

No. 24378

MULTILATERAL

**Convention on territorial asylum. Concluded at Caracas on
28 March 1954**

Authentic texts: Spanish, English, Portuguese and French.

Registered by the Organization of American States on 23 October 1986.

MULTILATÉRAL

**Convention sur l'asile territorial. Conclue à Caracas le
28 mars 1954**

Textes authentiques : espagnol, anglais, portugais et français.

Enregistrée par l'Organisation des États américains le 23 octobre 1986.

CONVENTION¹ ON TERRITORIAL ASYLUM

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

Article I. Every State has the right, in the exercise of its sovereignty, to admit into its territory such persons as it deems advisable, without, through the exercise of this right, giving rise to complaint by any other State.

Article II. The respect which, according to international law, is due the jurisdictional right of each State over the inhabitants in its territory, is equally due, without any restriction whatsoever, to that which it has over persons who enter it proceeding from a State in which they are persecuted for their beliefs, opinions, or political affiliations, or for acts which may be considered as political offenses.

Any violation of sovereignty that consists of acts committed by a government or its agents in another State against the life or security of an individual, carried out on the territory of another State, may not be considered attenuated because

¹ Came into force on 29 December 1954, the date of deposit with the General Secretariat of the Organization of American States of the second instrument of ratification.*

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
El Salvador	28 September 1954
Venezuela	29 December 1954

* Notwithstanding the provisions of article XIV, the opinion of the depositary is that the Convention entered into force on the date indicated above, pursuant to the said article and in accordance with the provisions of article 8 of the Convention on Treaties, signed at Havana on 20 February 1928,† at the Sixth International Conference of American States.

† Hudson, Manley O., *International Legislation*, vol. 4 (Carnegie Endowment for International Peace, 1931), p. 2378.

Subsequently, the Convention came into force for the States listed below on the date of deposit of their instrument of ratification with the General Secretariat of the Organization of American States:

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Haiti	18 February 1955
Costa Rica	24 February 1955
Ecuador	11 August 1955
Paraguay	25 January 1957
Panama	19 March 1958
Brazil	14 January 1965
Uruguay	9 August 1967
Colombia	11 December 1968
Mexico‡	3 April 1982
Guatemala	13 May 1983

‡ See p. 148 of this volume for the text of the reservation made upon ratification.

In addition, notifications of denunciation and of revocation of denunciation of the Convention were received from the following State by the General Secretariat of the Organization of American States on the dates indicated below, to take effect one year thereafter in accordance with article XV, or on the date of receipt, respectively:

<i>State</i>	<i>Date of receipt of the notification of denunciation (n) or withdrawal of denunciation</i>
Haiti	1 August 1967 n
(With effect from 1 August 1968.)	
Haiti	1 December 1974
(With effect from 1 December 1974.)	

the persecution began outside its boundaries or is due to political considerations or reasons of state.

Article III. No State is under the obligation to surrender to another State, or to expel from its own territory, persons persecuted for political reasons or offenses.

Article IV. The right of extradition is not applicable in connection with persons who, in accordance with the qualifications of the solicited State, are sought for political offenses, or for common offenses committed for political ends, or when extradition is solicited for predominantly political motives.

Article V. The fact that a person has entered into the territorial jurisdiction of a State surreptitiously or irregularly does not affect the provisions of this Convention.

Article VI. Without prejudice to the provisions of the following articles, no State is under the obligation to establish any distinction in its legislation, or in its regulations or administrative acts applicable to aliens, solely because of the fact that they are political asylees or refugees.

Article VII. Freedom of expression of thought, recognized by domestic law for all inhabitants of a State, may not be ground of complaint by a third State on the basis of opinions expressed publicly against it or its government by asylees or refugees, except when these concepts constitute systematic propaganda through which they incite to the use of force or violence against the government of the complaining State.

Article VIII. No State has the right to request that another State restrict for the political asylees or refugees the freedom of assembly or association which the latter State's internal legislation grants to all aliens within its territory, unless such assembly or association has as its purpose fomenting the use of force or violence against the government of the soliciting State.

