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International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* Mar. 23, 1976.

● Ratification Information

PREAMBLE

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, 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,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article I

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be

deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, 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.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3.

(a) No one shall be required to perform forced or compulsory labour;

(b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:

(i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;

(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;

(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;

(iv) Any work or service which forms part of normal civil obligations.

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial

within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2.

(a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication. 3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (*ordre public*) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) 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;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their

age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

1. 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 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 when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 20

1. Any propaganda for war shall be prohibited by law.
2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

Article 23

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
2. The right of men and women of marriageable age to marry and to found a family shall be recognized.
3. No marriage shall be entered into without the free and full consent of the intending spouses.
4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
2. Every child shall be registered immediately after birth and shall have a name.
3. Every child has the right to acquire a nationality.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as

race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

PART IV *Article 28*

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.
2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.
3. The members of the Committee shall be elected and shall serve in their personal capacity.

Article 29

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.
2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.
3. A person shall be eligible for renomination.

Article 30

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.
2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.
3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.
4. Elections of the members of the Committee shall be held at a meeting of the States Parties

to the present Covenant convened by the Secretary General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

Article 31

1. The Committee may not include more than one national of the same State.
2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

Article 32

1. 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 terms of nine 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 nine members shall be chosen by lot by the Chairman of the meeting referred to in article 30, paragraph 4.
2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

Article 33

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.
2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

Article 34

1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.
2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.
3. A member of the Committee elected to fill a vacancy declared in accordance with article

33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

Article 35

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

Article 36

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 the present Covenant.

Article 37

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.
2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.
3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

Article 38

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

Article 39

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) Twelve members shall constitute a quorum;
 - (b) Decisions of the Committee shall be made by a majority vote of the members present.

Article 40

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights:

(a) Within one year of the entry into force of the present Covenant for the States Parties concerned;

(b) Thereafter whenever the Committee so requests.

2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.

3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.

4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.

5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

Article 41

1. A State Party to the present Covenant 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 the present Covenant. Communications under this article may be received and considered 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 received by the Committee 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 to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, 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 only after it has ascertained that all available 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;

(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 human rights and fundamental freedoms as recognized in the present Covenant;

(f) In any matter referred to it, 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 in 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 ten States Parties to the present Covenant 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 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 42

1.

(a) If a matter referred to the Committee in accordance with article 41 is not

resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;

(b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not Party to the present Covenant, or of a State Party which has not made a declaration under article 41.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.

5. The secretariat provided in accordance with article 36 shall also service the commissions appointed under this article.

6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information. 7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:

(a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;

(b) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;

(c) If a solution within the terms of subparagraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;

(d) If the Commission's report is submitted under subparagraph (c), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.

8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.

9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

Article 43

The members of the Committee, and of the ad hoc conciliation commissions which may be appointed under article 42, 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.

Article 44

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

Article 45

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

PART V

Article 46 .

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 47

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART VI

Article 48

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 49

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.
2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 50

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 51

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that 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 to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes. 3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 52

Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

- (a) Signatures, ratifications and accessions under article 48;
- (b) The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

Article 53

- 1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
- 2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

[HOME](#) [TREATIES](#) [SEARCH](#) [LINKS](#)

4. International Covenant on Civil and Political Rights

Adopted by the General Assembly of the United Nations on 16 December 1966

ENTRY INTO FORCE: 23 March 1976, in accordance with article 49, for all provisions except those of article 41; 28 March 1979 for the provisions of article 41 (Human Rights Committee), in accordance with paragraph of the said article 41.

REGISTRATION: 23 March 1976, No. 14668.

TEXT: United Nations, Treaty Series, vol. 999, p. 171 and vol. 1057, p. 407 (procès-verbal of rectification of the authentic Spanish text).

STATUS: Signatories: 60. Parties: 141.

Note: The Covenant was opened for signature at New York on 19 December 1966.

Participant	Signature	Ratification, accession (a), succession (d)	Participant	Signature	Ratification, accession (a), succession (d)
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Afghanistan 24 Jan 1983 a

Albania 4 Oct 1991 a

Algeria 10 Dec 1968 12 Sep 1989

Angola 10 Jan 1992 a

Argentina 19 Feb 1968 8 Aug 1986

Armenia 23 June 1993 a

Australia 18 Dec 1972 13 Aug 1980

Austria 10 Dec 1973 10 Sep 1978

Azerbaijan 13 Aug 1992 a

Barbados 5 Jan 1973 a

Belarus 19 Mar 1968 12 Nov 1973

Belgium 10 Dec 1968 21 Apr 1983

Belize 10 Jun 1996 a

Benin 12 Mar 1992 a

Bolivia 12 Aug 1982 a

Bosnia and Herzegovina 1 Sep 1993 d

Brazil 24 Jan 1992 a

Bulgaria 8 Oct 1968 21 Sep 1970

Burundi 9 May 1990 a

Cambodia^{1, 2} 17 Oct 1980 26 May 1992 a

Cameroon 27 Jun 1984 a

Canada 19 May 1976 a

Cape Verde 6 Aug 1993 a

Central African
Republic 8 May 1981 a

Chad 9 Jun 1995 a

Chile 16 Sep 1969 10 Feb 1972

China³ 5 Oct 1998

Colombia 21 Dec 1966 29 Oct 1969

Congo 5 Oct 1983 a

Costa Rica 19 Dec 1966 29 Nov 1968

Côte d'Ivoire 26 Mar 1992 a

Croatia 12 Oct 1992 d

Cyprus 19 Dec 1966 2 Apr 1969

Czech Republic⁴ 22 Feb 1993 d

Democratic People's
Republic of Korea⁵ 14 Sep 1981 a

Democratic Republic
of the Congo 1 Nov 1976 a

Denmark 20 Mar 1968 6 Jan 1972

Dominica 17 Jun 1993 a

Dominican Republic 4 Jan 1978 a

Ecuador 4 Apr 1968 6 Mar 1969

Egypt 4 Aug 1967 14 Jan 1982

El Salvador 21 Sep 1967 30 Nov 1979

Equatorial Guinea 25 Sep 1987 a

Estonia 21 Oct 1991 a

Ethiopia 11 Jun 1993 a

Finland 11 Oct 1967 19 Aug 1975

France 4 Nov 1980 a

Gabon 21 Jan 1983 a

Gambia 22 Mar 1979 a

Georgia 3 May 1994 a

Germany 6, 7 9 Oct 1968 17 Dec 1973

Greece 5 May 1997 a

Grenada 6 Sep 1991 a

Guatemala 5 May 1992 a

Guinea 28 Feb 1967 24 Jan 1978

Guyana 22 Aug 1968 15 Feb 1977

Haiti 6 Feb 1991 a

Honduras 19 Dec 1966 25 Aug 1997

Hungary 25 Mar 1969 17 Jan 1974

Iceland 30 Dec 1968 22 Aug 1979

India 10 Apr 1979 a

Iran (Islamic
Republic of) 4 Apr 1968 24 Jun 1975

Iraq 18 Feb 1969 25 Jan 1971

Ireland 1 Oct 1973 8 Dec 1989

Israel 19 Dec 1966 3 Oct 1991

Italy 18 Jan 1967 15 Sep 1978

Jamaica 19 Dec 1966 3 Oct 1975

Japan 30 May 1978 21 Jun 1979

Jordan 30 Jun 1972 28 May 1975

Kenya 1 May 1972 a

Kuwait 21 May 1996 a

Kyrgyzstan 7 Oct 1994 a

Latvia 14 Apr 1992 a

Lebanon 3 Nov 1972 a

Lesotho 9 Sep 1992 a

Liberia 18 Apr 1967

Libyan Arab
Jamahiriya 15 May 1970 a

Liechtenstein 10 Dec 1998 a

Lithuania 20 Nov 1991 a

Luxembourg 26 Nov 1974 18 Aug 1983

Madagascar 17 Sep 1969 21 Jun 1971

Malawi 22 Dec 1993 a

Mali 16 Jul 1974 a

Malta 13 Sep 1990 a

Mauritius 12 Dec 1973 a

Mexico 23 Mar 1981 a

Monaco 26 Jun 1997 28 Aug 1997

Mongolia 5 Jun 1968 18 Nov 1974

Morocco 19 Jan 1977 3 May 1979

Mozambique 21 Jul 1993 a

Namibia 28 Nov 1994 a

Nepal 14 May 1991 a

Netherlands 25 Jun 1969 11 Dec 1978

New Zealand 12 Nov 1968 28 Dec 1978

Nicaragua 12 Mar 1980 a

Participant	Signature	Ratification, accession (a), succession (d)	Participant	Signature	Ratification, accession (a), succession (d)
-------------	-----------	--	-------------	-----------	--

Niger 7 Mar 1986 a

Nigeria 29 Jul 1993 a

Norway 20 Mar 1968 13 Sep 1972

Panama 27 Jul 1976 8 Mar 1977

Paraguay 10 Jun 1992 a

Peru 11 Aug 1977 28 Apr 1978

Philippines 19 Dec 1966 23 Oct 1986

Poland 2 Mar 1967 18 Mar 1977

Portugal 7 Oct 1976 15 Jun 1978

Republic of Korea 10 Apr 1990 a

Republic of Moldova 26 Jan 1993 a

Romania 27 Jun 1968 9 Dec 1974

Russian Federation 18 Mar 1968 16 Oct 1973

Rwanda 16 Apr 1975 a

Saint Vincent and
the Grenadines 9 Nov 1981 a

San Marino 18 Oct 1985 a

Sao Tome
and Principe 31 Oct 1995

Senegal 6 Jul 1970 13 Feb 1978

Seychelles 5 May 1992 a

Sierra Leone 23 Aug 1996 a

Slovakia⁴ 28 May 1993 d

Slovenia 6 Jul 1992 d

Somalia 24 Jan 1990 a

South Africa 3 Oct 1994

Spain 28 Sep 1976 27 Apr 1977

Sri Lanka 11 Jun 1980 a

Sudan 18 Mar 1986 a

Suriname 28 Dec 1976 a

Sweden 29 Sep 1967 6 Dec 1971

Switzerland 18 Jun 1992 a

Syrian Arab
Republic 21 Apr 1969 a

Thailand 29 Oct 1996 a

the former Yugoslav
Republic of Macedonia 18 Jan 1994 d

Togo 24 May 1984 a

Trinidad and Tobago 21 Dec 1978 a

Tunisia 30 Apr 1968 18 Mar 1969

Turkmenistan 1 May 1997 a

Uganda 21 Jun 1995 a

Ukraine 20 Mar 1968 12 Nov 1973

United Kingdom 16 Sep 1968 20 May 1976

United Republic
of Tanzania 11 Jun 1976 a

United States
of America 5 Oct 1977 8 Jun 1992

Uruguay 21 Feb 1967 1 Apr 1970

Uzbekistan 28 Sep 1995 a

Venezuela 24 Jun 1969 10 May 1978

Viet Nam 24 Sep 1982 a

Yemen⁸ 9 Feb 1987 a

Yugoslavia 8 Aug 1967 2 Jun 1971

Zambia 10 Apr 1984 a

Zimbabwe 13 May 1991 a

Declarations and Reservations

(Unless otherwise indicated, the declarations and reservations were made upon ratification, accession or succession.

