

No. 24377

MULTILATERAL

**Convention on diplomatic 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.

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Textes authentiques : espagnol, anglais, portugais et français.

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

CONVENTION¹ ON DIPLOMATIC ASYLUM

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

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

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

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

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

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 XXIII, 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
Mexico	6 February 1957
Brazil	17 September 1957
Panama	19 March 1958
Dominican Republic	14 December 1961
Peru	2 July 1962
Uruguay‡	9 August 1967
Guatemala	13 May 1983

‡ See p. 125 of this volume for the text of the declaration 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 XXIV, 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.)	

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

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

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

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

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

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

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

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

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

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

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

Article XIII. In the cases referred to in the preceding articles the State granting asylum may require that the guarantees be given in writing, and may take

into account, in determining the rapidity of the journey, the actual conditions of danger involved in the departure of the asylee.

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

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

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

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

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

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

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

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

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

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

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

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

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

Article XX. Diplomatic asylum shall not be subject to reciprocity.

Every person is under its protection, whatever his nationality.

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

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

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

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

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, having presented their plenary powers, which have been found in good and due 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. 116 of this volume.]

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

[Signed — Signé]

JOSÉ TRUJILLO

[Signed — Signé]

HOMERO VITERI L.

[Signed — Signé]

JOSÉ R. 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. 123 of this volume for the text of the reservation made upon signature — Voir p. 123 du présent volume pour le texte de la réserve faite lors de la signature.

[Signed — Signé]

RAÚL SAPENA PASTOR

[Signed — Signé]

HERMÓGENES GONZÁLEZ MAYA

[Signed — Signé]

RAMIRO RECALDE DE VARGAS

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 CANESSA

[Signed — Signé]

HECTOR DAVID CASTRO

[Signed — Signé]

M. RAFAEL URQUÍA

[Signed — Signé]

ALFREDO MARTÍNEZ M.

[Signed — Signé]

RAMON MONTALVO

[Signed — Signé]

MANUEL RAMÍREZ

[Signed — Signé]

MANUEL ROMÉRO HERNÁNDEZ

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

[*Signed — Signé*]

RICARDO J. ALFARO

[*Signed — Signé*]

JULIO E. HEURTEMATTE

Por Uruguay:¹
 Pour l'Uruguay :
 For Uruguay:
 Pelo Uruguai:

[*Signed — Signé*]

JOSÉ A. MORA OTERO

[*Signed — Signé*]

JUSTINO J. DE ARÉCHAGA

[*Signed — Signé*]

QUINTÍN ALFONSIN

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

[*Signed — Signé*]

LUIS DAVID CRUZ OCAMPO

[*Signed — Signé*]

GUSTAVO LUCO ROJAS

[*Signed — Signé*]

ENRIQUE GAJARDO VILLARROEL

[*Signed — Signé*]

MARIANO FONTECILLA VARAS

[*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:

¹ See p. 123 of this volume for the text of the reservation made upon signature — Voir p. 123 du présent volume pour le texte de la réserve faite lors de la signature.

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 BAÉZ
 [Signed — Signé]
 JOSÉ GARCÍA TRUJILLO
 [Signed — Signé]
 JOSÉ PAXTOT VALLEJO
 [Signed — Signé]
 S. SALVADOR ORTIZ
 [Illegible — Illisible]

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

[Signed — Signé]
 LUIS PADILLA NERVO
 [Signed — Signé]
 LUIS QUINTANILLA
 [Signed — Signé]
 RICARDO TORRES GAITÁN
 [Illegible — Illisible]
 [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. 123 of this volume for the text of the reservation made upon signature — Voir p. 123 du présent volume pour le texte de la réserve faite lors de la signature.

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

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

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

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

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

[Signed — Signé]
MARCO A. BATRES

¹ See p. 123 of this volume for the text of the reservation made upon signature — Voir p. 123 du présent volume pour le texte de la réserve faite lors de la signature.

[Signed — Signé]

ANTONIO OCHOA ALCÁNTARA

[Signed — Signé]

JORGE FIDEL DURÓN

[Signed — Signé]

CARLOS H. MATUTE

[Signed — Signé]

GABRIEL A. MEJÍA

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

[Signed — Signé]

EVARISTO SOURDIS

[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 Haïti:
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:
Pour la République Argentine :
For the Argentine Republic:
Pela República Argentina:

[Signed — Signé]
JOSÉ CARLOS VITTONI
[Signed — Signé]
RODOLFO MUÑOZ
[Signed — Signé]
JULIO A. 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 OTÁÑEZ

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

[Signed — Signé]
GONZALO FACIO
16 de junio de 1954¹

¹ 16 June 1954 — 16 juin 1954.

RESERVATIONS MADE
UPON SIGNATURERÉSERVES FAITES LORS
DE LA SIGNATURE

DOMINICAN REPUBLIC

RÉPUBLIQUE DOMINICAINE

[SPANISH TEXT — TEXTE ESPAGNOL]

“La República Dominicana suscribe la anterior Convención con las reservas siguientes:

Primera. La República Dominicana no acepta las disposiciones contenidas en los artículos VII y siguientes en lo que respecta a la calificación unilateral de la urgencia por el Estado asilante;

Segunda. Las disposiciones de esta Convención no son aplicables, en consecuencia, en lo que a la República Dominicana concierne, a las controversias que puedan surgir entre el Estado territorial y el Estado asilante, y que se refieran concretamente a la falta de seriedad o a la inexistencia de una verdadera acción persecutoria contra el asilado por parte de las autoridades locales.”