Article IX. At the request of the interested State, the State that has granted refuge or asylum shall take steps to keep watch over, or to intern at a reasonable distance from its border, those political refugees or asylees who are notorious leaders of a subversive movement, as well as those against whom there is evidence that they are disposed to join it.

Determination of the reasonable distance from the border, for the purpose of internment, shall depend upon the judgment of the authorities of the State of refuge.

All expenses incurred as a result of the internment of political asylees and refugees shall be chargeable to the State that makes the request.

Article X. The political internees referred to in the preceding article shall advise the government of the host State whenever they wish to leave its territory. Departure therefrom will be granted, under the condition that they are not to go to the country from which they came; and the interested government is to be notified.

Article XI. In all cases in which a complaint or request is permissible in accordance with this Convention, the admissibility of evidence presented by the demanding State shall depend on the judgment of the solicited State.

Article XII. This Convention remains open to the signature of the Member States of the Organization of American States, and shall be ratified by the signatory States in accordance with their respective constitutional procedures.

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

Article XIV. This Convention shall take effect among the States that ratify it in the order in which their respective ratifications are deposited.

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

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, having presented their plenary powers which have been found in good and satisfactory form, sign this Convention, in the name of their respective Governments, in the city of Caracas, this twenty-eighth day of March, one thousand nine hundred and fifty-four.

[For the signature pages, see p. 138 of this volume.]

Por Ecuador:
Pour l'Équateur :
For Ecuador:
Pelo Equador:

[Signed — Signé]
JOSÉ VICENTE TRUJILLO
[Signed — Signé]
HOMERO VITERI LAFRONTE
[Signed — Signé]
JOSÉ RICARDO CHIRIBOGA V.

Por Guatemala:¹
Pour le Guatemala :
For Guatemala:
Por Guatemala:

[Signed — Signé]
GUILLERMO TORIELLO GARRIDO

Por Brasil:
Pour le Brésil :
For Brazil:
Pelo Brasil:

[Signed — Signé]
HILDEBRANDO ACCIOLY
[Signed — Signé]
FERNANDO LOBO
[Signed — Signé]
BERTHA LUTZ
[Signed — Signé]
GUSTAVO BARROSO
[Signed — Signé]
JAYME DE AZEVEDO RODRIGUES

Por Paraguay:
Pour le Paraguay :
For Paraguay:
Pelo Paraguai:

[Signed — Signé]
JOSÉ ANTONIO MORENO GONZÁLEZ

¹ See p. 145 of this volume for the text of the reservation made upon signature — Voir p. 145 du présent volume pour le texte de la réserve faite lors de la signature.

[Signed — Signé]

RAÚL SAPENA PASTOR

[Signed — Signé]

RAMIRO RECALDE DE VARGAS

[Signed — Signé]

HERMÓGENES GONZÁLEZ MAYA

Por Cuba:
Pour Cuba :
For Cuba:
Por Cuba:

[Signed — Signé]

JUAN J. REMOS RUBIO

[Signed — Signé]

EMILIO PORTUONDO

[Signed — Signé]

GABRIEL SUÁREZ SOLAR

[Signed — Signé]

F. V. GARCÍA-AMADOR

Por El Salvador:
Pour El Salvador :
For El Salvador:
Por El Salvador:

[Signed — Signé]

ROBERTO E. CANESSA

[Signed — Signé]

HÉCTOR DAVID CASTRO

[Signed — Signé]

MIGUEL RAFAEL URQUÍA

[Signed — Signé]

ALFREDO MARTÍNEZ MORENO

[Signed — Signé]

MANUEL ROMERO HERNANDEZ

[Signed — Signé]

RAMÓN GONZÁLEZ MONTALVO

[Signed — Signé]

MANUEL ANTONIO RAMÍREZ

Por Panamá:
Pour le Panama :
For Panama:
Pelo Panamá:

