

*Extract from:*

# UNITED NATIONS JURIDICAL YEARBOOK

1972

Part One. Legal status of the United Nations and related intergovernmental organizations

Chapter I. Legislative texts concerning the legal status of the United Nations and related intergovernmental organizations



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## Chapter I

# LEGISLATIVE TEXTS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS [AND RELATED INTERGOVERNMENTAL ORGANIZATIONS]

## 1. Barbados

### NOTICE<sup>1</sup>

THE PENSIONS ACT, 1947 (ACT 1947-20): SERVICE DETERMINED BY HIS EXCELLENCY THE GOVERNOR-GENERAL TO BE PUBLIC SERVICE FOR THE PURPOSES OF THE ABOVE ACT

Notice is hereby given that His Excellency the Governor-General, under and by virtue of the provisions of paragraph (d) of the definition of the expression "public service" in section 2(1) of the Pensions Act, 1947, has determined service with the United Nations its agencies or sub-agencies to be public service for the purposes of the Pensions Act, 1947.

Dated this 16th day of December, 1971.

By Command  
B. R. COLLYMORE  
*Chief Establishments Officer (Ag.)*

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## 2. Fiji

(a) AN ACT<sup>2</sup> TO AMEND THE DIPLOMATIC PRIVILEGES AND IMMUNITIES ACT, 1971<sup>3</sup>

[22nd December, 1972]

Enacted by the Parliament of Fiji:

1. This Act may be cited as the Diplomatic Privileges and Immunities (Amendment) Act, 1972.

2. Section 7 of the Diplomatic Privileges and Immunities Act, 1971, hereinafter referred to as the principal Act, is amended by deleting the full stop at the end of subsection (1) and inserting in its place the following words and full stop: "or to which such person

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<sup>1</sup> S.I. 1972 No. 21.

<sup>2</sup> No. 32 of 1972. Assented to on 21 December 1972.

<sup>3</sup> See *Juridical Yearbook*, 1971, p. 7.

may be entitled by virtue of the appropriate treaty, convention or other arrangement to which Fiji is a party.”

3. Section 11 of the principal Act is amended as follows:

(a) by inserting the words and comma “international organisation,” immediately before the word “or” in the third line of paragraph (b) of subsection (1) thereof;

(b) by substituting the words and comma “Subject to the provisions of any international convention, treaty or arrangement to which Fiji is a party, where” for the word “Where” at the commencement of subsection (2) thereof.

Passed by the House of Representatives this twenty-second day of November, in the year of our Lord one thousand, nine hundred and seventy-two.

Passed by the Senate, this eighteenth day of December, in the year of our Lord one thousand, nine hundred and seventy-two.

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(b) DIPLOMATIC PRIVILEGES AND IMMUNITIES ACT, 1971  
(No. 26 of 1971) <sup>4</sup>

(i) *Diplomatic Privileges (International Organisations) Order, 1972*

In exercise of the powers conferred upon me by section 6 of the Diplomatic Privileges and Immunities Act, 1971, I hereby declare the organisations specified in the Schedule to this Order to be organisations of which two or more states or the Governments thereof are members and that such organisations shall have the privileges and immunities specified in the Second Schedule to that Act and shall also have the legal capacity of bodies corporate.

2. Gazette Notices Nos. 787 of 1971, 1195 of 1971 and 1624 of 1971 are hereby revoked.

**Schedule**

INTERNATIONAL ORGANISATIONS

United Nations Organisation  
International Labour Organisation  
Food and Agriculture Organization of the United Nations  
United Nations Educational, Scientific and Cultural Organization  
International Civil Aviation Organization  
World Health Organization  
International Telecommunication Union  
World Meteorological Organization  
International Atomic Energy Agency  
Universal Postal Union  
United Nations Industrial Development Organization  
United Nations Conference on Trade and Development  
Inter-Governmental Maritime Consultative Organization  
International Monetary Fund  
International Bank for Reconstruction and Development  
International Refugee Organization  
International Finance Corporation

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<sup>4</sup> *Ibid.*

Asian Development Bank  
Commonwealth Secretariat  
International Court of Justice  
South Pacific Commission  
United Nations Office of Technical Co-operation  
United Nations Development Programme.

