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the Council and the Members of  
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LEAGUE OF NATIONS

**COMMITTEE FOR THE INTERNATIONAL  
REPRESSION OF TERRORISM**

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**REPORT TO THE COUNCIL ADOPTED  
BY THE COMMITTEE ON JANUARY 15<sup>TH</sup>, 1936**

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**REPORT ADOPTED BY THE COUNCIL  
ON JANUARY 23<sup>RD</sup>, 1936**

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I. REPORT TO THE COUNCIL ADOPTED BY THE COMMITTEE  
ON JANUARY 15TH, 1936.

The Committee for the International Repression of Terrorism, set up under the resolution adopted by the Council on December 10th, 1934, held a second session at Geneva from January 7th to 15th, 1936.

The following were present at this session:<sup>1</sup>

- His Excellency Count CARTON DE WIART (Belgium), Minister of State, *President*; 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.
- M. E. J. GAJARDO (Chile), Head of the Permanent Office accredited to the League of Nations.
- His Excellency M. Juan Manuel CANO Y TRUEBA (Spain), Minister Plenipotentiary, Head of the Legal Department of the Ministry for Foreign Affairs; substitute: M. José DE LAPUERTA Y DE LAS POZAS, Legal Adviser in the Legal Department of the Ministry for Foreign Affairs.
- M. Jules BASDEVANT (France), Professor at the Faculty of Law in Paris, Legal Adviser at the Ministry for Foreign Affairs of the French Republic.
- M. Béla DE SZENT-ISTVÁNY (Hungary), Ministerial Councillor at the Ministry for Foreign Affairs; expert: Colonel vitéz Aloyse BELDY.
- His Excellency M. Ugo ALOISI (Italy), President of Chamber of the Court of Cassation of the Kingdom of Italy; substitute: Professor Tommaso PERASSI, Professor of International Law at the University of Rome.
- M. Lucien BEKERMAN (Poland), Procureur in the Court of Cassation, Chief of Section in the Ministry of Justice.
- His Excellency M. V. V. PELLA (Roumania), Minister Plenipotentiary, Professor at the Faculty of Law at the University of Bucharest; substitute: M. Slavko STOJKOVITCH, Professor at the Faculty of Law of the University of Belgrade.
- M. E. DELAQUIS (Switzerland), Professor at the University of Geneva.
- M. Victor BROWN (Union of Soviet Socialist Republics), Secretary of Embassy.

The Committee considered the replies of the Argentine and Egyptian Governments and the observations submitted by the Netherlands Government<sup>2</sup> on the text appended to the report made to the Council by the Committee at its first session (document C.184.M.102.1935.V).

It also received from the United Kingdom member proposals for amendments to the first part of the Convention and a note on the scheme for an International Criminal Court.

Lastly, the model texts for the repression of terrorism adopted in September 1935 by the sixth International Conference for the Unification of Penal Law at Copenhagen were communicated to the Committee.

Taking into account the considerations suggested by these communications and the observations submitted to it by certain of its members during its second session, the Committee proceeded to a revision of the texts concerning the prevention and punishment of terrorism, and to an examination of the provisions submitted to it at its first session by the Belgian, French, Roumanian and Spanish members for an International Criminal Court.

The Committee considered that it would be preferable to submit two draft Conventions to States for their appreciation.

The purpose of the first Convention would be the prevention and punishment of terrorism (Appendix I) and that of the second the creation of an International Criminal Court (Appendix II).

The Committee was led to adopt this solution by the fact that differences of opinion were manifested both as to the principle and the timeliness of the creation of an International Criminal Court.

<sup>1</sup> The following members of the Committee were not able to be present:

His Excellency M. Titus Komarnicki (Poland);  
M. Eugène Hirschfeld (Union of Soviet Socialist Republics).

<sup>2</sup> See Appendix III.

Under this system, States which, for reasons of principle or any other reason, feel unable to hand over an accused person to the International Criminal Court in any circumstances, will have the option of becoming contracting parties to the first Convention only.

On the other hand, the acceptance by a State of the Convention for the Creation of an International Criminal Court is conditional on the acceptance by that State of the Convention for the Prevention and Repression of Terrorism.

The Soviet member considered that the Convention for Prevention and Punishment of Terrorism should contain a preamble emphasising the exceptional gravity of terrorist activities and the danger which they present to international relations. He also stressed the necessity of making it quite clear that the Convention refers to acts of political terrorism with a bearing on international relations.

The Committee considers that all forms of terrorism calling for international co-operation are covered by the texts which it has drawn up.