[*Signed — Signé*]
RICARDO J. ALFARO
[*Signed — Signé*]
JULIO E. HEURTEMATTE

Por Uruguay:
Pour l'Uruguay :
For Uruguay:
Pelo Uruguai:

[*Signed — Signé*]
JOSÉ A. MORA OTERO
[*Signed — Signé*]
JUSTINO JIMÉNEZ DE ARÉCHAGA
[*Signed — Signé*]
QUINTÍN ALFONSÍN

Por Chile:
Pour le Chili :
For Chile:
Pelo Chile:

[*Signed — Signé*]
LUIS D. CRUZ OCAMPO
[*Signed — Signé*]
GUSTAVO LUCO ROJAS
[*Signed — Signé*]
MARIANO FONTECILLA VARAS
[*Signed — Signé*]
ENRIQUE GAJARDO VILLARROEL
[*Signed — Signé*]
MARIO RODRÍGUEZ ALTAMIRANO

Por los Estados Unidos de América:
Pour les Etats-Unis d'Amérique :
For the United States of America:
Pelos Estados Unidos da América:

Por la República Dominicana:¹
 Pour la République Dominicaine :
 For the Dominican Republic:
 Pela República Dominicana:

[Signed — Signé]

JOAQUÍN BALAGUER

[Signed — Signé]

TEMÍSTOCLES MESSINA

[Signed — Signé]

PORFIRIO HERRERA BÁEZ

[Signed — Signé]

JOSÉ GARCÍA TRUJILLO

[Signed — Signé]

JOSÉ PAXTOT VALLEJO

[Signed — Signé]

S. SALVADOR ORTIZ

[Illegible — Illisible]

Por México:¹
 Pour le Mexique :
 For Mexico:
 Pelo México:

[Signed — Signé]

LUIS PADILLA NERVO

[Signed — Signé]

LUIS QUINTANILLA

[Signed — Signé]

RICARDO TORRES GAITÁN

[Signed — Signé]

ARMANDO C. AMADOR

[Signed — Signé]

FRANCISCO A. URSÚA

[Signed — Signé]

FRANCISCO J. MACÍN

[Signed — Signé]

MARÍA LAVALLE URBINA

[Illegible — Illisible]

¹ See p. 145 of this volume for the text of the reservation made upon signature — Voir p. 145 du présent volume pour le texte de la réserve faite lors de la signature.

Por Nicaragua:
 Pour le Nicaragua :
 For Nicaragua:
 Por Nicarágua:

[Signed — Signé]
 GUILLERMO SEVILLA SACASA
 [Signed — Signé]
 MARIANO ARGÜELLO VARGAS
 [Signed — Signé]
 JOAQUÍN CUADRA ZAVALA
 [Signed — Signé]
 RENÉ SCHICK

Por Perú:¹
 Pour le Pérou :
 For Peru:
 Pelo Peru:

[Signed — Signé]
 VICTOR ANDRÉS BELAÚNDE
 [Signed — Signé]
 JUAN BAUTISTA DE LAVALLE
 [Signed — Signé]
 EDUARDO GARLAND ROEL
 [Signed — Signé]
 DIÓMEDES ARIAS SCHREIBER
 [Signed — Signé]
 MANUEL B. LLOSA

Por Honduras:¹
 Pour le Honduras :
 For Honduras:
 Por Honduras:

[Signed — Signé]
 MARCO A. BATRES
 [Signed — Signé]
 ANTONIO OCHOA ALCÁNTARA
 [Signed — Signé]
 JORGE FIDEL DURÓN

¹ See p. 145 of this volume for the text of the reservation made upon signature — Voir p. 145 du présent volume pour le texte de la réserve faite lors de la signature.