For objections thereto and declarations recognizing the competence of the Human Rights Committee under article 41, see hereinafter.)

afghanistan

[See chapter IV.3.]

Algeria⁹

[See chapter IV.3.]

Argentina

Understanding:

The Argentine Government states that the application of the second part of article 15 of the International Covenant on Civil and Political Rights shall be subject to the principle laid down in article 18 of the Argentine National Constitution.

Australia¹⁰

UNITED STATES OF AMERICA

Reservations:

"(1) That article 20 does not authorize or require legislation or other action by the United States that would restrict the right of free speech and association protected by the Constitution and laws of the United States.

"(2) That the United States reserves the right, subject to its Constitutional constraints, to impose capital punishment on any person (other than a pregnant woman) duly convicted under existing or future laws permitting the imposition of capital punishment, including such punishment for crimes committed by persons below eighteen years of age.

"(3) That the United States considers itself bound by article 7 to the extent that 'cruel, inhuman or degrading treatment or punishment' means the cruel and unusual treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States.

"(4) That because U.S. law generally applies to an offender the penalty in force at the time the offense was committed, the United States does not adhere to the third clause of paragraph 1 of article 15.

"(5) That the policy and practice of the United States are generally in compliance with and supportive of the Covenant's provisions regarding treatment of juveniles in the criminal justice system. Nevertheless, the United States reserves the right, in exceptional circumstances, to treat juveniles as adults, notwithstanding paragraphs 2 (b) and 3 of article 10 and paragraph 4 of article 14. The United States further reserves to these provisions with respect to States with respect to individuals who volunteer for military service prior to age 18."

Understandings:

"(1) That the Constitution and laws of the United States guarantee all persons equal protection of the law and provide extensive protections against discrimination. The United States understands distinctions based upon race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other status - as those terms are used in article 2, paragraph 1 and article 26 - to be permitted when such distinctions are, at minimum, rationally related to a legitimate governmental objective. The United States further understands the prohibition in paragraph 1 of article 4 upon discrimination, in time of public emergency, based 'solely' on the status of race, colour, sex, language, religion or social origin, not to bar distinctions that may have a disproportionate effect upon persons of a particular status.

"(2) That the United States understands the right to compensation referred to in articles 9 (5) and 14 (6) to require the provision of effective and enforceable mechanisms by which a victim of an unlawful arrest or detention or a miscarriage of justice may seek and, where justified, obtain compensation from either the responsible individual or the appropriate governmental entity. Entitlement to compensation 'may be subject to the reasonable requirements of domestic law.

"(3) That the United States understands the reference to 'exceptional circumstances' in paragraph 2 (a) of article 10 to permit the imprisonment of an accused person with convicted persons where appropriate in light of an individual's overall dangerousness, and to permit accused persons to waive their right to segregation from convicted persons. The United States further understands that paragraph 3 of article 10 does not diminish the goals of punishment, deterrence, and incapacitation as additional legitimate

purposes for a penitentiary system.

"(4) That the United States understands that subparagraphs 3 (b) and (d) of article 14 do not require the provision of a criminal defendant's counsel of choice when the defendant is provided with court-appointed counsel on grounds of indigence, when the defendant is financially able to retain alternative counsel, or when imprisonment is not imposed. The United States further understands that paragraph 3 (e) does not prohibit a requirement that the defendant make a showing that any witness whose attendance he seeks to compel is necessary for his defense. The United States understands the prohibition upon double jeopardy in paragraph 7 to apply only when the judgment of acquittal has been rendered by a court of the same governmental unit, whether the Federal Government or a constituent unit, as is seeking a new trial for the same cause.

"(5) That the United States understands that this Covenant shall be implemented by the Federal Government to the extent that it exercises legislative and judicial jurisdiction over the matters covered therein, and otherwise by the state and local governments; to the extent that state and local governments exercise jurisdiction over such matters, the Federal Government shall take measures appropriate to the Federal system to the end that the competent authorities of the state or local governments may take appropriate measures for the fulfillment of the Covenant."

Declarations:

"(1) That the United States declares that the provisions of articles 1 through 27 of the Covenant are not self-executing.

"(2) That it is the view of the United States that States Party to the Covenant should wherever possible refrain from imposing any restrictions or limitations on the exercise of the rights recognized and protected by the Covenant, even when such restrictions and limitations are permissible under the terms of the Covenant. For the United States, article 5, paragraph 2, which provides that that fundamental human rights existing in any State Party may not be diminished on the pretext that the Covenant recognizes them to a lesser extent, has particular relevance to article 19, paragraph 3 which would permit certain restrictions on the freedom of expression. The United States declares that it will continue to adhere to the requirements and constraints of its Constitution in respect to all such restrictions and limitations.

"(3) That the United States declares that the right referred to in article 47 may be exercised only in accordance with international law."

venezuela

Article 60, paragraph 5, of the Constitution of the Republic of Venezuela establishes that: "No person shall be convicted in a criminal trial unless he has first been personally notified of the charges and heard in the manner prescribed by law. Persons accused of an offence against the *res publica* may be tried in *absentia*, with the guarantees and in the manner prescribed by law". Venezuela is making this reservation because article 14, paragraph 3 (d), of the Covenant makes no provision for persons accused of an offence against the *res publica* to be tried in *absentia*.

viet nam

[See chapter IV.3.]

yemen8

UNITED STATES OF AMERICA

"The United States declares that it accepts the competence of the Human Rights Committee to receive and consider communications under article 41 in which a State Party claims that another State Party is not fulfilling its obligations under the Covenant.

zimbabwe

20 August 1991*

"The Government of the Republic of Zimbabwe recognizes with effect from today's date, the competence of the Human Rights Committee to receive and consider communications to the effect that a State Party claims that another state party is not fulfilling its obligations under the Covenant [provided that such State Party has, not less than twelve months prior to the submission by it of a communication relating to Zimbabwe, made a declaration under article 41 recognizing the competence of the Committee to receive and consider communications relating to itself]." (*The text between brackets was received at the Secretariat on 27 January 1993.)"

Notifications under Article 4 (3) of the Covenant (Derogations)

(Taking into account the important number of these declarations, and in order not to increase excessively the number of pages of the present publication, the text of the notifications has in some cases, exceptionally, been abridged. Unless otherwise indicated, when the notification concerns an extension, the said extension affects those articles of the Covenant originally derogated from, and was decided for the same reasons. The date on the right hand, above the notification, is the date of receipt.)

Algeria

19 June 1991

In view of public disturbances and the threat of deterioration of the situation [...] a state of siege has been proclaimed, beginning at midnight in the night of 4/5 June 1991, for a period of four months throughout Algerian territory.

The Government of Algeria subsequently specified that these disturbances had been fomented with a view of preventing the general elections to be held on 27 June 1991 and to challenge the ongoing democratic process; and that in view of the insurrectional situation which threatened the stability of the institutions, the security of the people and their property, and the normal operation of the public services, it had been necessary to derogate from the provisions of articles 9 (3), 12 (1), 17, 19 (2) and 21 of the Covenant.

The said state of siege was terminated throughout Algeria on 29 September 1991.

14 February 1992

(Dated 13 February 1992)

In view of the serious threats to public order and the safety of individuals over the past few weeks, the growth of such threats during the month of February 1992 and the dangers of aggravation of the situation, the President of the High State Council, [...], has issued Presidential decree No. 92-44 of 9



UNIVERSITY OF MINNESOTA

Human Rights Library

**Convention on the Prevention and Punishment of the Crime of Genocide, 78
U.N.T.S. 277, entered into force Jan. 12, 1951.**

● Ratification Information

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,

Hereby agree as hereinafter provided:

Article 1

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 2

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 the 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 3

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 4

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 5

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 any of the other acts enumerated in article III.

Article 6

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 7

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 8

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 9

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 10

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 11

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 12

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 13

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 11.

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

Article 14

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

It shall thereafter 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 15

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 16

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 17

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 11;
- (b) Notifications received in accordance with article 12;
- (c) The date upon which the present Convention comes into force in accordance with article 13;
- (d) Denunciations received in accordance with article 14;
- (e) The abrogation of the Convention in accordance with article 15;
- (f) Notifications received in accordance with article 16.

Article 18

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 19

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

HOME TREATIES SEARCH LINKS

Chapter IV. HUMAN RIGHTS₁1. Convention on the Prevention and Punishment of the Crime of GenocideAdopted by the General Assembly of the United Nations on 9 December 1948₂

ENTRY INTO FORCE: 12 January 1951, in accordance with article XIII.

REGISTRATION: 12 January 1951, No. 1021.

TEXT: United Nations, Treaty Series, vol. 78, p. 277.

STATUS: Signatories: 42. Parties: 129.

Participant	Signature	Ratification, accession (a), succession (d)	Participant	Signature	Ratification, accession (a), succession (d)
-------------	-----------	--	-------------	-----------	--

Afghanistan 22 Mar 1956_aAlbania 12 May 1955_aAlgeria 31 Oct 1963_aAntigua and Barbuda 25 Oct 1988_dArgentina 5 Jun 1956_aArmenia 23 Jun 1993_a

Australia 11 Dec 1948 8 Jul 1949

Austria 19 Mar 1958_aAzerbaijan 16 Aug 1996_aBahamas 5 Aug 1975_dBahrain 27 Mar 1990_aBangladesh 5 Oct 1998_aBarbados 14 Jan 1980_a