Made at Suva this 10th day of July, 1972.

K. K. T. MARA,  
*Minister for Foreign Affairs*

(ii) *Amendment of Sixth Schedule*

In exercise of the powers conferred upon me by subsection (4) of section 7 of the Diplomatic Privileges and Immunities Act, 1971, I have amended the Sixth Schedule to that Act by adding the following international organisations thereto:—

International Monetary Fund  
International Bank for Reconstruction and Development  
International Refugee Organization  
International Finance Corporation  
Asian Development Bank  
Commonwealth Secretariat  
International Court of Justice  
South Pacific Commission  
United Nations Office of Technical Co-operation  
United Nations Development Programme.

Dated at Suva this 10th day of July, 1972.

K. K. T. MARA,  
*Minister for Foreign Affairs*

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### 3. Hungary

LEGISLATIVE DECREE <sup>5</sup> OF THE PRESIDENTIAL COUNCIL ON THE PROCEDURE  
TO BE FOLLOWED IN THE CASE OF DIPLOMATIC OR OTHER IMMUNITIES

In accordance with international law, the Hungarian People's Republic accords facilities to foreign States and grants privileges and immunities to their diplomatic agents and other representatives. International organizations and some of their official likewise enjoy privileges and immunities. The purpose of privileges and immunities is not to benefit individuals but to ensure the effective discharge of their functions as representatives or other delegates of States and the normal functioning of international organizations. The granting of privileges and immunities to qualified persons does not affect their obligation to respect the laws and other legal rules of the Hungarian People's Republic; in the event of violation of the latter, the persons concerned will be subject to the jurisdiction of their own States.

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<sup>5</sup> No. 7 of 1973. Translation by the Secretariat of the United Nations on the basis of a French text kindly furnished by the Hungarian Government.

The Presidential Council of the Hungarian People's Republic, with a view to regulating in a uniform manner the procedure of the courts and other public authorities in matters affecting foreign States, their diplomatic agents and other representatives, and international organizations and their officials, hereby promulgates the following legislative decree:

#### Article 1

1. All courts and other public authorities shall proceed in accordance with the present legislative decree where

- (a) The party concerned in civil or administrative proceedings is a foreign State;
- (b) It appears that the person who is a party in civil or administrative proceedings or is the accused or a private prosecutor in criminal proceedings is entitled to diplomatic immunities or other immunities based on international law.

2. The provisions of the present legislative decree shall apply also to proceedings initiated on the basis of labour disputes.

#### Article 2

1. In the cases mentioned in article 1, the court or other public authority shall automatically suspend the proceedings at any stage.

2. Similarly, the court or other public authority shall suspend proceedings if so decided, in the case of the court, by the Minister of Justice, or, in the case of another public authority, by its supervisory organ. Hereinafter, the expression "supervisory organ" shall mean either the Minister of Justice or the supervisory organ of a public authority.

3. The court or other public authority shall be obliged to report to the supervisory organ on the suspension of proceedings.

#### Article 3

1. The court or other public authority shall be obliged, without, however, suspending the proceedings, to report to the supervisory organ when, in the course of the proceedings, it wishes to take a measure or a decision in which a person within the category mentioned in article 1 is involved in a capacity other than that defined in the said article, for example, as a witness.

2. The court or other public authority shall wait before taking a measure or a decision of the type defined in paragraph 1 until the supervisory organ has advised it of its position on the matter.

#### Article 4

If a person within the category mentioned in article 1 is a civil claimant in criminal proceedings, the provisions of article 2 shall apply to claims under civil law.

#### Article 5

1. On the basis of the report of the court or other public authority, the supervisory organ shall rule on the question of immunity in agreement with the Minister for Foreign Affairs. This decision shall be binding on the court or other public authority.