[*Signed — Signé*]
CARLOS H. MATUTE
[*Signed — Signé*]
GABRIEL A. MEJÍA

Por Colombia:
Pour la Colombie :
For Colombia:
Pela Colômbia:

[*Signed — Signé*]
EVARISTO SOURDÍS
[*Signed — Signé*]
ANTONIO ROCHA
[*Signed — Signé*]
JOSÉ GABRIEL DE LA VEGA
[*Signed — Signé*]
FRANCISCO URRUTIA HOLGUÍN
[*Signed — Signé*]
CÉSAR TULIO DELGADO
[*Signed — Signé*]
EDGARDO MANOTAS WILCHES

Por Haïtí:
Pour Haïti :
For Haiti:
Por Haiti:

[*Signed — Signé*]
PIERRE L. LIAUTAUD
[*Signed — Signé*]
JACQUES A. FRANÇOIS
[*Signed — Signé*]
ROCHE B. LAROCHE
[*Signed — Signé*]
PIERRE L. HUDICOURT

Por Bolivia:
Pour la Bolivie :
For Bolivia:
Pela Bolívia:

[*Signed — Signé*]
RENÁN CASTRILLO JUSTINIANO

[Signed — Signé]

RAÚL MURILLO Y ALIAGA

[Illegible — Illisible]

Por la República Argentina:¹
Pour la République Argentine :
For the Argentine Republic:
Pela República Argentina:

[Signed — Signé]

JOSÉ CARLOS VITTONI

[Signed — Signé]

RODOLFO MUÑOZ

[Signed — Signé]

JULIO ADOLFO DE TEZANOS PINTO

[Signed — Signé]

ENRIQUE ABAL

[Signed — Signé]

OSCAR LUIS PELLIZA

[Signed — Signé]

LUIS FRANCISCO TOMÁS CAMPS

Por Venezuela:
Pour le Venezuela :
For Venezuela:
Pela Venezuela:

[Signed — Signé]

AURELIANO OTAÑEZ

Por Costa Rica:
Pour le Costa Rica :
For Costa Rica:
Por Costa Rica:

[Signed — Signé]

GONZALO FACIO
16 de junio de 1954²

¹ See p. 145 of this volume for the text of the reservation made upon signature — Voir p. 145 du présent volume pour le texte de la réserve faite lors de la signature.

² 16 June 1954 — 16 juin 1954.

RESERVATIONS MADE
UPON SIGNATURERÉSERVES FAITES LORS
DE LA SIGNATURE

ARGENTINA

ARGENTINE

[SPANISH TEXT — TEXTE ESPAGNOL]

“La delegación de Argentina ha votado favorablemente la Convención sobre Asilo Territorial, pero formula reserva expresa con respecto al Artículo VII, por entender que el mismo no consulta debidamente ni resuelve satisfactoriamente el problema que origina el ejercicio, por parte de los asilados políticos, del derecho de libre expresión del pensamiento.”

[TRANSLATION]¹[TRADUCTION]¹

The delegation of Argentina has voted in favor of the Convention regarding Territorial Asylum, but makes express reservations in regard to Article VII, as it believes that the latter does not duly consider nor satisfactorily resolve the problem arising from the exercise, on the part of political asylees, of the right of freedom of expression of thought.

La délégation de l'Argentine a accueilli favorablement la Convention sur l'asile territorial; mais elle formule une réserve expresse concernant l'article VII, parce que celui-ci ne considère pas comme il convient et ne résout pas d'une manière satisfaisante le problème qui se rapporte à l'exercice, de la part des asilés politiques, du droit de libre expression de la pensée.

DOMINICAN REPUBLIC

RÉPUBLIQUE DOMINICAINE

[SPANISH TEXT — TEXTE ESPAGNOL]

“La delegación de la República Dominicana suscribe la Convención sobre Asilo Territorial con las siguientes reservas:

Artículo I. La República Dominicana acepta el principio general consagrado en dicho artículo en el sentido de que ‘todo Estado tiene derecho a admitir dentro de su territorio a las personas que juzgue conveniente’, pero no renuncia al derecho de efectuar las representaciones diplomáticas que, por consideraciones de seguridad nacional, estime conveniente hacer ante otro Estado.

Artículo II. Acepta el segundo párrafo de este artículo en el entendido de que el mismo no afecta las prescripciones de la policía de fronteras.