Belarus 16 Dec 1949 11 Aug 1954

Belgium 12 Dec 1949 5 Sep 1951

Belize 10 Mar 1998_a

Bolivia 11 Dec 1948

Bosnia and Herzegovina₃ 29 Dec 1992_d

Brazil 11 Dec 1948 15 Apr 1952

Bulgaria 21 Jul 1950_a

Burkina Faso 14 Sep 1965_a

Burundi 6 Jan 1997_a

Cambodia 14 Oct 1950_a

Canada 28 Nov 1949 3 Sep 1952

Chile 11 Dec 1948 3 Jun 1953

China^{4,5} 20 Jul 1949 18 Apr 1983

Colombia 12 Aug 1949 27 Oct 1959

Costa Rica 14 Oct 1950_a

Côte d'Ivoire 18 Dec 1995_a

Croatia 12 Oct 1992_d

Cuba 28 Dec 1949 4 Mar 1953

Cyprus⁶ 29 Mar 1982_a

Czech Republic⁷ 22 Feb 1993_d

Democratic People's
Republic of Korea 31 Jan 1989_a

Democratic Republic
of the Congo 31 May 1962_d

Denmark 28 Sep 1949 15 Jun 1951

Dominican Republic 11 Dec 1948

Ecuador 11 Dec 1948 21 Dec 1949

Egypt 12 Dec 1948 8 Feb 1952

El Salvador 27 Apr 1949 28 Sep 1950

Estonia 21 Oct 1991_a

Ethiopia 11 Dec 1948 1 Jul 1949

Fiji 11 Jan 1973_d

Finland 18 Dec 1959_a

France 11 Dec 1948 14 Oct 1950

Gabon 21 Jan 1983_a

Gambia 29 Dec 1978_a

Georgia 11 Oct 1993_a

Germany^{8,9} 24 Nov 1954_a

Ghana 24 Dec 1958_a

Greece 29 Dec 1949 8 Dec 1954

Guatemala 22 Jun 1949 13 Jan 1950

Haiti 11 Dec 1948 14 Oct 1950

Honduras 22 Apr 1949 5 Mar 1952

Hungary 7 Jan 1952_a

Iceland 14 May 1949 29 Aug 1949

India 29 Nov 1949 27 Aug 1959

Iran (Islamic
Republic of) 8 Dec 1949 14 Aug 1956

Iraq 20 Jan 1959_a

Ireland 22 Jun 1976_a

Israel 17 Aug 1949 9 Mar 1950

Italy 4 Jun 1952_a

Jamaica 23 Sep 1968_a

Jordan 3 Apr 1950_a

Kazakhstan 26 Aug 1998_a

Kuwait 7 Mar 1995_a

Kyrgyzstan 5 Sep 1997_a

Lao People's
Democratic
Republic 8 Dec 1950_a

Latvia 14 Apr 1992_a

Lebanon 30 Dec 1949 17 Dec 1953

Lesotho 29 Nov 1974_a

Liberia 11 Dec 1948 9 Jun 1950

Libyan Arab
Jamahiriya 16 May 1989_a

Liechtenstein 24 Mar 1994_a

Lithuania 1 Feb 1996_a

Luxembourg 7 Oct 1981_a

Malaysia 20 Dec 1994_a

Maldives 24 Apr 1984_a

Mali 16 Jul 1974_a

Mexico 14 Dec 1948 22 Jul 1952

Monaco 30 Mar 1950_a

Mongolia 5 Jan 1967_a

Morocco 24 Jan 1958_a

Mozambique 18 Apr 1983_a

Myanmar 30 Dec 1949 14 Mar 1956

Namibia 28 Nov 1994_a

Nepal 17 Jan 1969_a

Netherlands 20 Jun 1966_a

New Zealand 25 Nov 1949 28 Dec 1978

Nicaragua 29 Jan 1952_a

Norway 11 Dec 1948 22 Jul 1949

Pakistan 11 Dec 1948 12 Oct 1957

Panama 11 Dec 1948 11 Jan 1950

Papua New Guinea 27 Jan 1982_a

Participant	Signature	Ratification, accession (a), succession (d)	Participant	Signature	Ratification, accession (a), succession (d)
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Paraguay 11 Dec 1948

Peru 11 Dec 1948 24 Feb 1960

Philippines 11 Dec 1948 7 Jul 1950

Poland 14 Nov 1950_a

Portugal 9 Feb 1999_a

Republic of Korea 14 Oct 1950_a

Republic of Moldova 26 Jan 1993_a

Romania 2 Nov 1950_a

Russian Federation 16 Dec 1949 3 May 1954

Rwanda 16 Apr 1975_a

Saint Vincent and
the Grenadines 9 Nov 1981_a

Saudi Arabia 13 Jul 1950_a

Senegal 4 Aug 1983_a

Seychelles 5 May 1992_a

Singapore 18 Aug 1995_a

Slovakia 28 May 1993_d

Slovenia 6 Jul 1992_d

South Africa 10 Dec 1998_a

Spain 13 Sep 1968_a

Sri Lanka 12 Oct 1950_a

Sweden 30 Dec 1949 27 May 1952

Syrian Arab
Republic 25 Jun 1955_a

the former Yugoslav
Republic of Macedonia 18 Jan 1994_d

Togo 24 May 1984_a

Tonga 16 Feb 1972_a

Tunisia 29 Nov 1956_a

Turkey 31 Jul 1950_a

Uganda 14 Nov 1995_a

Ukraine 16 Dec 1949 15 Nov 1954

United Kingdom 30 Jan 1970_a

United Republic
of Tanzania 5 Apr 1984_a

United States
of America 11 Dec 1948 25 Nov 1988

Uruguay 11 Dec 1948 11 Jul 1967

Venezuela 12 Jul 1960_a

Viet Nam 10, 11 9 Jun 1981_a

Yemen 12 9 Feb 1987_a

Yugoslavia 11 Dec 1948 29 Aug 1950

Zimbabwe 13 May 1991_a

Declarations and Reservations

(Unless otherwise indicated, the declarations and reservations were made upon ratification, accession or succession. For objections thereto and territorial applications see hereinafter.)

Albania

As regards article IX: The People's Republic of Albania does not consider as binding upon itself the provisions of article IX which provides that disputes between the Contracting Parties with regard to the interpretation, application and implementation of the Convention shall be referred for examination to the International Court at the request of any party to the dispute. The People's Republic of Albania declares that, as regards the International Court's jurisdiction in respect of disputes concerning the interpretation, application and implementation of the Convention, the People's Republic of Albania will, as hitherto, maintain the position that in each particular case the agreement of all parties to the dispute is essential for the submission of any particular dispute to the International Court for decision.

As regards article XII: The People's Republic of Albania declares that it is not in agreement with article XII of the Convention and considers that all the provisions of the Convention should extend to Non-Self-Governing Territories, including Trust Territories.

Algeria

The Democratic and Popular Republic of Algeria does not consider itself bound by article IX of the Convention, which confers on the International Court of Justice jurisdiction in all disputes relating to the said Convention.

The Democratic and Popular Republic of Algeria declares that no provision of article VI of the said Convention shall be interpreted as depriving its tribunals of jurisdiction in cases of genocide or other acts enumerated in article III which have been committed in its territory or as conferring such jurisdiction on foreign tribunals.

International tribunals may, as an exceptional measure, be recognized as having jurisdiction, in cases in which the Algerian Government has given its express approval.

The Democratic and Popular Republic of Algeria declares that it does not accept the terms of article XII of the Convention and considers that all the provisions of the said Convention should apply to Non-Self-Governing Territories, including Trust Territories.

Argentina

Ad article IX: The Argentine Government reserves the right not to submit to the procedure laid down in this article any dispute relating directly or indirectly to the territories referred to in its reservation to article XII.

Ad article XII: If any other Contracting Party extends the application of the Convention to territories under the sovereignty of the Argentine Republic, this extension shall in no way affect the rights of the Republic.

bahrain13

Reservations:

"With reference to article IX of the Convention the Government of the State of Bahrain declares that, for the submission of any dispute in terms of this article to the jurisdiction of the International Court of Justice, the express consent of all the parties to the dispute is required in each case."

"Moreover, the accession by the State of Bahrain to the said Convention shall in no way constitute recognition of Israel or be a cause for the establishment of any relations of any kind therewith."

bangladesh

Declaration:

"Article IX: For the submission of any dispute in terms of this article to the jurisdiction of the International Court of Justice, the consent of all parties to the dispute will be required in each case."

belarus14

The Byelorussian SSR declares that it is not in agreement with article XII of the Convention and considers that all the provisions of the Convention should extend to non-self-governing territories, including trust territories.

bulgaria15

As regards article XII: The People's Republic of Bulgaria declares that it is not in agreement with article XII of the Convention and considers that all the provisions of the Convention should extend to Non-Self-Governing Territories, including Trust Territories.

china

Declaration:

1. The ratification to the said Convention by the Taiwan local authorities on 19 July 1951 in the name of China is illegal and therefore null and void.

Reservation:

2. The People's Republic of China does not consider itself bound by article IX of the said Convention.

CZECH REPUBLIC 7

finland16

hungary17

The Hungarian People's Republic reserves its rights with regard to the provisions of article XII which do not define the obligations of countries having colonies with regard to questions of colonial exploitation and to acts which might be described as genocide.

india

"With reference to article IX of the Convention, the Government of India declares that, for the submission of any dispute in terms of this article to the jurisdiction of the International Court of Justice, the consent of all the parties to the dispute is required in each case."

malaysia18

Reservation:

"That with reference to article IX of the Convention, before any dispute to which Malaysia is a party may be submitted to the jurisdiction of the International Court of Justice under this article, the specific consent of Malaysia is required in each case."

Understanding:

"That the pledge to grant extradition in accordance with a state's laws and treaties in force found in article VII extends only to acts which are criminal under the law of both the requesting and the requested state."

mongolia19

The Government of the Mongolian People's Republic declares that it is not in a position to agree with article XII of the Convention and considers that the provisions of the said article should be extended to non-self-governing territories, including trust territories.

The Government of the Mongolian People's Republic deems it appropriate to draw attention to the discriminatory character of article XI of the Convention, under the terms of which a number of States are precluded from acceding to the Convention and declares that the Convention deals with matters which affect the interests of all States and it should, therefore, be open for accession by all States.

morocco

With reference to article VI, the Government of His Majesty the King considers that Moroccan courts and tribunals alone have jurisdiction with respect to acts of genocide committed within the territory of the Kingdom of Morocco.

The competence of international courts may be admitted exceptionally in cases with respect to which the Moroccan Government has given its specific agreement.

With reference to article IX, the Moroccan Government states that no dispute relating to the interpretation, application or fulfilment of the present Convention can be brought before the International Court of Justice, without the prior agreement of the parties to the dispute.

myanmar

"(1) With reference to article VI, the Union of Burma makes the reservation that nothing contained in the said Article shall be construed as depriving the Courts and Tribunals of the Union of jurisdiction or as giving foreign Courts and tribunals jurisdiction over any cases of genocide or any of the other acts enumerated in article III committed within the Union territory.

"(2) With reference to article VIII, the Union of Burma makes the reservation that the said article shall not apply to the Union."

philippines

"1. With reference to article IV of the Convention, the Philippine Government cannot sanction any situation which would subject its Head of State, who is not a ruler, to conditions less favorable than those accorded other Heads of State, whether constitutionally responsible rules or not. The

Philippine Government does not consider said article, therefore, as overriding the existing immunities from judicial processes guaranteed certain public officials by the Constitution of the Philippines.

"2. With reference to article VII of the Convention, the Philippine Government does not undertake to give effect to said article until the Congress of the Philippines has enacted the necessary legislation defining and punishing the crime of genocide, which legislation, under the Constitution of the Philippines, cannot have any retroactive effect.

"3. With reference to articles VI and IX of the Convention, the Philippine Government takes the position that nothing contained in said articles shall be construed as depriving Philippine courts of jurisdiction over all cases of genocide committed within Philippine territory save only in those cases where the Philippine Government consents to have the decision of the Philippine courts reviewed by either of the international tribunals referred to in said articles. With further reference to article IX of the Convention, the Philippine Government does not consider said article to extend the concept of State responsibility beyond that recognized by the generally accepted principles of international law."

poland20

As regards article XII: Poland does not accept the provisions of this article, considering that the Convention should apply to Non-Self-Governing Territories, including Trust Territories.

portugal

Declaration:

The Portuguese Republic declares that it will interpret article VII of the [said Convention] as recognizing the obligation to grant extradition established therein in cases where such extradition is not prohibited by the Constitution and other domestic legislation of the Portuguese Republic.

romania21

As regards article XII: The People's Republic of Romania declares that it is not in agreement with article XII of the Convention, and considers that all the provisions of the Convention should apply to the Non-Self-Governing Territories, including the Trust Territories.

