Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 455 (1966)[1]

Practice of taking hostages

Parliamentary Assembly

The Assembly,

1. Considering that the taking of hostages at all times and places and under any circumstances, whether in time of war, of armed conflict or of internal troubles, is an act contrary to respect for the individual and condemned by the universal conscience of mankind ;

2. Considering that the Council of Europe has set itself as one of its main tasks to ensure respect for the dignity and freedom of the individual, as is witnessed by the European Convention on Human Rights ;

3. Considering that the Red Cross and in particular the International Committee have always carried on extremely effective activities to combat the practice of taking hostages, and that tribute must be paid to them for the results already achieved ;

4. Considering that the taking of hostages is formally prohibited in time of war by Article 34 of the Geneva Convention of 12th August 1949 (Convention No. 4), and in cases of armed conflict not of an international character by Article 3, common to the four Geneva Conventions of 12th August 1949 ;

5. Considering that, while the taking of hostages during internal troubles may not be covered by Article 3 of the Geneva Convention, this nevertheless constitutes inhuman treatment which Article 3 of the European Convention on Human Rights prohibits in all circumstances, both in time of war and in the event of any other public danger threatening the life of the nation ;

6. Considering that the European Convention on Human Rights may be regarded as supplementing the Geneva Conventions as regards the taking of hostages in cases to which those Conventions do not apply ;

7. Considering that the Geneva Conventions and the European Convention on Human Rights thus together form a collection of rules for the protection of the individual under all circumstances and are the most important instruments of international law protecting the individual ;

8. Considering that the links between the Geneva Conventions and the European Convention on Human Rights should be carefully studied in order to determine their fields of application and their respective extension ;

9. Considering that it is essential to take all necessary steps for the effective application of the Geneva Conventions and the European Convention on Human Rights,

10. Recommends the Committee of Ministers :

a. to implement fully the common provisions of the four Geneva Conventions, obliging the Contracting Parties to circulate as widely as possible the text of these Conventions, and to do the same for the European Convention on Human Rights, especially in so far as that Convention supplements the Geneva Conventions ;

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1. Assembly debate on 27 th January 1966 (23rd Sitting) (see Doc. 2006, report of the Legal Committee). Text adopted by the Assembly on 27th January 1966 (23rd Sitting).

b. to assume collective responsibility for the observance of the Geneva Conventions, so that the Council of Europe member States which are Parties to those Conventions shall be bound to consider themselves jointly responsible for their observance ;

c. to acknowledge that it is the duty of the organs of the Council of Europe, particularly the Committee of Ministers, to ensure observance of the Geneva Conventions, which would inter alia enable that Committee to draw the attention of member States, whenever it appeared necessary, to those provisions of the Geneva Conventions applicable in any given situation ;

d. to instruct the Secretariat of the Council of Europe, in collaboration with the International Red Cross Committee, to study the respective fields of application of the Geneva Conventions and of the European Convention on Human Rights, with the object of determining how best these texts can supplement each other in the interests of the increasingly effective protection of the fundamental rights of the individual in time of war or during any internal troubles whether armed or otherwise ;

e. to instruct the Secretariat of the Council of Europe to examine whether it would be appropriate to ask the United Nations to prepare a special convention - as it has done for genocide - which would make the taking of hostages a crime against humanity, punishable as such.