2. If the supervisory organ concludes that immunity exists, the court or other public authority shall, in the cases provided for in articles 1 and 4, apply the provisions relating

to lack of competent jurisdiction and, in the cases provided for in article 3, refrain from taking any measure or decision regarding the person concerned.

#### Article 6

1. The present legislative decree shall enter into force on the date of its publication; its provisions shall apply even to proceedings which have begun.

2. The present legislative decree abrogates Act XVIII of 1937 on the rules of procedure relating to extraterritoriality and personal immunity.

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#### 4. Somalia

##### DECREE <sup>6</sup> OF THE SECRETARY OF STATE FOR FOREIGN AFFAIRS PRIVILEGES OF UNITED NATIONS AND SPECIALIZED AGENCIES

The Secretary of State

Having seen First Charter of the Revolution of 21 October 1969 and Law No. 1 of the same date;

Having seen Convention on Privileges and Immunities of the United Nations of 1946;

Realising the necessity of regulating the privileges of the United Nations in Somali Democratic Republic;

Decrees:

#### Article 1

1. The Resident Representative of the U.N. Development Programme and the Heads of the U.N. Specialized Agencies shall be entitled to exemption from customs duties except charges for services, on the following articles:

- (a) Fuel—3,000 litres per six months;
- (b) Lubricants—30 kilos per six months;
- (c) Cigarettes and tobacco—10 kilos per six months;
- (d) Alcoholic beverages above 21°—65 standard bottles per six months;
- (e) Alcoholic beverages under 21°—65 standard bottles per six months;
- (f) Ordinary wines—120 standard bottles per six months;
- (g) Beer—800 standard bottles per six months.

2. The officers of the U.N. Development Programme and the Specialized Agencies shall each be entitled to 2 U.N. Plate vehicles for all uses, official or personal.

#### Article 2

The Resident Representative of the U.N. Development Programme and the Heads of the U.N. Specialized Agencies shall be entitled to exemption from customs duties, except charges for services, on articles for their personal use provided that they submit list of articles required to the Foreign Office, Protocol Department, for approval before the said articles are ordered.

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<sup>6</sup> No. 49 of 23 February 1971.

### Article 3

The Offices of the U.N. Development Programme and the U.N. Specialized Agencies shall be entitled to exemption from customs duties, except charges for services, on articles for official use provided the articles are not excessive for that use.

### Article 4

The United Nations officials shall be entitled to the following:

- (a) exemption from taxation in respect of salaries and emoluments paid to them by the United Nation and the U.N. Specialized Agencies;
- (b) exemption from customs duties, except charges for services, on their furniture and personal effects at the time of first taking up their post including:
  - household furniture;
  - professional instruments and equipment;
  - one refrigerator;
  - one air-conditioner;
  - one camera;
  - one radio-or radio-grammophone;
  - small electrical appliances for personal or household use;
  - one motor-car or motor-cycle.

### Article 5

The United Nations and Specialized Agencies shall at all times cooperate with the appropriate authorities of the Somali Democratic Republic to facilitate the proper administration of justice, the observance of all local laws including Labour Code and prevent occurrence of any abuse in connexion with the above privileges and facilities mentioned in above articles. Officials of the United Nations and Specialized Agencies shall not be allowed to leave the country before finalization of any judicial processes filed against them.

### Article 6

1. This decree shall enter into force on the date of its publication in the Official Bulletin.
  2. Decree No. 243 of 27 September 1970 is abrogated.
- Mogadiscio, 23 February 1971.

Omar ARTEH  
*Secretary of State for Foreign Affairs*

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## 5. United Kingdom of Great Britain and Northern Ireland

- (a) THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION  
(IMMUNITIES AND PRIVILEGES) (AMENDMENT) ORDER 1972 <sup>7</sup>

Laid before Parliament in draft

Made 4th February 1972

Coming into Operation 5th February 1972

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<sup>7</sup> 1972 No. 118.