Artículo X. La República Dominicana no renuncia al derecho de recurrir a los procedimientos de arreglo pacífico de las controversias internacionales que pudieran surgir de la práctica del asilo territorial.”

[TRANSLATION]¹[TRADUCTION]¹

The delegation of the Dominican Republic subscribes to the Convention on

La délégation de la République Dominicaine signe la Convention sur l'asile

¹ Translation supplied by the Organization of American States.

¹ Traduction fournie par l'Organisation des Etats américains.

Territorial Asylum, with the following reservations:

Article I. The Dominican Republic accepts the general principle embodied in that article in the sense that, "Every State has the right to admit into its territory such persons as it deems advisable", but it does not renounce the right to make diplomatic representation to any other State, if for considerations of national security it deems this advisable.

Article II. It accepts the second paragraph of this article with the understanding that the latter does not affect the regulations of the frontier police.

Article X. The Dominican Republic does not renounce the right to resort to the procedures for pacific settlement of international disputes that may arise from the exercise of territorial asylum.

territorial en formulant les réserves suivantes :

Article I. La République Dominicaine accepte le principe général consacré dans ledit article concernant le fait que « tout Etat a le droit d'admettre sur son territoire les personnes qu'il lui convient de recevoir »; mais elle ne renonce pas au droit de faire des représentations diplomatiques à un autre Etat, si elle le juge nécessaire, pour des raisons de sécurité nationale.

Article II. Elle accepte le deuxième paragraphe de cet article, qu'elle entend dans ce sens qu'il n'affectera pas les prescriptions relatives à la police des frontières.

Article X. La République Dominicaine ne renonce pas au droit de recourir aux procédures de règlement pacifique des différends internationaux qui pourraient résulter de la pratique de l'asile territorial.

GUATEMALA

[SPANISH TEXT — TEXTE ESPAGNOL]

"Hacemos reserva expresa del artículo III (tercero) en lo que se refiere a la entrega de personas perseguidas por motivos o delitos políticos; porque, acordes con las disposiciones de su Constitución política, sostiene que dicha entrega de perseguidos políticos jamás puede efectuarse.

Dejamos constancia, por otra parte, que entiende el término 'internación' contenido en el artículo IX como simple alejamiento de las fronteras."

[TRANSLATION]¹

We make express reservation to Article III (three) wherein it refers to the surrender of persons persecuted for political reasons or offenses; because according to the provisions of our Political Constitution, we maintain that such surrender of persons persecuted for political reasons may never be carried out.

We affirm, likewise, that the term "internment" in Article IX means

GUATEMALA

"Hacemos reserva expresa del artículo III (tercero) en lo que se refiere a la entrega de personas perseguidas por motivos o delitos políticos; porque, acordes con las disposiciones de su Constitución política, sostiene que dicha entrega de perseguidos políticos jamás puede efectuarse.

Dejamos constancia, por otra parte, que entiende el término 'internación' contenido en el artículo IX como simple alejamiento de las fronteras."

[TRANSLATION]¹

Nous faisons une réserve expresse à l'article III (troisième), en ce qui concerne la remise de personnes poursuivies pour des motifs ou des délits politiques, parce que, conformément aux dispositions de notre constitution politique, nous soutenons que ladite remise d'hommes politiques poursuivis ne peut jamais être effectuée.

Nous donnons acte, d'autre part, que nous entendons le terme « interne-

¹ Translation supplied by the Organization of American States.

¹ Traduction fournie par l'Organisation des Etats américains.

merely location at a distance from the border.

ment », contenu dans l'article IX, simplement comme un éloignement des frontières.

HONDURAS

HONDURAS

[SPANISH TEXT — TEXTE ESPAGNOL]

“La delegación de Honduras suscribe la Convención sobre Asilo Territorial con las reservas del caso respecto a los artículos que se opongan a la Constitución y a las leyes vigentes de la república de Honduras.”