Russian Federation14

The Union of Soviet Socialist Republics declares that it is not in agreement with article XII of the Convention and considers that all the provisions of the Convention should extend to Non-Self-Governing Territories, including Trust Territories.

rwanda

The Rwandese Republic does not consider itself as bound by article IX of the Convention.

Singapore18

Reservation:

"That with reference to article IX of the Convention, before any dispute to which the Republic of Singapore is a party may be submitted to the jurisdiction of the International Court of Justice under this article, the specific consent of the Republic of Singapore is required in each case."

SLOVAKIA7

spain

With a reservation in respect of the whole of article IX (jurisdiction of the International Court of Justice).

ukraine¹⁴

The Ukrainian SSR declares that it is not in agreement with article XII of the Convention and considers that all the provisions of the Convention should extend to Non-Self-Governing Territories, including Trust Territories.

UNITED STATES OF AMERICA²²

Reservations:

"(1) That with reference to article IX of the Convention, before any dispute to which the United States is a party may be submitted to the jurisdiction of the International Court of Justice under this article, the specific consent of the United States is required in each case.

(2) That nothing in the Convention requires or authorizes legislation or other action by the United States of America prohibited by the Constitution of the United States as interpreted by the United States."

Understandings:

"(1) That the term 'intent to destroy, in whole or in part, a national, ethnical, racial, or religious group as such' appearing in article II means the specific intent to destroy, in whole or in substantial part, a national, ethnical, racial or religious group as such by the acts specified in article II.

(2) That the term 'mental harm' in article II (b) means permanent impairment of mental faculties through drugs, torture or similar techniques.

(3) That the pledge to grant extradition in accordance with a state's laws and treaties in force found in article VII extends only to acts which are criminal under the laws of both the requesting and the requested state and nothing in article VI affects the right of any state to bring to trial before its own tribunals any of its nationals for acts committed outside a state.

(4) That acts in the course of armed conflicts committed without the specific intent required by article II are not sufficient to constitute genocide as defined by this Convention.

(5) That with regard to the reference to an international penal tribunal in article VI of the Convention, the United States declares that it reserves the right to effect its participation in any such tribunal only by a treaty entered into specifically for that purpose with the advice and consent of the Senate."

venezuela

With reference to article VI, notice is given that any proceedings to which Venezuela may be a party before an international penal tribunal would be invalid without Venezuela's prior express acceptance of the jurisdiction of such international tribunal.

With reference to article VII, notice is given that the laws in force in Venezuela do not permit the extradition of Venezuelan nationals.

With reference to article IX, the reservation is made that the submission of a dispute to the International Court of Justice shall be regarded as valid only when it takes place with Venezuela's approval, signified by the express conclusion of a prior agreement in each case.

viet nam

1. The Socialist Republic of Viet Nam does not consider itself bound by article IX of the Convention which provides the jurisdiction of the International Court of Justice in solving disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the Convention at the request of any of the parties to disputes. The Socialist Republic of Viet Nam is of the view that, regarding the jurisdiction of the International Court of Justice in solving disputes referred to in article IX of the Convention, the consent of the parties to the disputes except the criminals is diametrically necessary for the submission of a given dispute to the International Court of Justice for decision.
2. The Socialist Republic of Viet Nam does not accept article XII of the Convention and considers that all provisions of the Convention should also extend to Non-Self-Governing Territories, including Trust Territories.
3. The Socialist Republic of Viet Nam considers that article XI is of a discriminatory nature, depriving a number of States of the opportunity to become parties to the Convention, and holds that the Convention should be open for accession by all States.

yemen12

In acceding to this Convention, the People's Democratic Republic of Yemen does not consider itself bound by article IX of the Convention, which provides that disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the Convention shall be submitted to the International Court of Justice at the request of any of the parties to the dispute. It declares that the competence of the International Court of Justice with respect to disputes concerning the interpretation, application or fulfilment of the Convention shall in each case be subject to the express consent of all parties to the dispute.

Objections

(Unless otherwise indicated, the objections were made upon ratification, accession or succession.)

Australia

15 November 1950

"The Australian Government does not accept any of the reservations contained in the instrument of accession of the People's Republic of Bulgaria, or in the instrument of ratification of the Republic of the Philippines.

"The Australian Government does not accept any of the reservations made at the time of signature of the Convention by the Byelorussian Soviet Socialist Republic, Czechoslovakia, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics."

19 January 1951

"The Australian Government does not accept the reservations contained in the instruments of accession of the Governments of Poland and Romania."

belgium

The Government of Belgium does not accept the reservations made by Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Romania, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics.

brazil23, 24

The Government of Brazil objects to the reservations made to the Convention by Bulgaria, the Byelorussian Soviet Socialist Republic, Czechoslovakia, the Philippines, Poland, Romania, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics. The Brazilian Government considers the said reservations as incompatible with the object and purpose of the Convention.

The position taken by the Government of Brazil is founded on the Advisory Opinion of the International Court of Justice of 28 May 1951 and on the resolution adopted by the sixth session of the General Assembly on 12 January 1952, on reservations to multilateral conventions.

The Brazilian Government reserves the right to draw any such legal consequences as it may deem fit from its formal objection to the above-mentioned reservations.

china23

15 November 1954

"The Government of China . . . objects to all the identical reservations made at the time of signature or ratification or accession to the Convention by Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, Poland, Romania, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics. The Chinese Government considers the above-mentioned reservations as incompatible with the object and purpose of the Convention and, therefore, by virtue of the Advisory Opinion of the International Court of Justice of 28 May 1951, would not regard the above-mentioned States as being Parties to the Convention."

13 September 1955

[Same communication, *mutatis mutandis*, in respect of the reservations made by Albania.]

25 July 1956

[Same communication, *mutatis mutandis*, in respect of the reservations made by Myanmar.]

cuba25

DENMARK

27 December 1989

With regard to reservation (2) made by the United States of America:

"In the view of the Government of Denmark this reservation is subject to general principle of treaty interpretation according to which a party may not invoke the provisions of its internal law as justification for failure to perform a treaty."

ecuador

31 March 1950

The Government of Ecuador is not in agreement with the reservations made to article IX and XII of the Convention by the Governments of the Byelorussian Soviet Socialist Republic, Czechoslovakia, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics and, therefore, they do not apply to Ecuador which accepted without any modifications the integral text of the Convention.

21 August 1950

[Same communication, *mutatis mutandis*, in respect of the reservations made by Bulgaria.]

9 January 1951

The Government of Ecuador does not accept the reservations made by the Governments of Poland and Romania to articles IX and XII of the Convention.

estonia

With regard to reservation (2) made by the United States of America:

"The Estonian Government objects to this reservation on the grounds that it creates uncertainty, as to the extent of the obligations the Government of the United States of America is prepared to assume with regard to the Convention. According to article 27 of the Vienna Convention on the Law of Treaties, no party may invoke the provisions of its domestic law as justification for failure to perform a treaty."

finland

22 December 1989

With respect to reservation (2) made by the United States of America:

"In the view of the Government of Finland this reservation is subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its internal law as justification for failure to perform a treaty."

greece

We further declare that we have not accepted and do not accept any reservation which has already been made or which may hereafter be made by the countries signatory to this instrument or by countries which have acceded or may hereafter accede thereto.

26 January 1990

The Government of the Hellenic Republic cannot accept the first reservation entered by the United States of America upon ratifying the Agreement on the Prevention and Punishment of the Crime of Genocide, for it considers such a reservation to be incompatible with the Convention.

In respect of the second reservation formulated by the United States of America:

[Same objection *mutatis mutandis*, as the one made by Denmark.]

ireland

22 December 1989

"The Government of Ireland is unable to accept the second reservation made by the United States of America on the occasion of its ratification of the [said] Convention on the grounds that as a generally accepted rule of international law a party to an international agreement may not, by invoking the terms of its internal law, purport to override the provisions of the Agreement."

italy

29 December 1989

The Government of the Republic of Italy objects to the second reservation entered by the United

States of America. It creates uncertainty as to the extent of the obligations which the Government of the United States of America is prepared to assume with regard to the Convention."

mexico

4 June 1990

The Government of Mexico believes that the reservation made by the United States Government to article IX of the aforesaid Convention should be considered invalid because it is not in keeping with the object and purpose of the Convention, nor with the principle governing the interpretation of treaties whereby no State can invoke provisions of its domestic law as a reason for not complying with a treaty.

If the aforementioned reservation were applied, it would give rise to a situation of uncertainty as to the scope of the obligations which the United States Government would assume with respect to the Convention.

Mexico's objection to the reservation in question should not be interpreted as preventing the entry into force of the 1948 Convention between the [Mexican] Government and the United States Government.

netherlands

"The Government of the Kingdom of the Netherlands declares that it considers the reservations made by Albania, Algeria, Bulgaria, the Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, India, Morocco, Poland, Romania, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics in respect of article IX of the Convention on the Prevention and Punishment of the Crime of Genocide, opened for signature at Paris on 9 December 1948, to be incompatible with the object and purpose of the Convention. The Government of the Kingdom of the Netherlands therefore does not deem any State which has made or which will make such reservation a party to the Convention."

27 December 1989

With regard to the reservations made by the United States of America:

"As concerns the first reservation, the Government of the Kingdom of the Netherlands recalls its declaration, made on 20 June 1966 on the occasion of the accession of the Kingdom of the Netherlands to the Convention [...] stating that in its opinion the reservations in respect of article IX of the Convention, made at that time by a number of states, were incompatible with the object and purpose of the Convention, and that the Government of the Kingdom of the Netherlands did not consider states making such reservations parties to the Convention. Accordingly, the Government of the Kingdom of the Netherlands does not consider the United States of America a party to the Convention. Similarly, the Government of the Kingdom of the Netherlands does not consider parties to the Convention other states which have made such reservations, *i.e.*, in addition to the states mentioned in the aforementioned declaration, the People's Republic of China, Democratic Yemen, the German Democratic Republic, the Mongolian People's Republic, the Philippines, Rwanda, Spain, Venezuela, and Viet Nam, on the other hand, the Government of the Kingdom of the Netherlands does consider parties to the Convention those states that have since withdrawn their reservations, *i.e.* the Union of Soviet Socialist Republics, the Byelorussian Soviet Socialist Republic, and the Ukrainian Soviet Socialist Republic.

As the Convention may come into force between the Kingdom of the Netherlands and the United States of America as a result of the latter withdrawing its reservation in respect of article IX, the Government of the Kingdom of the Netherlands deems it useful to express the following position on the second reservation of the United States of America:

The Government of the Kingdom of the Netherlands objects to this reservation on the ground that it creates uncertainty as to the extent of the obligations the Government of the United States of America is prepared to assume with regard to the Convention. Moreover, any failure by the United States of America to act upon the obligations contained in the Convention on the ground that such action would be prohibited by the constitution of the United States would be contrary to the generally accepted rule of international law, as laid down in article 27 of the Vienna Convention on the law of treaties (Vienna, 23 May 1969)".