At the Court at Buckingham Palace, the 4th day of February 1972

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament in accordance with section 10 of the International Organisations Act 1968<sup>8</sup> (hereinafter referred to as the Act) and has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred on Her by section 2 of the Act, as amended by section 3 of the Diplomatic and other Privileges Act 1971,<sup>9</sup> or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Inter-Governmental Maritime Consultative Organization (Immunities and Privileges) (Amendment) Order 1972. It shall come into operation on 5th February 1972.

2. The Interpretation Act 1889<sup>10</sup> shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. The following sub-paragraph shall be added to paragraph (1) of Article 12 of the Inter-Governmental Maritime Consultative Organisation (Immunities and Privileges) Order 1968:<sup>11</sup>

“(d) exemption from vehicle excise duty (that is to say, duty under section I of the Vehicles (Excise) Act 1971,<sup>12</sup> whether chargeable by virtue of that section or otherwise, or any corresponding duty under an enactment of the Parliament of Northern Ireland);”.

W. G. AGNEW

(b) THE SECOND UNITED NATIONS CONFERENCE ON THE STANDARDIZATION OF GEOGRAPHICAL NAMES (IMMUNITIES AND PRIVILEGES) ORDER 1972<sup>13</sup>

Made 22nd March 1972

Laid before Parliament 28th March 1972

Coming into Operation 18th April 1972

At the Court of Saint James, the 22nd day of March 1972

Present,

Her Majesty Queen Elizabeth The Queen Mother;

Her Royal Highness The Princess Anne;

Lord President, Earl St. Aldwyn;

Mr. Amery, Chancellor of the Duchy of Lancaster.

...

... whereas the Second United Nations Conference on the Standardization of Geographical Names is to be held in the United Kingdom from 10th to 31st May 1972

<sup>8</sup> 1968 c. 48. Reproduced in the *Juridical Yearbook*, 1968, p. 20.

<sup>9</sup> 1971 c. 64.

<sup>10</sup> 1889 c. 63.

<sup>11</sup> S.I. 1968/1862 (1968 III, p. 4897). Reproduced in the *Juridical Yearbook*, 1968, p. 28.

<sup>12</sup> 1971 c. 10.

<sup>13</sup> 1972 No. 448.

and is to be attended by representatives of Her Majesty's Government in the United Kingdom and of the Governments of foreign sovereign Powers:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Anne, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by section 6 of the International Organisations Act 1968<sup>14</sup> (hereinafter referred to as the Act) and all other powers enabling Her Majesty, do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf order, and it is hereby ordered, as follows:

1. This Order may be cited as the Second United Nations Conference on the Standardization of Geographical Names (Immunities and Privileges) Order 1972 and shall come into operation on 18th April 1972.

2. The Interpretation Act 1889<sup>15</sup> shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3.—(1) Except in so far as in any particular case any privilege or immunity is waived by the Governments whom they represent, representatives of the Governments of foreign sovereign Powers at the Second United Nations Conference on the Standardization of Geographical Names shall enjoy:

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in their capacity as representatives;
- (b) while exercising their functions and during their journeys to and from the place of meeting, the like inviolability of residence, the like immunity from personal arrest or detention and from seizure of their personal baggage, the like inviolability of all papers and documents, and the like exemption or relief from taxes (other than customs and excise duties or purchase tax) as is accorded to the head of a diplomatic mission; and
- (c) while exercising their functions and during their journeys to and from the place of meeting, the like exemptions and privileges in respect of their personal baggage as in accordance with Article 36 of the Vienna Convention on Diplomatic Relations, which is set out in Schedule 1 to the Diplomatic Privileges Act 1964<sup>16</sup> are accorded to a diplomatic agent.

(2) Where the incidence of any form of taxation depends upon residence, a representative shall not be deemed to be resident in the United Kingdom during any period when he is present in the United Kingdom for the discharge of his duties.