[TRANSLATION]¹[TRADUCTION]¹

The Dominican Republic subscribes to the above Convention with the following reservations:

First. The Dominican Republic does not agree to the provisions contained in Article VII and those following with respect to the unilateral determination of the urgency by the State granting asylum; and

Second. The provisions of this Convention shall not be applicable, consequently, insofar as the Dominican Republic is concerned, to any controversies that may arise between the territorial State and the State granting asylum, that refer specifically to the absence of a serious situation or the non-existence of a true act of persecution against the asylee by the local authorities.

La République Dominicaine signe la présente Convention avec les réserves suivantes :

Premièrement. La République Dominicaine n'accepte pas les dispositions contenues dans les articles VII et suivants, relativement à la qualification unilatérale de l'urgence par l'Etat qui accorde l'asile; et

Deuxièmement. Les dispositions de cette Convention ne sont pas applicables par conséquent, en ce qui concerne la République Dominicaine, aux controverses qui pourraient surgir entre l'Etat territorial et l'Etat qui accorde l'asile, et qui se rapporteraient concrètement au manque de gravité ou à l'inexistence d'une véritable action persecutrice contre l'asilé de la part des autorités locales.

GUATEMALA

GUATEMALA

[SPANISH TEXT — TEXTE ESPAGNOL]

“Hacemos reserva expresa del artículo II en cuanto declara que los Estados no están obligados a otorgar asilo; porque sostenemos un concepto amplio y firme del derecho de asilo.

¹ Translation supplied by the Organization of American States.

¹ Traduction fournie par l'Organisation des Etats américains.

Asimismo hacemos reserva expresa del último párrafo del artículo XX (veinte), porque mantenemos que toda persona, sin discriminación alguna, está bajo la protección del asilo.”

[TRANSLATION]¹

We make an express reservation to Article II wherein it declares that the States are not obligated to grant asylum; because we uphold a broad, firm concept of the right to asylum.

Likewise, we make an express reservation to the final paragraph of Article XX (Twenty), because we maintain that any person, without any discrimination whatsoever, has the right to the protection of asylum.

HONDURAS

[SPANISH TEXT — TEXTE ESPAGNOL]

“La delegación de Honduras suscribe la Convención sobre Asilo Diplomático 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

The delegation of Honduras subscribes to the Convention on Diplomatic Asylum with reservations with respect to those articles that are in violation of the Constitution and laws in force in the Republic of Honduras.

URUGUAY

[SPANISH TEXT — TEXTE ESPAGNOL]

“El gobierno del Uruguay hace reserva del artículo II en la parte en que establece que la autoridad asilante, en ningún caso está obligada a conceder asilo ni a declarar por qué lo niega. Hace asimismo reserva del artículo XV en la parte en que establece: ‘. . . sin otro requisito que el de la exhibición, por vía diplomática, del respectivo salvoconducto visado y con la constancia de la calidad de asilado otorgado por la misión diplomática que acordó el asilo. En dicho trámite, al asilado se le considerará bajo la protección del Estado asilante’. Finalmente, hace reserva

[TRADUCTION]¹

Nous faisons une réserve expresse concernant l'article II, parce qu'il stipule que les Etats ne sont pas obligés d'accorder l'asile et que nous tenons à soutenir une conception ample et ferme du droit d'asile.

De même nous faisons une réserve expresse concernant le dernier paragraphe de l'article XX (vingt), parce que nous maintenons que toute personne, sans discrimination aucune, peut bénéficier de la protection de l'asile.

HONDURAS

[TRADUCTION]¹

La délégation du Honduras signe la Convention sur l'Asile diplomatique avec des réserves concernant les articles qui s'opposent à la constitution et aux lois en vigueur de la République du Honduras.

URUGUAY

¹ Translation supplied by the Organization of American States.

¹ Traduction fournie par l'Organisation des Etats américains.

del segundo inciso del artículo XX pues el gobierno del Uruguay entiende que todas las personas, cualquiera sea su sexo, nacionalidad, opinión o religión, gozan del derecho de asilarse.”

[TRANSLATION]¹

The Government of Uruguay makes a reservation to Article II, in the part that stipulates that the authority granting asylum, is, in no case, obligated to grant asylum nor to state its reasons for refusing it. It likewise makes a reservation to that part of Article XV that stipulates: “. . . the only requisite being the presentation, through diplomatic channels, of a safe-conduct, duly countersigned and bearing a notation of his status as asylee by the diplomatic mission that granted asylum. En route, the asylee shall be considered under the protection of the State granting asylum.” Finally, it makes a reservation to the second paragraph of Article XX, since the government of Uruguay understands that all persons have the right to asylum, whatever their sex, nationality, belief, or religion.

DECLARATION MADE
UPON RATIFICATION

URUGUAY

[*Confirming the reservation made upon signature. See p. 124 of this volume.*]

[TRADUCTION]¹

Le Gouvernement de l'Uruguay fait une réserve concernant la partie de l'article II qui établit que l'autorité asilante n'est obligée, dans aucun cas, d'accorder l'asile, ni de déclarer la raison de son refus. Elle fait également une réserve concernant la partie de l'article XV qui établit que : « . . . sans autre condition que celle de la présentation, par voie diplomatique, du sauf-conduit dûment visé et portant mention de la qualité d'asilé accordée par la mission diplomatique qui a donné l'asile. Pendant le transfert de l'asilé, celui-ci sera sous la protection de l'Etat qui accorde l'asile. » Pour finir, il fait une réserve concernant le deuxième alinéa de l'article XX, parce que le Gouvernement de l'Uruguay estime que toute personne, quels qu'en soient le sexe, la nationalité, l'opinion, la religion, a le droit de demander et de recevoir l'asile.

DÉCLARATION FAITE
LORS DE LA RATIFICATION

URUGUAY

[*Avec confirmation de la réserve faite lors de la signature. Voir p. 124 du présent volume.*]

¹ Translation supplied by the Organization of American States.

¹ Traduction fournie par l'Organisation des Etats américains.