23 February 1996

With regard to the reservations made by Malaysia and Singapore made upon accession:

"The Government of the Kingdom of the Netherlands recalls its declaration made on 20 June 1966 on the occasion of the accession [to the said Convention].

[See declaration made under "Netherlands"]

Accordingly, the Government of the Netherlands declares that it considers the reservations made by Malaysia and Singapore in respect of article IX of the Convention incompatible with the object and purpose of the Convention. The Government of the Kingdom of the Netherlands does not consider Malaysia and Singapore Parties to the Convention.

On the other hand, the Government of the Kingdom of the Netherlands does consider Parties to the Convention those States that have since withdrawn their reservations in respect of article IX of the Convention, i.e. Hungary, Bulgaria and Mongolia."

norway

10 April 1952

"The Norwegian Government does not accept the reservations made to the Convention by the Government of the Philippines at the time of ratification."

22 December 1989

With regard to reservation (2) made by the United States of America:

"In the view of the Government of Norway this reservation is subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its internal law as justification for failure to perform a treaty."

spain

29 December 1989

With regard to reservation (2) made by the United States of America:

Spain interprets the reservation entered by the United States of America to the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the General Assembly of the United Nations on 9 December 1948 [...] to mean that legislation or other action by the United States of America will continue to be in accordance with the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

sri lanka

6 February 1951

"The Government of Ceylon does not accept the reservations made by Romania to the Convention."

sweden

22 December 1989

With regard to reservation (2) made by the United States of America:

"The Government of Sweden is of the view that a State party to the Convention may not invoke the provisions of its national legislation, including the Constitution, to justify that it does not fulfil its obligations under the Convention and therefore objects to the reservation.

This objection does not constitute an obstacle to the entry into force of the Convention between Sweden and the United States of America."

united kingdom of great britain and northern ireland

"The Government of the United Kingdom do not accept the reservations to articles IV, VII, VIII, IX or XII of the Convention made by Albania, Algeria, Argentina, Bulgaria, Burma, the Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, India, Mongolia, Morocco, the Philippines, Poland, Romania, Spain, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics or Venezuela."

21 November 1975

"The Government of the United Kingdom of Great Britain and Northern Ireland have consistently stated that they are unable to accept reservations in respect of article IX of the said Convention; in their view this is not the kind of reservation which intending parties to the Convention have the right to make.

Accordingly, the Government of the United Kingdom do not accept the reservation entered by the Republic of Rwanda against article IX of the Convention. They also wish to place on record that they take the same view of the similar reservation made by the German Democratic Republic as notified by the circular letter [...] of 25 April 1973."

26 August 1983

With regard to statements made by Viet Nam concerning articles IX and XII and reservation made by China concerning article IX:

"The Government of the United Kingdom have [...] consistently stated that they are unable to accept reservations to [article IX]. Likewise, in conformity with the attitude adopted by them in previous cases, the Government of the United Kingdom do not accept the reservation entered by Viet Nam relating to article XII."

30 December 1987

With regard to a reservation made by Democratic Yemen concerning article IX:

"The Government of the United Kingdom of Great Britain and Northern Ireland have consistently stated that they are unable to accept reservations in respect of article IX of the said Convention; in their view this is not the kind of reservation which intending parties to the Convention have the right to make.

Accordingly the Government of the United Kingdom of Great Britain and Northern Ireland do not accept the reservation entered by the People's Democratic Republic of Yemen against article IX of the Convention."

22 December 1989

"The Government of the United Kingdom have consistently stated that they are unable to accept reservations to article IX. Accordingly, in conformity with the attitude adopted by them in previous cases, the Government of the United Kingdom do not accept the first reservation entered by the United States of America.

The Government of the United Kingdom object to the second reservation entered by the United States of America. It creates uncertainty as to the extent of the obligations which the Government of the United States of America is prepared to assume with regard to the Convention."

20 March 1996

With regard to reservations to article IX made by Malaysia and Singapore upon accession:

"The Government of the United Kingdom of Great Britain and Northern Ireland have consistently stated that they are unable to accept reservations to article IX. In their view, these are not the kind of reservations which intending parties to the Convention have the right to make.

Accordingly, the Government of the United Kingdom do not accept the reservations entered by the Government of Singapore and Malaysia to article IX of the Convention."

Territorial Application

Participant	Date of receipt of the notification	Territories
Australia	8 Jul 1949	All territories for the conduct of whose foreign relations Australia is responsible
Belgium	13 Mar 1952	Belgian Congo, Trust Territory of Rwanda-Urundi
United Kingdom ^{5,26}	30 Jan 1970	Channel Islands, Isle of Man, Dominica, Grenada, St. Lucia, St. Vincent, Bahamas, Bermuda, British Virgin Islands, Falkland Islands and Dependencies, Fiji, Gibraltar, Hong Kong, Pitcairn, St. Helena and Dependencies, Seychelles, Turks and Caicos Islands
	2 Jun 1970	Kingdom of Tonga

Notes:

¹ For other multilateral treaties concluded in the field of human rights, see chapters V, VII, XVI, XVII and XVIII.

² Resolution 260 (III), Official Records of the General Assembly, Third Session, Part I (A/810), p. 174.

³ On 15 June 1993, the Secretary-General received from the Government of Yugoslavia the following communication:

"Considering the fact that the replacement of sovereignty on the part of the territory of the Socialist Federal Republic of Yugoslavia previously comprising the Republic of Bosnia and Herzegovina was carried out contrary to the rules of international law, the Government of the Federal Republic of Yugoslavia herewith states that it does not consider the so-called Republic of Bosnia and Herzegovina a party to the [said Convention], but does consider that the so-called Republic of Bosnia and Herzegovina is bound by the obligation to respect the norms on preventing and punishing the crime of genocide in accordance with general international law irrespective of the Convention on the Prevention and Punishment of the Crime of Genocide."

4 Ratified on behalf of the Republic of China on 19 July 1951. See note concerning signatures, ratifications, accessions, etc. on behalf of China (note in chapter I.1).

5 On 6 June 1997, the Government of China notified the Secretary-General of the following:

In accordance with the Declaration of the Government of the People's Republic of China and the United Kingdom of Great Britain and Northern Ireland on the question of Hong Kong signed on 19 December 1984, the People's Republic of China will resume the exercise of sovereignty over Hong Kong with effect from 1 July 1997. Hong Kong will, with effect from that date, become a Special Administrative Region of the People's Republic of China and will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibility of the Central People's Government of the People's Republic of China.

The [said Convention], which the Government of the People's Republic of China ratified on [18] April 1983, will apply to Hong Kong Special Administrative Region with effect from 1 July 1997. (The notification also contained the following declaration): The reservation to article IX of the said Convention made by the Government of the People's Republic of China will also apply to the Hong Kong Special Administrative Region.

The Government of the People's Republic of China will assume responsibility for the international rights and obligations arising from the application of the Convention to Hong Kong Special Administrative Region.

Subsequently, on 10 June 1997, the Government of the United Kingdom of Great Britain and Northern Ireland notified the Secretary-General of the following:

"In accordance with the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong signed on 19 December 1984, the Government of the United Kingdom will restore Hong Kong to the People's Republic of China with effect from 1 July 1997. The Government of the United Kingdom will continue to have international responsibility for Hong Kong until that date. Therefore, from that date the Government of the United Kingdom will cease to be responsible for the international rights and obligations arising from the application of the [said Convention] to Hong Kong."

6 On 18 May 1998, the Government of Cyprus notified the Secretary-General of the following:

"The Government of the Republic of Cyprus has taken note of the reservations made by a number of countries when acceding to the [said Convention] and wishes to state that in its view these are not the kind of reservations which intending parties to the Convention have the right to make.

Accordingly, the Government of the Republic of Cyprus does not accept any reservations entered by any Government with regard to any of the Articles of the Convention."

7 Czechoslovakia had signed and ratified the Convention on 28 December 1949 and 21 December 1950, respectively, with a reservation. Subsequently, by a notification received on 26 April 1991, the Government of Czechoslovakia notified the Secretary-General of its decision to withdraw the reservation to article IX made upon signature and confirmed upon ratification. For the text of the reservation, see United Nations, *Treaty Series*, vol. 78, p. 303. See also note in chapter I.2.

8 The German Democratic Republic had acceded to the Convention with reservation and declaration on 27 March 1973. For the text of the reservation and the declarations see United Nations, *Treaty Series*, vol. 861, p. 200. See also note under chapter I.2.

9 In a note accompanying the instrument of accession, the Government of the Federal Republic of Germany stated that the Convention would also apply to Land Berlin.

With reference to the above-mentioned declaration, a communication from the German Democratic Republic was received by the Secretary-General on 27 December 1973. The text of the communication is identical, *mutatis mutandis*, to that published in note of chapter III.3, paragraph 4.

In this connection, the Secretary-General received from the Governments of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America (17 June 1974 and 8 July 1975), the Federal Republic of Germany (15 July 1974 and 19 September 1975), the Union of Soviet Socialist Republics (12 September 1974 and 8 December 1975), and the Ukrainian Soviet Socialist Republic (19 September 1974), communications identical in essence, *mutatis mutandis*, to the corresponding ones reproduced in note chapter III.3. See also note 4 above.

10 Accession on behalf of the Republic of Viet-Nam on 11 August 1950. (For the text of objections to some of the reservations made upon the said accession, see publication, *Multilateral Treaties for which the Secretary-General acts as Depositary* (ST/LEG/SER.D/13, p.91); also see note in chapter I.2.

11 The Secretary-General received on 9 November 1981 from the Government of the Democratic Republic of Kampuchea the following objection with regard to the accession by Viet Nam:

The Government of Democratic Kampuchea, as a party to the Convention on the Prevention and Punishment of the Crime of Genocide, considers that the signing of that Convention by the Government of the Socialist Republic of Viet Nam has no legal force, because it is no more than a cynical, macabre charade intended to camouflage the foul crimes of genocide committed by the 250,000 soldiers of the Vietnamese invasion army in Kampuchea. It is an odious insult to the memory of the more than 2,500,000 Kampucheans who have been massacred by these same Vietnamese armed forces using conventional weapons, chemical weapons and the weapon of famine, created deliberately by them for the purpose of eliminating all national resistance at its source.

It is also a gross insult to hundreds of thousands of Laotians who have been massacred or compelled to take refuge abroad since the occupation of Laos by the Socialist Republic of Viet Nam, to the Hmong national minority in Laos, exterminated by Vietnamese conventional and chemical weapons and, finally, to over a million Vietnamese "boat people" who died at sea or sought refuge abroad in their flight to escape the repression carried out in Viet Nam by the Government of the Socialist Republic of Viet Nam.

This shameless accession by the Socialist Republic of Viet Nam violates and discredits the noble principles and ideals of the United Nations and jeopardizes the prestige and moral authority of our world Organization. It represents an arrogant challenge to the international community, which is well aware of these crimes of genocide committed by the Vietnamese army in Kampuchea, has constantly denounced and condemned them since 25 December 1978, the date on which the Vietnamese invasion of Kampuchea began, and demands that these Vietnamese crimes of genocide be brought to an end by the total withdrawal of the Vietnamese forces from Kampuchea and the restoration of the inalienable right of the people of Kampuchea to decide its own destiny without any foreign interference, as provided in United Nations resolutions 34/22, 35/6 and 36/5.