(3) Part IV of Schedule 1 to the Act shall not operate so as to confer any privilege or immunity on the official staff of a representative other than delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

(4) Neither this Article nor Part IV of Schedule 1 to the Act shall operate so as to confer any privilege or immunity on any person as the representative of the Government of the United Kingdom or as a member of the official staff of such a representative or on any person who is a citizen of the United Kingdom and Colonies.

W. G. AGNEW

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<sup>14</sup> See footnote 7 above.

<sup>15</sup> 1889 c. 63.

<sup>16</sup> 1964 c. 81.

## 6. United States of America

### (a) AN ACT <sup>17</sup> TO AMEND TITLE 18, UNITED STATES CODE, TO PROVIDE FOR EXPANDED PROTECTION OF FOREIGN OFFICIALS AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Act for the Protection of Foreign Officials and Official Guests of the United States".*

#### STATEMENT OF FINDINGS AND DECLARATION OF POLICY

Sec. 2. The Congress recognizes that from the beginning of our history as a nation, the police power to investigate, prosecute, and punish common crimes such as murder, kidnapping, and assault has resided in the several States, and that such power should remain with the States.

The Congress finds, however, that harassment, intimidation, obstruction, coercion, and acts of violence committed against foreign officials or their family members in the United States or against official guests of the United States adversely affect the foreign relations of the United States.

Accordingly, this legislation is intended to afford the United States jurisdiction concurrent with that of the several States to proceed against those who by such acts interfere with its conduct of foreign affairs.

#### TITLE I – MURDER OR MANSLAUGHTER OF FOREIGN OFFICIALS AND OFFICIAL GUESTS

Sec. 101. Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

“ § 1116. Murder or manslaughter of foreign officials or official guests

“(a) Whoever kills a foreign official or official guest shall be punished as provided under sections 1111 and 1112 of this title, except that any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life.

“(b) For the purpose of this section ‘foreign official’ means—

“(1) a Chief of State or the political equivalent. President, Vice-President, Prime Minister, Ambassador, Foreign Minister, or other officer of cabinet rank or above of a foreign government or the chief executive officer of an international organization, or any person who has previously served in such capacity, and any member of his family, while in the United States; and

“(2) any person of a foreign nationality who is duly notified to the United States as an officer or employee of a foreign government or international organization, and who is in the United States on official business, and any member of his family whose presence in the United States is in connection with the presence of such officer or employee.

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<sup>17</sup> Public Law 92-539, 92nd Congress, H.R. 15883, 24 October 1972. Subsequent to the signing of the Law, the White House released the following statement by the President:

“The menace of international terrorism has become particularly vivid in recent months—and our Government has been playing a leading role in the international effort to combat it. It is with particular satisfaction, therefore, that I sign H.R. 15883, a Bill which makes it a Federal offense for anyone to harrass, assault, kidnap, or murder a foreign official, a member of his family or an official guest of the United States while that person is in our country. This law will strengthen significantly the protection we can provide for such persons. And it will also strengthen our position as we work within the United Nations and the International Civil Aviation Organization for further actions to fight the scourge of terrorism.”

“(c) For the purpose of this section:

“(1) ‘Foreign government’ means the government of a foreign country, irrespective of recognition by the United States.

“(2) ‘International organization’ means a public international organization designated as such pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C.288).<sup>18</sup>

“(3) ‘Family’ includes (a) a spouse, parent, brother or sister, child, or person to whom the foreign official stands *in loco parentis*, or (b) any other person living in his household and related to the foreign official by blood or marriage.

“(4) ‘Official guest’ means a citizen or national of a foreign country present in the United States as an official guest of the Government of the United States pursuant to designation as such by the Secretary of State.

“§ 1117. Conspiracy to murder

“If two or more persons conspire to violate section 1111, 1114, or 1116 of this title, and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life.”

Sec. 102. The analysis of chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new items:

“1116. Murder or manslaughter of foreign officials or official guests.

“1117. Conspiracy to murder.”