In the opinion of certain members of the Committee, States themselves should be put under an obligation to refrain from any acts likely to foster terrorist activities directed against public order and security in another State.

The Committee considered that such a provision would be superfluous, since international law imposes on every State the strict obligation, not only to refrain from resorting to such methods, but also to take measures on its own territory against any enterprise likely to endanger the public order and security of other States.

Lastly, the Chilian member, while recognising the connection which may exist between the prevention of terrorism and the subject of the falsification of passports, expressed the opinion that a Convention for Prevention and Punishment of Terrorism should not deal with this latter subject. In his opinion, this subject, which is of much wider range and regarding which certain recommendations now being put into force have already been made by an international conference, might be dealt with in an optional protocol annexed to the Convention.

The Committee thought, however, that provisions concerning the falsification of passports were necessary in a Convention for the prevention of acts of terrorism, since in most cases terrorists who carry on their activities in the territories of several States employ false passports for their journeys.

In submitting to the Council the results of its labours embodied in the present report and the texts annexed thereto, the Committee requests the Council, should it deem it desirable and opportune to do so, to forward the present report and its appendices to the Governments for their observations.

The observations of the Governments should reach the Secretary-General by July 15th, 1936, in order that they may be communicated to the Assembly at its ordinary session of 1936, at which a decision will have to be taken whether a diplomatic conference should be held in 1937 to draw up the Conventions contemplated by the Committee.

The Committee might, if necessary, hold a session shortly after the close of the next ordinary session of the Assembly in order to make a final revision of the texts to be submitted to the diplomatic conference, in the light of the observations of the Governments and the discussions of the Assembly.

January 15th, 1936.

(Signed) CARTON DE WIART,  
Chairman.

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#### Appendix I.

#### DRAFT CONVENTION FOR PREVENTION AND PUNISHMENT OF TERRORISM.

##### Article 1.

The purpose of the present Convention is to ensure international co-operation for the prevention and punishment of terrorism.

##### Article 2

With this object, each High Contracting Party should make the following acts criminal offences, whether they affect his own interests or those of another High Contracting Party, in all cases where they are directed to the overthrow of a Government or an interruption in the working

of public services or a disturbance in international relations, by the use of violence or by the creation of a state of terror—viz.:

- (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) Members, officers or servants of Governments;
  - (d) Members of constitutional or legislative bodies;
  - (e) Persons holding judicial office;
  - (f) Diplomatic representatives or consuls;
  - (g) Members of the armed forces of the State;
- (2) Wilful destruction of, or damage to:
  - (a) Public buildings or other public property;
  - (b) Means of communication and transport or installations belonging thereto;
  - (c) Property belonging to public utility undertakings;
- (3) Any wilful act calculated to endanger the lives of members of the public, and in particular interference with the working of means of communication, the use of explosives or incendiary materials, the propagation of contagious diseases, or the poisoning of drinking-water or food;
- (4) Manufacture, possession, export, import, transport, sale, transfer or distribution of any material or object with a view to the commission of an act falling within the present article;
- (5) Wilfully giving assistance by any means whatever to a person or an accomplice of a person who does any of the acts set out above.

#### *Article 3.*

1. Each High Contracting Party should also make criminal offences:

- (1) Any attempt to commit any of the acts set out in Article 2;
- (2) Any conspiracy, and any direct incitement, whether successful or not, to commit any of the acts set out in Article 2, any wilful complicity and any help given towards the commission of such an act, whether the conspiracy, incitement, complicity or help takes place or is given in the country where the act is, or is to be, committed or in another country.

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

3. The as to obligation incitement shall be without prejudice to any rules of domestic law as to treating incitement which has not taken place in public and has not been successful as a criminal offence.

#### *Article 4.*

No distinction should be made as regards the protection afforded by the criminal law between acts falling under Articles 2 and 3 which are directed against the State itself, its nationals or its property, and the same acts when directed against another High Contracting Party, his nationals or his property, but this provision is without prejudice to the characterisation of offences and other special provisions of national law, in relation to certain persons mentioned at point (1) of Article 2.

#### *Article 5.*

1. In countries where the principle of the international recognition of previous convictions is accepted, foreign convictions for the offences 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. In countries where the principle of the extradition of nationals is not recognised, 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 punishable 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. This provision does not apply if in similar circumstances the extradition of a foreigner cannot be granted.

*Article 8.*

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 punished as though the act had been committed in the territory of that High Contracting Party, if the following conditions are realised—namely, that:

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

(b) The law of the country of refuge, as a general rule, considers prosecution for offences committed abroad admissible;

(c) The foreigner is a national of a country which, as a general rule, considers the prosecution of foreigners for offences committed abroad admissible.