12 The Yemen Arab Republic had acceded to the Convention on 6 April 1989. See also note in chapter I.2.

13 On 25 June 1990, the Secretary-General received from the Government of Israel the following objection:

"The Government of the State of Israel has noted that the instrument of accession of Bahrain to the [said] Convention contains a declaration in respect of Israel.

In the view of the Government of the State of Israel, such declaration, which is explicitly of a political character, is incompatible with the purpose and objectives of this Convention and cannot in any way affect whatever obligations are binding upon Bahrain under general International Law or under particular Conventions.

The Government of the State of Israel will, in so far as concerns the substance of the matter, adopt towards Bahrain an attitude of complete reciprocity".

14 In communications received on 8 March, 19 and 20 April 1989, respectively, the Governments of the Union of Soviet Socialist Republics, the Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic notified the Secretary-General that they had decided to withdraw the reservation relating to article IX. For the texts of the reservations, see United Nations, *Treaty Series*, vol. 190, p. 381, vol.196, p. 345 and vol. 201, p. 368, respectively.

15 On 24 June 1992, the Government of Bulgaria notified the Secretary-General its decision to withdraw the reservation to article IX of the Convention, made upon accession. For the text of the reservation, see United Nations, *Treaty Series*, vol. 78, p. 318.

16 On 5 January 1998, the Government of Finland notified the Secretary-General that it had decided to withdraw its reservation made upon accession to the Convention. For the text of the reservation, see United Nations, *Treaty Series*, vol. 346, p. 324.

17 In a communication received on 8 December 1989, the Government of Hungary notified the Secretary-General that it had decided to withdraw the reservation relating to article IX made upon accession. For the text of the reservation, see United Nations, *Treaty Series*, vol. 118, p. 306.

18 In this regard, on 14 October 1996, the Secretary-General received from the Government of Norway, the following communication:

"... In [the view of the Government of Norway], reservations in respect of article IX of the Convention are incompatible with the object and purpose of the said Convention. Accordingly, the Government of Norway does not accept the reservations entered by the Governments of Singapore and Malaysia to article IX of the Convention."

19 In a communication received on 19 July 1990, the Government of Mongolia notified the Secretary-General of its decision to withdraw the reservation relating to article IX made upon accession. For the text of the reservation see United Nations, *Treaty Series*, vol. 587, p. 326.

20 On 16 October 1997, the Government of Poland notified the Secretary-General that it had decided to withdraw its reservation with regard to article IX of the Convention made upon accession. For the text of the reservation see United Nations, *Treaty Series*, vol. 78, p. 277.

21 On 2 April 1997, the Government of Romania informed the Secretary-General that it had decided to withdraw its reservation with regard to article IX of the Convention. For the text of the reservation, see United Nations, *Treaty Series*, vol. 78, p. 314.

22 On 11 January 1990, the Secretary-General received from the Government of the Federal Republic of Germany the following declaration:

"The Government of the Federal Republic of Germany has taken note of the declarations made under the heading "Reservations" by the Government of the United States of America upon ratification of the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the General Assembly of the United Nations on 9 December 1948. The Government of the Federal Republic of Germany interprets paragraph (2) of the said declarations as a reference to article V of the Convention and therefore as not in any way affecting the obligations of the United States of America

as a State Party to the Convention."

See also note in chapter I.2.

23 For the Advisory Opinion of the International Court of Justice of 28 May 1951, see I.C.J., Report 1951, p. 15.

24 For the resolution adopted on 12 January 1952 by the sixth session of the General Assembly concerning reservations to multilateral conventions, see Resolution 598 (VI); Official Records of the General Assembly, Sixth Session, Supplement No. 20 (A/2119), p. 84.

25 By a notification received by the Secretary-General on 29 January 1982, the Government of Cuba withdrew the declaration made on its behalf upon ratification of the said Convention with respect to the reservations to articles IX and XII by Bulgaria, the Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Romania, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics.

26 On 3 October 1983, the Secretary-General received from the Government of Argentina the following objection:

[The Government of Argentina makes a] formal objection to the declaration] of territorial extension issued by the United Kingdom with regard to the Malvinas Islands (and dependencies), which that country is illegally occupying and refers to as the "Falkland Islands". The Argentine Republic rejects and considers null and void the [said declaration] of territorial extension.

With reference to the above-mentioned objection the Secretary-General received, on 28 February 1985, from the Government of the United Kingdom of Great Britain and Northern Ireland the following declaration:

"The Government of the United Kingdom of Great Britain and Northern Ireland have no doubt as to their right, by notification to the Depositary under the relevant provisions of the above-mentioned Convention, to extend the application of the Convention in question to the Falkland Islands or to the Falkland Islands Dependencies, as the case may be.

For this reason alone, the Government of the United Kingdom are unable to regard the Argentine [communication] under reference as having any legal effect."

Agenda
IWG on Human Rights Treaty Implementation
3:00 p.m., September 13, 1999
OEOB, 208

1. Public Outreach

- Meetings with NGOs and UNHCR (NSC)
- Letter on the Death Penalty

2. Reports

- Roll-out of Torture Convention report (State/L)
- Status of Race Convention report (State/L)
 - Follow-up meeting with relevant agencies on Sept. 17 (NSC)
- Status of efforts to increase resources for reports (State/L & NSC)

2pm
208

3. World Conference on Racism (State/DRL & IO)

Peter Lundak (LOR)

June 2001

- South Africa

4. Status of DoJ task force on human rights abusers (DoJ)

-- Response to Leahy legislation

5. Treaty Ratification

- CEDAW update (State/DRL)

6. Other Issues

#4. INS/GC - creating a division for "Special Interest" cases -
HR abusers & classified info Dir + 4 lawyers

• Leg package → main justice to address - amend to INA

§ 212 + § 237 - include 7 categories of whom they consider = hr abusers
includes designated foreign organizations -

designated in coordination w/ State

• INS/FBI, MOU - coordinate criminal cases
⇒ admission, deportation, exclusion

- would prosecute those individuals
over whom we have jurisdiction

Leahy -

Andre - raised issue of defining war crimes / crimes ag humanity w/ sufficient
specificity

Richard C. Dieter
EXECUTIVE DIRECTOR

1320 18th Street, N.W.
Fifth Floor
Washington, D.C. 20036
Phone: (202) 293-6970
FAX: (202) 822-4787
email: dpic@essential.org
internet: www.essential.org/dpic

DEATH PENALTY INFORMATION CENTER

September 2, 1999

Scott Busby
Chair, Interagency Working Group on Human Rights Treaties
National Security Council
The White House
Washington, DC 20504

Dear Mr. Busby:

I would first like to thank you and the other members of the Human Rights Treaties Working Group for the opportunity to present our concerns about the United States use of the death penalty. I think the meeting on August 5th was a good start in what will hopefully become a fruitful dialogue.

At the meeting, you asked those of us concerned about the death penalty to put in writing our suggestions about what the United States might do to better conform with the human rights treaties and send them to you. After discussing these issues with others who attended the meeting, I have prepared our recommendations. Clearly, the legal and empirical support for these points would require a much longer document. We would be prepared to provide additional information if that would be helpful.

Recommendations:

A. That the President, the Attorney General, and the Solicitor General strongly advocate compliance with the international consensus against applying the death penalty to those under the age of eighteen at the time of their crime. In particular:

- That the Administration's and the Solicitor General's position in *Domingues v. Nevada* (No. 98-8327, cert. pending) should be one in which:
 - the U.S. urges compliance with the customary international law prohibition against juvenile offender executions;
 - the U.S. declines to rely on its legally suspect reservation to the International Covenant on Civil and Political Rights regarding the execution of juvenile offenders;
 - the U.S. advocates that such a treaty, which imparts enforceable rights to citizens, is self-executing.

- That the Administration urge the Senate to give its advice and consent to the ratification of the U.N. Convention on the Rights of the Child, and that such ratification be made without reservations regarding capital punishment.
- B. That the President, the Attorney General, and the Solicitor General concur with the Secretary of State that the execution of foreign nationals, who have not been afforded their full rights under the Vienna Convention on Consular Relations, be halted. In particular:
- That the Administration respect injunctions on executions issued by the International Court of Justice (ICJ) such as those unanimously approved in the case of *Angel Breard and Walter LaGrand*, and indicate that it intends to comply fully with the final judgment of the ICJ in *Germany v. U.S.A.*
 - That the Administration impress upon all members of the law enforcement community the obligations of the Vienna Convention on Consular Rights and recommend procedures whereby those jurisdictions which do not comply with these obligations will be ineligible for certain federal funds.
 - That the Administration immediately withdraw its opposition to the creation of appropriate judicial remedies in the domestic courts, by recognizing that the plain language of Article 36 of the Vienna Convention on Consular Rights confers specific rights on individual foreign nationals, which may be invoked by them in U.S. court proceedings.
- C. That the Administration take an active role in supporting a national exemption from the death penalty for anyone suffering from mental retardation or other severe mental disability.
- D. That the Administration take an active role in introducing the Racial Justice Act (as passed by the House of Representatives in 1990 and 1994), or similar legislation, which would allow defendants to appeal death sentences on the basis of sophisticated statistical studies demonstrating patterns of racial bias.
- E. That the Administration take an active role as amicus curiae and through the office of the Solicitor General in urging the U.S. Supreme Court to consider the extensive time that inmates spend on death row as a disproportionate, cruel, and unimposed punishment under the Eighth Amendment. This is an issue that falls under the purview of the Torture Convention, decisions by international courts, and the Supreme Court's denial of certiorari in *Lackey v. Texas* (1995) and *Elledge v. Florida* (1998).

- F. That the Administration take action to assure that the federal death penalty be brought into greater conformity with international treaties; that it be sought only in the most extreme cases of national importance; that the racial disparities which exist both in cases prosecuted and death sentences imposed be examined carefully with the goal of eliminating such disparities; and that the federal death penalty never be sought in crimes where no death has occurred.
- G. That the Administration respond to the international resolutions from such organizations as the U.N. Commission on Human Rights calling for a world-wide moratorium on executions by establishing a national blue-ribbon commission to study the rationale for, and the feasibility of, enacting such a moratorium in the United States. In particular, the commission should look at whether the death penalty in the U.S. is applied in an arbitrary manner, more dependent on race, wealth, geography, quality of representation, and opportunity to present a thorough appeal, than on legitimate penological characteristics.

I believe that all of these positions are directly warranted by the human rights treaties which the United States has ratified and by the renewed commitment to "promote respect for international human rights" which President Clinton has ordered on December 10, 1998. If I can be of any assistance to your office in clarifying these issues further, please do not hesitate to call on me. I trust that you will circulate these recommendations to the other members of the Working Group.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard C. Dieter", with a long, sweeping horizontal line extending to the right.