## TITLE II – KIDNAPPING

Sec. 201. Section 1201 of title 18, United States Code, is amended to read as follows:

“§ 1201. Kidnapping

“(a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when:

“(1) the person is willfully transported in interstate or foreign commerce;

“(2) any such act against the person is done within the special maritime and territorial jurisdiction of the United States;

“(3) any such act against the person is done within the special aircraft jurisdiction of the United States as defined in section 101 (32) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301 (32)); or

“(4) the person is a foreign official as defined in section 1116 (b) or an official guest as defined in section 1116 (c) (4) of this title,

shall be punished by imprisonment for any term of years or for life.

“(b) With respect to subsection (a) (1), above, the failure to release the victim within twenty-four hours after he shall have been unlawfully seized, confined, inveigled, decoyed, kidnapped, abducted, or carried away shall create a rebuttable presumption that such person has been transported in interstate or foreign commerce.

“(c) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life.”

Sec. 202. The analysis of chapter 55 of title 18, United States Code, is amended by deleting

“1201. Transportation.”,

<sup>18</sup> United Nations Legislative Series, *Legislative Texts and Treaty Provisions concerning the Legal Status, Privileges and Immunities of International Organizations* (ST/LEG/SER.B/10; United Nations publication, Sales No. 60.V.2), p. 128.

and substituting the following:

“1201. Kidnapping.”

### TITLE III. PROTECTION OF FOREIGN OFFICIALS AND OFFICIAL GUESTS

Sec. 301. Section 112 of title 18, United States Code, is amended to read as follows:

“§ 112. Protection of foreign officials and official guests

“(a) Whoever assaults, strikes, wounds, imprisons, or offers violence to a foreign official or official guest shall be fined not more than \$5,000, or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon shall be fined not more than \$10,000, or imprisoned not more than ten years, or both.

“(b) Whoever willfully intimidates, coerces, threatens, or harasses a foreign official or an official guest, or willfully obstructs a foreign official in the performance of his duties, shall be fined not more than \$500, or imprisoned not more than six months, or both.

“(c) Whoever within the United States but outside the District of Columbia and within one hundred feet of any building or premises belonging to or used or occupied by a foreign government or by a foreign official for diplomatic or consular purposes, or as a mission to an international organization, or as a residence of a foreign official, or belonging to or used or occupied by an international organization for official business or residential purposes, publicly—

“(1) parades, pickets, displays any flag, banner, sign, placard, or device, or utters any word, phrase, sound, or noise, for the purpose of intimidating, coercing, threatening, or harassing any foreign official or obstructing him in the performance of his duties, or

“(2) congregates with two or more other persons with the intent to perform any of the aforesaid acts or to violate subsection (a) or (b) of this section,

shall be fined not more than \$500, or imprisoned not more than six months, or both.

“(d) For the purpose of this section ‘foreign official’, ‘foreign government’, ‘international organization’, and ‘official guest’ shall have the same meanings as those provided in sections 1116 (b) and (c) of this title.

“(e) Nothing contained in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the first amendment to the Constitution of the United States.”

Sec. 302. The analysis of chapter 7 of title 18, United States Code, is amended by deleting

“112. Assaulting certain foreign diplomats and other official personnel.”

and adding at the beginning thereof the following new item:

“112. Protection of foreign officials and official guests.”

### TITLE IV. PROTECTION OF PROPERTY OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

Sec. 401. Chapter 45 of title 18, United States Code, is amended by adding at the end thereof the following new section:

“§ 970. Protection of property occupied by foreign governments

“(a) Whoever willfully injures, damages, or destroys, or attempts to injure, damage, or destroy, any property, real or personal, located within the United States and belonging to or utilized or occupied by any foreign government or international organization, by a foreign official or official guest, shall be fined not more than \$10,000, or imprisoned not more than five years or both.

“(b) For the purpose of this section ‘foreign official’, ‘foreign government’, ‘international organization’, and ‘official guest’ shall have the same meanings as those provided in sections 1116 (b) and (c) of this title.”

