

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 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.

RESERVATIONS

Guatemala

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 merely location at a distance from the border.

Dominican Republic

The Delegation of the Dominican Republic subscribes to the Convention on 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.

Mexico

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.

Peru

The delegation of Peru makes reservation to the text of Article XIII of the 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.

Honduras

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.

Argentina

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.

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.