Richard C. Dieter

New Leahy Bill Enhances Federal Efforts To Track Down And Deport War Criminals

***.....proposed bill help focus federal investigators with stronger tools to
investigate and remove suspected human rights abusers***

"Foreigners who committed atrocities abroad do not deserve safe haven in the United States and are not welcome here," says Sen. Patrick Leahy, who introduced a bill Thursday to provide the Department of Justice with new resources and expanded authority to investigate, prosecute and deport aliens guilty of torture or genocide in their homeland.

Leahy's new bill, the "Anti-Atrocity Alien Deportation Act," will help law enforcement officials better respond to cases of suspected war criminals and human rights abusers, such as the case of Zihad Music, the alleged Serbian war criminal living in Winooski, Vermont. The Senator's proposed legislation would:

- ▶ bar admission into the United States and authorize the deportation of aliens who have engaged in acts of torture abroad;
- ▶ provide statutory authorization for and expand the jurisdiction of the Office of Special Investigations (so-called "Nazi war criminal hunters") within the Department of Justice to investigate, prosecute and remove any alien who participated in torture and genocide abroad -- not just Nazis.
- ▶ Authorize additional funding to ensure that OSI has adequate resources to fulfill its current mission of hunting Nazi war criminals.

"War criminals should find no sanctuary in loopholes in our current immigration laws and enforcement," said Leahy, the Democratic leader of the Senate Judiciary Committee, which has jurisdiction over immigration policy. "Too often, once war criminals slip through the immigration nets, they remain in the United States unpunished for their crimes. We need to focus the attention of our law enforcement investigators to prosecute and deport those who have committed atrocities abroad and are enjoying safe harbor in the United States."

Current law provides that those who participated overseas in Nazi war crimes and genocide are inadmissible to and removable from the United States, yet those who have committed the criminal act of torture are not. This leads to cases like that of Kelbessa Negewo, a member of the military dictatorship ruling Ethiopia in the 1970s who has been found guilty of torture in a private civil action by an American court but remains in the United States nonetheless because the Immigration and Naturalization Act does not provide explicit authority to investigate, de-naturalize or remove him. The Leahy "Anti-Atrocity Alien Deportation Act" would close this loophole and make those who commit torture abroad inadmissible to and deportable from our country.

By expanding the mission of the Office of Special Investigations to authorize that specialized unit to deal with not just Nazi war criminals but war criminals of every stripe, the Leahy bill would tap that well of expertise and result in more prompt, efficient and experienced investigations of suspected war criminals. OSI enjoys a successful track record of hunting down, prosecuting and deporting Nazi war criminals who had slipped into the United States. Since the OSI's inception in 1979, 61 Nazi persecutors have been stripped of their U.S. citizenship, 49 individuals have been removed from the United States and more than 150 have been denied entry.

The case of Music, the alleged war criminal living in Winooski, is not an isolated occurrence. The Center for Justice and Accountability, a San Francisco human rights group, has identified about sixty suspected human rights violators now living in the United States (list of several examples available upon request).

####

**STATEMENT OF SENATOR PATRICK LEAHY
ON INTRODUCTION OF
THE ANTI-ATROCITY ALIEN DEPORTATION ACT
July 15, 1999**

MR. LEAHY: The recent events in Kosovo have been a graphic reminder that crimes against humanity did not end with the Second World War. Our treatment of those persecuted by the Nazis has long been regarded as a travesty. Blatant American anti-Semitism led to post-war immigration quotas that virtually shut out Jews coming from concentration camps while embracing German sympathizers.

In contrast to this country's dismal record in accepting Jewish refugees following the last world war, the United States has tried harder and done better in recent years to provide refuge to those persons fleeing homelands that have been ravaged by violence. For example, over the past five years, approximately 83,247 Bosnian refugees have been admitted to this country. During the latest hostilities in Kosovo, the Clinton Administration provided leadership to other nations by pledging to take in as many as 20,000 Kosovar refugees.

Unfortunately, criminals who wielded machetes and guns against innocent civilians in countries like Haiti, Yugoslavia and Rwanda have been able to gain entry to the United States through the same doors that we have opened to deserving refugees. We need to lock that door to those war criminals who seek a safe haven in the United States. And to those war criminals who are already here, we should promptly show them the door out.

Our country has long provided the template and moral leadership for dealing with Nazi war criminals. The Justice Department has a specialized unit, the Office of Special Investigations (OSI), which was created to hunt down, prosecute, and remove Nazi war criminals who had slipped into the United States among their victims under the Displaced Persons Act. Since the OSI's inception in 1979, 61 Nazi persecutors have been stripped of U.S. citizenship, 49 such individuals have been removed from the United States, and more than 150 have been denied entry.

OSI was created almost 35 years after the end of World War II and it remains authorized only to track Nazi war criminals. Little is being done about the new generation of international war criminals living among us, and these delays are costly. As any prosecutor -- or, in my case, former prosecutor -- knows instinctively, such delays make documentary and testimonial evidence more difficult to obtain. Stale cases are the hardest to make.

We should not repeat the mistake of waiting decades before tracking down war criminals and

human rights abusers who have settled in this country. War criminals should find no sanctuary in loopholes in our current immigration policies and enforcement. No war criminal should ever come to believe that he is going to find safe harbor in the United States.

Too often, once war criminals slip through the immigration nets, they remain in the United States, unpunished for their crimes. In Vermont, news reports indicate that a Bosnian-Muslim man suspected of participating in ethnic cleansing during the Serbian war now is in Burlington. He has been identified by many people, including his own relatives, as a member of a Serbian paramilitary group responsible for the torture, rape, and murder of countless innocent people. We see the possibility that refugees now may encounter their persecutors thousands of miles away from their homeland, walking the streets of America.

This is not an isolated occurrence. The center for Justice and Accountability, a San Francisco human rights group, has identified approximately *sixty* suspected human rights violators now living in the United States. We have unwittingly sheltered the oppressors along with the oppressed for too long. We should not let this situation continue. We waited too long after the last world war to focus prosecutorial resources and attention on Nazi war criminals who entered this country on false pretenses. We should not repeat that mistake for other aliens who engaged in human rights abuses before coming to the United States. We need to focus the attention of our law enforcement investigators to prosecute and deport those who have committed atrocities abroad and who now enjoy safe harbor in the United States.

Despite U.S. ratification of the United Nations' "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment," current immigration law provides that those who participated in Nazi war crimes and genocide are inadmissible to and are removable from the United States, yet those who have committed the criminal act of torture are not. This leads to cases like that of Kelbessa Negewo, a member of the military dictatorship ruling Ethiopia in the 1970s, who has been found guilty of torture in a private civil action by an American court but who remains in the United States nonetheless because the Immigration and Naturalization Act does not provide explicit authority to investigate, denaturalize or remove him. The Leahy "Anti-Atrocity Alien Deportation Act" would close this loophole and make those who commit torture abroad inadmissible to and deportable from our country.

The "Anti-Atrocity Alien Deportation Act," which I introduce today with Senator Kohl, would amend the Immigration and Nationality Act to expand the grounds for inadmissibility and deportation to cover aliens who have engaged in acts of torture abroad. "Torture" is already defined in the Federal criminal code, 18 U.S.C. § 2340, in a law passed as part of the implementing legislation for the "Convention Against Torture." Under this Convention, the United States has an affirmative duty to prosecute torturers within its boundaries regardless of their respective nationalities. 18 U.S.C. § 2340A (1994).

This legislation would also provide statutory authorization for OSI, which currently owes its existence to an Attorney General order, and would expand its jurisdiction to authorize investigations, prosecutions, and removal of any alien who participated in torture and genocide

abroad -- not just Nazis. The success of OSI in hunting Nazi war criminals demonstrates the effectiveness of centralized resources and expertise in these cases. OIS has worked, and it is time to update its mission.

The knowledge of the people, politics and pathologies of particular regimes engaged in genocide and human rights abuses is often necessary for effective prosecutions of these cases and may best be accomplished by the concentrated efforts of a single office, rather than in piecemeal litigation around the country or in offices that have more diverse missions.

Unquestionably, the need to bring Nazi war criminals to justice remains a matter of great importance. Funds would not be diverted from the OSI's current mission. Additional resources are authorized in the bill for OSI's expanded duties.

I have for many years sought to advance the search for war criminals who have clandestinely immigrated to our country. In 1996, the moving testimony of esteemed individuals like Rabbi Marvin Hier (the dean and founder of the Simon Wiesenthal Center) led me to work closely on the drafting of the Nazi War Crimes Disclosure Act. More recently, I helped to ensure that the OSI would be able to further its efforts in investigating and denaturalizing Nazi war criminals with a budget increase of two million dollars for 1999, and I am attempting to do the same for the Year 2000.

I have also supported a strong and effective War Crimes Tribunal -- with the necessary funds and authority to fully apprehend and prosecute war criminals. Expanding the mission of OSI, combined with a vigorous War Crimes Tribunal, represents a full-scale, two-prong assault on war criminals, wherever they may hide.

We must honor and respect the unique experiences of those who were victims in the darkest moment in world history. The Anti-Defamation League has expressed its support for my bill. We may help honor the memories of the victims of the Holocaust by pursuing all war criminals who enter our country. By so doing, the United States can provide moral leadership and show that we will not tolerate perpetrators of genocide and torture, least of all here.

In sum, the Anti-Atrocity Alien Deportation Act would:

- ▶ bar admission into the United States and authorize the deportation of aliens who have engaged in acts of torture abroad;
- ▶ provide statutory authorization for and expand the jurisdiction of the Office of Special Investigations (so-called "Nazi war criminal hunters") within the Department of Justice to investigate, prosecute and remove any alien who participated in torture and genocide abroad -- not just Nazis.
- ▶ Authorize additional funding to ensure that OSI has adequate resources to fulfill its current mission of hunting Nazi war criminals.

I ask unanimous consent that my full statement, the text of the bill and a sectional analysis be printed in the record.

#

S.L.C.

2

1 SEC. 2. INADMISSIBILITY AND REMOVABILITY OF ALIENS
2 WHO HAVE COMMITTED ACTS OF TORTURE
3 ABROAD.

4 (a) INADMISSIBILITY.—Section 212(a)(3)(E) of the
5 Immigration and Nationality Act (8 U.S.C.
6 1182(a)(3)(E)) is amended by adding at the end the fol-
7 lowing:

8 “(iii) COMMISSION OF ACTS OF TOR-
9 TURE.—Any alien who, outside the United
10 States, has committed any act of torture,
11 as defined in section 2340 of title 18,
12 United States Code, is inadmissible.”.

13 (b) REMOVABILITY.—Section 237(a)(4)(D) of that
14 Act (8 U.S.C. 1227(a)(4)(D)) is amended by striking
15 “clause (i) or (ii)” and inserting “clause (i), (ii), or (iii)”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to offenses committed before, on,
18 or after the date of enactment of this Act.