*Article 9.*

1. 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 as between themselves recognise the acts set out in Articles 2 and 3 as extradition crimes.

3. Extradition shall be granted in conformity with the law of the country to which application is made and be conditional on reciprocity.

*Article 10.*

Where in virtue of the present Convention a High Contracting Party has to bring to trial a person accused of one of the offences provided for by Articles 2 and 3, the law of that High Contracting Party shall determine what court shall have jurisdiction to try such person.

*Article 11.*

1. The carrying, possession and distribution of firearms (other than smooth-bore sporting-guns) and of munitions 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 objects.

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

*Article 12.*

1. The following acts should be punishable without regard to whether the passports or equivalent documents concerned are national or foreign, and without regard to the purpose with which the act was performed:

- (1) Any fraudulent manufacture or alteration;
- (2) The bringing into the country, the obtaining or the possession of forged or falsified passports or equivalent documents knowing them to be such;
- (3) The obtaining of passports or equivalent documents by means of false declarations or documents;
- (4) The utilisation of passports or equivalent documents which are forged or falsified or were made out for a person other than the bearer.

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

#### *Article 13.*

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

#### *Article 14.*

1. The results of the investigation of offences provided for in Articles 2 and 3 shall 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 and 3 and should, as far as possible, keep itself 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 offence provided for in Articles 2 and 3, even if it is only a contemplated offence, such notification to be accompanied by descriptions, copies and photographs;
- (b) Any search after, 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, 11 and 12.

#### *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 contemplated by 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 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.*

The High Contracting Parties agree that any disputes which may arise between them relating to the interpretation or application of the present Convention shall, if they cannot be settled by direct negotiations or by an arbitration arranged between the parties, be referred for decision to the Permanent Court of International Justice. If any or all of the High Contracting Parties who are parties to such a dispute should not be parties to the Protocol of December 16th, 1920, relating to the Permanent Court of International Justice, the dispute shall be referred, at the choice of the parties and in accordance with the constitutional procedure of each party, either to the Permanent Court of International Justice or to a court of arbitration constituted in accordance with the Convention of October 18th, 1907, for the Pacific Settlement of International Disputes, or to some other court of arbitration.

#### *Article 20.*

1. The present Convention, of which the French and English texts are 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 which was represented at the Conference which drew up the present Convention or to which a copy is communicated by the Council of the League of Nations.

2. The present Convention shall be ratified, and the instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who will notify their receipt 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 on behalf of any Member of the League of Nations and any of the non-member States referred to in Article 20 on whose behalf it has not been signed.

2. The instruments of accession shall be transmitted to the Secretary-General of the League of Nations, who will 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 ready 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 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 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, overseas territories, or the territories under his suzerainty or territories in respect of which a mandate has been confided 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, overseas territories, or the territories under his suzerainty or territories in respect of which a mandate has been confided to him. The Convention shall, in that case, cease to apply to the territories named in such declaration one year after the receipt thereof 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 the declarations and notifications received in virtue of the present Article.

*Article 25.*

The present Convention shall not come into force until . . . ratifications or accessions on behalf of Members of the League of Nations or non-member States have been deposited. The date of its coming into force shall be the ninetieth day after the receipt by the Secretary-General of the League of Nations of the . . . the ratification or accession.

*Article 26.*

After the coming into force of the Convention in accordance with Article 25, each subsequent ratification or accession shall take effect on the ninetieth day from the date of its receipt by the Secretary-General of the League of Nations.

*Article 27.*

The present Convention may be denounced on behalf of any Member of the League of Nations



or non-member State by a notification in writing addressed to the Secretary-General of the League of Nations, who will 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 operate only in respect of the Member of the League or non-member State on whose behalf it was notified.

*Article 28.*

The present Convention shall be registered by the Secretariat of the League of Nations on the date of its coming into force.

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**Appendix II.**

**DRAFT CONVENTION FOR THE CREATION OF AN INTERNATIONAL CRIMINAL COURT.**

*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 of to-day's date is hereby established.

*Article 2.*

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

*Article 3.*

1. In the cases referred to in Article 10 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, 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.

*Article 4.*

The Court shall be composed of a body of judges chosen regardless of their nationality from amongst 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 appointment to judicial office in their own countries.

*Article 5.*

The Court shall consist of five regular judges and five deputy judges, each belonging to a different nationality.

*Article 6.*

1. Any Member of the League of Nations, and any non-member State, in regard to 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 will be requested to choose the regular and deputy judges from the persons so nominated.