may be, are clearly of a political nature.

Persons included in the foregoing paragraph who de facto enter a place that is suitable as an asylum shall be invited to leave or, as the case may be, shall be surrendered to the local authorities, who may not try them for political offenses committed prior to the time of the surrender.

Article IV

It shall rest with the State granting asylum to determine the nature of the offense or the motives for the persecution.

Article V

Asylum may not be granted except in urgent cases and for the periodic of time strictly necessary for the asylee to depart from the country with the guarantees granted by the Government of the territorial State, to the end that his life, liberty, or personal Integrity may not be endangered, or that the asylee's safety is ensured in some other way.

Article VI

Urgent cases are understood to be those, among others, in which the Individual is being sought by persons or mobs over whom the authorities have lost control, or by the authorities themselves, and is in danger of being deprived of his life or liberty because of political persecution and cannot, without risk, ensure his safety in any other way.

Article VII

If a case of urgency is involved, it shall rest with the State granting asylum to determine the degree of urgency of the case.

Article VIII

The diplomatic representative, commander of a warship, military camp, or military airship, shall, as soon as possible after asylum has been granted, report the fact to the Minister of Foreign Affairs of the territorial State, or to the local administrative authority if the case arose outside the Capital.

Article IX

The official furnishing asylum shall take into account the information furnished to him by the territorial government in forming his judgment as to the nature of the offense or the existence of related common crimes; but this decision to continue the asylum or to demand a safe-conduct for the asylee shall be respected.

Article X

The fact that the Government of the territorial State is not recognized by the State granting asylum shall not prejudice the application of the present Convention, and no act carried out by virtue of this Convention shall imply recognition.

Article XI

The government of the territorial State may, at any time, demand _ at the asylee be withdrawn from the country, for which purpose the said State shall grant a safe-conduct and the guarantees stipulated in Article V.

Article XII

Once asylum has been granted, the State granting asylum may request that the asylee be allowed to depart for foreign territory, and the territorial State is under obligation to grant immediately, except in case of force majeure, the necessary guarantees, referred to in Article V, as well as the corresponding safe-conduct.

Article XIII

In the cases referred to in the preceding articles the State granting asylum may require that the guarantees be given in writing, and may take into account, in determining the rapidity of the journey, the actual conditions of danger involved in the departure of the asylee.

The State granting asylum has the right to transfer the asylee out of the country. The territorial State may point out the preferable route for the departure of the asylee, but this does not imply determining the country of destination.

If the asylum is granted on board a warship or military airship, departure may be made therein, but complying with the previous requisite of obtaining the appropriate safe-conduct.

Article XIV

The State granting asylum cannot be held responsible for the prolongation of asylum caused by the need for obtaining the information required to determine whether or not the said asylum is proper, or whether there are circumstances that might endanger the safety of the asylee during the journey to a foreign country.

Article XV

When, in order to transfer an asylee to another country it may be necessary to traverse the territory of a State that is a party to this Convention, transit shall be authorized by the latter, the only requisite being the presentation, through diplomatic channels, of a safe-conduct, duly countersigned and bearing a notation of his status as asylee by the diplomatic mission that granted asylum.

En route, the asylee shall be considered under the protection of the State granting asylum.

Article XVI

Asylees may not be landed at any point in the territorial State or at any place near thereto, except for exigencies of transportation.

Article XVII

Once the departure of the asylee has been carried out, the State granting asylum is not bound to settle him in its territory; but it may not return him to his country of origin, unless this is the express wish of the asylee.

If the territorial State informs the official granting asylum of its intention to request the subsequent extradition of the asylee, this shall not prejudice the application of any provision of the present Convention. In that event, the asylee shall remain in the territory of the State granting asylum until such time as the formal request for extradition is received, in accordance with the Juridical principles governing that Institution in the State granting asylum. Preventive surveillance over the asylee may not exceed thirty days.

Payment of the expenses incurred by such transfer and of preventive control shall devolve upon the requesting State.

Article XVIII

The official furnishing asylum may not allow the asylee to perform acts contrary to the public peace or to interfere in the internal politics of the territorial State.

Article XIX

If as a consequence of a rupture of diplomatic relations the diplomatic representative who granted asylum must leave the territorial State, he shall abandon it with the asylees.

If this is not possible for reasons independent of the wish of the asylee or the diplomatic representative, he must surrender them to the diplomatic mission of a third State, which is a party to this Convention, under the guarantees established in the Convention.

If this is also not possible, he shall surrender them to a State that is not a party to this Convention and that agrees to maintain the asylum. The territorial State is to respect the said asylum.

Article XX

Diplomatic asylum shall not be subject to reciprocity. Every person is under its protection, whatever his nationality.

Article XXI

The present Convention shall be open for signature by the Member States of the Organization of American States and shall be ratified by the signatory States in accordance with their respective constitutional procedures.

Article XXII

The original instrument, whose texts in the English, French, Spanish, and Portuguese languages are equally authentic, shall be deposited in the Pan American Union, which shall send certified copies to the governments for the purpose of ratification. The instruments of ratification shall be deposited in the Pan American Union, and the said organization shall notify the signatory governments of the said deposit.

Article -XXIII

The present Convention shall enter into force among the States that ratify it in the order in which their respective ratifications are deposited.

Article XXIV

The present Convention shall remain in force indefinitely, but may be denounced by any of the signatory States by giving advance notice of one year, at the end of which period it shall cease to have effect for the denouncing State, remaining in force, however, among the remaining signatory States. The denunciation shall be transmitted to the Pan American Union, which shall inform the other signatory States thereof.