19 SEC. 3. ESTABLISHMENT OF THE OFFICE OF SPECIAL IN-
20 VESTIGATIONS.

21 (a) AMENDMENT OF THE IMMIGRATION AND NA-
22 TIONALITY ACT.—Section 103 of the Immigration and
23 Nationality Act (8 U.S.C. 1103) is amended by adding
24 at the end the following:

25 “(g) The Attorney General shall establish within the
26 Criminal Division of the Department of Justice an Office

1 of Special Investigations with the authority of investigat-
2 ing, and, where appropriate, taking legal action to remove,
3 denaturalize, or prosecute any alien found to be in viola-
4 tion of clause (i), (ii), or (iii) of section 212(a)(3)(E).”.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—

6 (1) IN GENERAL.—There are authorized to be
7 appropriated to the Department of Justice for the
8 fiscal year 2000 such sums as may be necessary to
9 carry out the additional duties established under sec-
10 tion 103(g) of the Immigration and Nationality Act
11 (as added by this Act) in order to ensure that the
12 Office of Special Investigations fulfills its continuing
13 obligations regarding Nazi war criminals.

14 (2) AVAILABILITY OF FUNDS.—Amounts appro-
15 priated pursuant to paragraph (1) are authorized to
16 remain available until expended.

SECTIONAL ANALYSIS OF LEAHY ANTI-ATROCITY ALIEN DEPORTATION ACT

SUMMARY: This bill would make two significant changes in our country's enforcement capability against those who have committed atrocities abroad and then entered the United States. First, the bill would amend the Immigration and Nationality Act to expand the grounds for inadmissibility and deportation to cover aliens who have engaged in acts of torture, as defined in 18 U.S.C. § 2340, abroad. Second, the bill would direct the Attorney General to establish the Office of Special Investigations (OSI) within the Criminal Division and expand the current OSI's authority to investigate, prosecute, and remove any alien who participated in torture and genocide abroad, not just Nazi war criminals.

SEC. 1. SHORT TITLE. The Act may be cited as the "Anti-Atrocity Alien Deportation Act."

SEC. 2. INADMISSABILITY AND REMOVABILITY OF ALIENS WHO HAVE COMMITTED ACTS OF TORTURE ABROAD. Currently, the Immigration and Nationality Act provides that (i) participants in Nazi persecutions during the time period from March 23, 1933 to May 8, 1945, and (ii) aliens who engaged in genocide, are inadmissible to the United States and deportable. See 8 U.S.C. § 1182(a)(3)(E)(i) and § 1227(a)(4)(D). The bill would amend these sections of the Immigration and Nationality Act by expanding the grounds for inadmissibility and deportation to cover aliens who have engaged in acts of torture abroad. The United Nations' "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" entered into force with respect to the United States on November 20, 1994. This Convention, and the implementing legislation, the Torture Victims Protection Act, 18 U.S.C. §§ 2340 *et seq.*, includes the definition of "torture" incorporated in the bill and imposed an affirmative duty on the United States to prosecute torturers within its jurisdiction.

SEC. 3. ESTABLISHMENT OF THE OFFICE OF SPECIAL INVESTIGATIONS.

Attorney General Civiletti established OSI in 1979 within the Criminal Division of the Department of Justice, consolidating within it all "investigative and litigation activities involving individuals, who prior to and during World War II, under the supervision of or in association with the Nazi government of Germany, its allies, and other affiliated [sic] governments, are alleged to have ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion." (Att'y Gen. Order No. 851-79). The OSI's mission continues to be limited by that Attorney General Order.

This section would amend the Immigration and Nationality Act, 8 U.S.C. § 1103, by directing the Attorney General to establish an Office of Special Investigations within the Department of Justice with authorization to investigate, remove, denaturalize, or prosecute any alien who has participated in torture or genocide abroad. This would expand OSI's current authorized mission. Additional funds are authorized for these expanded duties to ensure that OSI fulfills its continuing obligations regarding Nazi war criminals.

Agenda
IWG on Human Rights Treaty Implementation
10:00 a.m., July 27, 1999
OEOB, 208

1. Public Outreach

- meeting with NGOs on August 5 (NSC) 2 pm Room 472
- meeting with NGO group on child soldier issue (NSC)
- meeting with UNHCR (NSC)

*all separate
meetings*

*Eliana Subena
Davidson*

2. Reports

- Status of Torture Convention report (State/L)
- Status of Race Convention report (State/L)
- Status of efforts to increase resources for reports (State/L)
-

3. Death Penalty Issues

- Texas case and 1503 procedure (State/Justice)
- Status of amicus brief in Domingues v. Nevada (Justice)

4. Status of Justice task force on human rights abusers (Justice/DAG's office)

- Response to Leahy legislation

5. Treaty Ratification

- CEDAW update (State/DRL)

6. State and Local Compliance Implementation (State/DRL)

- Meeting time

7. Other Issues



Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

This Administration has focused unprecedented attention on promotion of women's human rights and CEDAW ratification. The President, the First Lady, and the Secretary have called for ratification. The White House and the Secretary have raised CEDAW with key Senators.

- The United States is the world's leading advocate for human rights and fundamental freedoms. Countries look to the U.S. as an example in advancing the status of women globally. Lack of ratification not only hurts our credibility, but also sends the wrong message about our commitment to promoting women's human rights and opposing violations.
- CEDAW is a set of international standards to improve the lives of women and girls around the world. In many countries where CEDAW has been ratified, citizens have succeeded in improving protections against the violations affecting women. It has made a difference in the lives of many women.
- Internationally, the United States calls on countries to meet internationally recognized standards of human rights, such as those reflected in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Genocide Convention, the Convention Against Torture, as well as the Convention on the Elimination of All Forms of Discrimination Against Women.
- CEDAW is a tool to hold governments accountable for the human rights violations that are perpetrated against women. As we hold other countries accountable and urge them to ratify human rights treaties, lack of U.S. ratification hinders our efforts, signals inconsistency, and undermines our ability to urge others to ratify conventions.
- CEDAW is about eliminating human rights violations and protecting human rights for women, so that they can enjoy the full range of universal human rights.
- At the federal and state levels, current U.S. law already provides strong guarantees of equal protections. As a result, U.S. law largely complies with the requirements of the convention.
- U.S. ratification of CEDAW provides added leverage to press governments on mistreatment of women and urge promotion of human rights.
- 163 countries have ratified.

Krass, Caroline D.

From: Krass, Caroline D.
Sent: Tuesday, May 25, 1999 10:12 AM
To: Schwartz, Eric P.; Busby, Scott W.
Cc: @MULTILAT - Multilateral and Humanitarian Affairs; @LEGAL - Legal Advisor
Subject: IWG Meetings with NGO's [UNCLASSIFIED]

Eric and Scott:

This e-mail provides our advice on legally available options for responding to the request by the World Organization Against Torture to: (1) meet with the NGO community on a regularized basis, perhaps shortly after the IWG meetings, alternating sites between OEOB and one of the NGO locations; and (2) have 2-3 NGO representatives dealing with a particular subject area meet with and brief the IWG as part of the IWG meetings or at their conclusion.

Two legal principles should guide your response. The first is to avoid giving preference to one entity over another. Similar requests from similarly situated entities must be treated alike. Thus if you get a request such as this one from a different NGO, it must be given serious consideration. Such openness will also decrease the risk of litigation initiated by a party that perceives that it has been unfairly excluded.

Second, the Federal Advisory Committee Act (FACA) provides several requirements to ensure that the deliberations of advisory committees, which, loosely defined, are groups that include non-federal government employees who meet regularly to develop recommendations to advise the President or other senior officials, are open to the public. As you know, the IWG is not subject to the FACA. You need to be careful that nothing you do to include members of outside organizations turns the IWG into an advisory committee subject to the FACA. While it would be permissible for the IWG to hear the views of outside organizations, these organizations should not be involved in the IWG's deliberations and formulation of recommendations. Thus, while it would be permissible for outside organizations to come and present their views at the end of an IWG, they should not be party to the IWG's internal deliberations. Nor should the same people from the private sector come each time, because that would run the risk of appearing to be regular participation in the workings of the IWG. For the same reason, we recommend that the meetings be set up on an "as needed" rather than a regularly scheduled basis.

As a prudential matter, we advise against the IWG as a group establishing a practice of meeting with NGOs outside the building.

Please let us review a copy of your response to Mort Sklar and Patrick Chapman.



WORLD ORGANIZATION AGAINST TORTURE USA

Morton Sklar, Director - Sharma Mir, Deputy Director - Marissa Maurer, Refugee Project Director - Patrick Chapman, Race Convention Project Director

April 23, 1999

Mr. Scott Busby, Director
Office of Multilateral and Humanitarian Affairs
National Security Council
The White House
Washington, DC 20504

FACA
Many
Dang
Jen Thessen

Dear Scott:

Thank you once again for your openness and responsiveness in arranging a meeting between the members of the government's Interagency Task Force (ITF or Task Force) formed under Executive Order 13107, and members of the civil and human rights NGO community working on U.S. human rights compliance issues.

Other members of the Interagency Task Force have by now, I am sure, briefed you regarding the joint meeting that you helped to arrange on April 14, but that you unfortunately were unable to attend because of developments in Kosovo. But I wanted to be sure to bring to your attention three very specific proposals that were made at this session for consideration by the Task Force, perhaps at their next meeting. First, we would like to make this type of exchange and communication between the Interagency Task Force and the NGO community part of a more regular and ongoing process. Would you be willing to continue to have these meetings on a monthly (or thereabouts) basis, perhaps shortly after your regular ITF sessions, alternating sites between the OEOB and one of the NGO locations?

Second, we would like to find a way for us to discuss the substantive issues on a more effective basis. Would you be willing to have 2 or 3 NGO representatives dealing with a particular subject area, perhaps starting with the death penalty, refugee policies, or police brutality, meet with and brief the ITF as a part of your upcoming ITF meetings, or at their conclusion?

Third, we believe that both sides gain by having advance information about what is taking place, or about to take place, regarding the human rights treaty reporting process. We will undertake to do this regarding our issuance of new reports, and communications and meetings with treaty monitoring bodies and the like that are scheduled to take place. We hope that you will do the same by giving us at least

Mr. Scott Busby

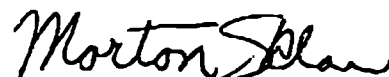
Page 2

several days advance word before the actual submission of each of the government's human rights treaty reports is made (starting with the Torture Convention report), along with an executive summary or any other advance documentation that will help us understand the government's positions on key issues that will be addressed.

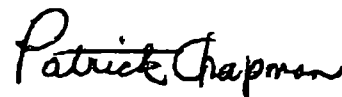
We strongly support the efforts of the Interagency Task Force, and its goal of increasing the effectiveness and responsiveness of reporting under the human rights treaties, and stand ready to assist you in this process. We understand, and know you do as well, that what we do to strengthen the international reporting system, and U.S. compliance under the human rights treaties more generally, will help to establish the model that we would like to see applied to all governments, and will strengthen the position of the U.S. in our efforts to promote human rights observance worldwide.

We look forward to the response of the Interagency Task Force to the proposals that were made at the April 14 meeting.

Sincerely,



Morton Sklar
Director
and Chair, Human Rights
NGO Working Group



Patrick Chapman
Director, Race Convention
Report Project