

### Chapter III

#### SPECIFIC ISSUES ON WHICH COMMENTS WOULD BE OF PARTICULAR INTEREST TO THE COMMISSION

##### A. Immunity of State officials from foreign criminal jurisdiction

28. With respect to the topic “Immunity of State officials from foreign criminal jurisdiction”, the Commission requests States to provide information on their national law and practice on the following questions:

(a) Does the distinction between immunity *ratione personae* and immunity *ratione materiae* result in different legal consequences and, if so, how are they treated differently?

(b) What criteria are used in identifying the persons covered by immunity *ratione personae*?

##### B. Formation and evidence of customary international law

29. The Commission requests States to provide information on their practice relating to the formation of customary international law and the types of evidence suitable for establishing such law in a given situation, as set out in:

(a) official statements before legislatures, courts and international organizations; and

(b) decisions of national, regional and subregional courts.