[TRANSLATION]¹

[TRADUCTION]¹

The delegation of Honduras gives its approval to the Convention regarding Territorial Asylum with reservations with respect to those articles opposed to the Constitution and to the laws in force in the republic of Honduras.

La délégation du Honduras signe la Convention sur l'asile territorial avec des réserves concernant les articles qui sont en opposition avec la constitution et les lois en vigueur de la République de Honduras.

MEXICO

MEXIQUE

[SPANISH TEXT — TEXTE ESPAGNOL]

“La delegación de México hace reserva expresa de los artículos IX y X de la Convención sobre Asilo Territorial, porque son contrarios a las garantías individuales de que gozan todos los habitantes de la República de acuerdo con la Constitución Política de los Estados Unidos Mexicanos.”

[TRANSLATION]¹

[TRADUCTION]¹

The delegation of Mexico makes express reservation to Articles IX and X of the Convention regarding territorial asylum because they are contrary to the individual guarantees enjoyed by all the inhabitants of the Republic in accordance with the Political Constitution of Mexico.

La délégation du Mexique fait des réserves expresses concernant les articles IX et X de la Convention sur l'asile territorial, parce qu'ils sont contraires aux garanties individuelles dont jouissent tous les habitants de la République d'accord avec la constitution politique des Etats-Unis du Mexique.

PERU

PÉROU

[SPANISH TEXT — TEXTE ESPAGNOL]

“La delegación del Perú hace reserva al texto del artículo VII de la Convención sobre Asilo Territorial, en cuanto discrepa del artículo VI del proyecto del Consejo Interamericano de Jurisconsultos, con el cual concuerda la delegación.”

[TRANSLATION]¹

[TRADUCTION]¹

The delegation of Peru makes reservation to the text of Article VII of the

La délégation du Pérou fait une réserve concernant le texte de l'article VII

¹ Translation supplied by the Organization of American States.

¹ Traduction fournie par l'Organisation des Etats américains.

Convention regarding Territorial Asylum, insofar as it differs from Article VI of the draft proposal of the Inter-American Council of Jurists, with which the delegation concurs.

de la Convention sur l'asile territorial, parce qu'il diffère de l'article VI du projet soumis par le Conseil interaméricain de Jurisconsultes, sur lequel elle est d'accord.

RESERVATION MADE
UPON RATIFICATION

RÉSERVE FAITE
LORS DE LA RATIFICATION

MEXICO¹

MEXIQUE¹

[SPANISH TEXT — TEXTE ESPAGNOL]

“El Gobierno de México hace reserva expresa del Artículo X porque es contrario a las garantías individuales de que gozan todos los habitantes de la República de acuerdo con la Constitución Política de los Estados Unidos Mexicanos.”

[TRANSLATION]²

[TRADUCTION]²

The Government of Mexico makes express reservation to Article X because it is contrary to the individual guarantees enjoyed by all the inhabitants of the Republic in accordance with the Political Constitution of the United Mexican States.

Le Gouvernement mexicain formule une réserve expresse au sujet de l'article X parce que celui-ci est incompatible avec les garanties individuelles dont jouissent tous les habitants de la République aux termes de la Constitution politique des Etats-Unis du Mexique.

¹ In the absence of objection to the reservation within a 12-month period, starting from the date on which it was notified to the States concerned by the General Secretariat of the Organization of American States, the deposit of the instrument of ratification by Mexico was deemed effected on 3 April 1982 at the end of this time period. (Information provided by the General Secretariat of the Organization of American States.)

² Translation supplied by the Organization of American States.

¹ En l'absence d'objection à la réserve dans le délai de 12 mois à compter de la date à laquelle elle a été notifiée par le Secrétariat général de l'Organisation des Etats américains aux Etats concernés, le dépôt de l'instrument de ratification du Mexique a ensuite été effectué le 3 avril 1982 à l'issue de ce délai. (Renseignement fourni par le Secrétariat général de l'Organisation des Etats américains.)

² Traduction fournie par l'Organisation des Etats américains.