Sec. 402. The analysis of chapter 45 of title 18, United States Code, is amended by adding at the end thereof the following new item:

“970. Protection of property occupied by foreign governments.”

Sec. 3. Nothing contained in this Act shall be construed to indicate an intent on the part of Congress to occupy the field in which its provisions operate to the exclusion of the laws of any State, Commonwealth, territory, possession, or the District of Columbia on the same subject matter, nor to relieve any person of any obligation imposed by any law of any State, Commonwealth, territory, possession, or the District of Columbia.

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(b) AMENDMENT TO UNITED STATES CODE OF FEDERAL REGULATIONS

TITLE 22. FOREIGN RELATIONS

CHAPTER 1. DEPARTMENT OF STATE

*Part 2. Protection of Foreign Dignitaries and Other Official Personnel*  
Designation of Foreign Officials and Official Guests

Part 2 of Title 22 of the Code of Federal Regulations is amended as set forth below:  
New § § 2.2 through 2.5 are added to read as follows:

§ 2.2 Purpose.

Section 1116 (b) (2) of title 18 of the United States Code, as added by Public Law 92-539. An Act for the Protection of Foreign Officials and Official Guests of the United States (86 Stat. 1071),<sup>19</sup> defines the term “foreign official” for purposes of that Act as “any person of a foreign nationality who is duly notified to the United States as an officer or employee of a foreign government or international organization, and who is in the United States on official business, and any member of his family whose presence in the United States is in connection with the presence of such officer or employee.” Section 1116 (c) (4) of the same Act defines the term “official guest” for the purposes of that Act as “a citizen or national of a foreign country present in the United States as an official guest of the Government of the United States pursuant to designation as such by the Secretary of State.” It is the purpose of this regulation to specify the officer of the Department of State who shall be responsible for receiving notifications of foreign officials under the Act and determining whether persons are “duly notified” to the United States and who shall be responsible for processing official guest designations by the Secretary of State.

§ 2.3 Notification of foreign officials.

Any notification of a foreign official for purposes of section 1116 (b) (2) of title 18 of the United States Code shall be directed by the foreign government or international organization concerned to the Chief of Protocol, Department of State, Washington, D.C. 20520. For persons normally accredited to the United States in diplomatic or consular capacities and also for persons normally accredited to the United Nations and other international organizations and in turn notified to the Department of State, the procedure for placing a person in the statutory category of being “duly notified to the United States” shall be the current procedure for accreditation, with notification in turn when applicable. The Chief of the Office of Protocol will place on the roster of persons “duly notified to the United States” the names of all persons currently accredited and, when applicable, notified in turn, and will maintain the roster as part of the official files of the Department of State adding to and deleting therefrom as changes in accreditations occur.

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<sup>19</sup> Reproduced above under (a).

For those persons not normally accredited, the Chief of Protocol shall determine upon receipt of notification, by letter from the foreign government or international organization concerned, whether any person who is the subject of such a notification has been duly notified under the Act. Any inquiries by law enforcement officers or other persons as to whether a person has been duly notified shall be directed to the Chief of Protocol. The determination of the Chief of Protocol that a person has been duly notified is final.

§ 2.4 Designation of official guests.

The Chief of Protocol shall also maintain a roster of persons designated by the Secretary of State as official guests. Any inquiries by law enforcement officers or others persons as to whether a person has been so designated shall be directed to the Chief of Protocol. The designation of a person as an official guest is final. Pursuant to section 2658 of title 22 of the United States Code, the authority of the Secretary of State to perform the function of designation of official guests is hereby delegated through the Deputy Secretary of State to the Deputy Under Secretary of State for Management.

§ 2.5 Records.

The Chief of Protocol shall maintain as a part of the official files of the Department of State a cumulative roster of all persons who have been duly notified as foreign officials or designated as official guests under this Part. The roster will reflect the name, position, nationality, and foreign government or international organization concerned or purpose of visit as an official guest and reflect the date the person was accorded recognition as being "duly notified to the United States" or designated as an official guest and the date, if any, of termination of such status.

(18, U.S.C. 1116 (b) (2), 1116 (c) (4); sec. 4 of the Act of 26 May 1949, as amended (22 U.S.C. 2658))

*Effective date.* These amendments shall be effective upon publication in the Federal Register (22-11-72).

*Seal*

18 November 1972

William P. ROGERS  
*Secretary of State*

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(c) COMMUNICATION DATED 6 DECEMBER 1972, FROM THE ACTING DIRECTOR OF THE UNITED STATES FEDERAL BUREAU OF INVESTIGATION TO THE HEADS OF ALL LAW ENFORCEMENT AGENCIES IN THE UNITED STATES

*Re:* Act for the Protection of Foreign Officials and Official Guests  
of the United States.

On 24 October 1972, President Nixon signed the above Act into law.

The Act provides for concurrent jurisdiction of the Federal Government in the investigation of certain acts committed against foreign officials and official guests, and for the protection of such individuals.

At the beginning of the Act, Congress recognizes, and reaffirms, that "... the police power to investigate, prosecute, and punish common crimes such as murder, kidnapping and assault... (of all individuals whether domestic or foreign) should

remain with the States"; but also notes that, at times, commission of these common crimes against foreign officials or official guests may adversely affect or interfere with the foreign affairs of the United States.

Consequently, when common crimes, including those specifically enumerated in the Act, are committed against foreign officials or official guests, or property occupied by a foreign Government or international organization, it is the intent of Congress that these matters continue to be investigated and prosecuted by local authorities, as in the past.

On the other hand, particularly in light of the current trend towards violence which is directed against diplomats and officials of a Government by that Government's opponents for political reasons, and especially since these violent acts often occur in countries not directly involved in the dispute, Congress feels that the Federal Government must have concurrent jurisdiction in situations where international repercussions may be felt, or where the incident may have some effect on United States foreign relations.

Such an incident and subsequent investigation will require close co-ordination at the highest levels of the Federal Government. The FBI has been assigned jurisdiction for the enforcement of this Act in cases in which the Federal Government has an interest.

The Act provides for concurrent Federal jurisdiction when the following prohibited acts are committed: (1) murder; (2) conspiracy to murder; (3) manslaughter; or (4) kidnapping of a foreign official or official guest. (Federal jurisdiction attaches immediately in the kidnapping of a foreign official or official guest. The victim need not be transported in interstate or foreign commerce.)

The Act also prohibits anyone from (1) assaulting; (2) striking; (3) wounding; (4) imprisoning; or (5) offering violence to a foreign official or official guest and from (1) intimidating; (2) coercing; (3) threatening; or (4) harassing a foreign official or official guest; and from obstructing a foreign official in the performance of his duties.

Outside the District of Columbia, the Act also prohibits anyone from, within 100 feet of a foreign or international establishment or the residence of a foreign official, (1) parading; (2) picketing; (3) displaying any flag, banner, sign, placard, or device; (4) uttering any word, phrase, sound, or noise; or (5) congregating with or more other persons with the intent to perform such acts, for the purpose of (1) intimidating; (2) coercing; (3) threatening; or (4) harassing any foreign official or obstructing a foreign official in the performance of his duties. (These prohibitions shall not be construed or applied to abridge the exercise of First Amendment rights.)

The Act further prohibits anyone from (1) injuring; (2) damaging; (3) destroying; or (4) attempting to injure, damage, or destroy any real or personal property belonging to, utilized by, or occupied by a foreign Government, international organization, foreign official, or official guest.

Definitions, for the purposes of the Act:

Foreign official:



“(1) a Chief of State or the political equivalent, President, Vice-President, Prime Minister, Ambassador, Foreign Minister, or other officer of cabinet rank or above of a foreign government or the chief executive officer of an international organization, or any person who has previously served in such capacity, and any member of his family, while in the United States; and

“(2) any person of a foreign nationality who is duly notified to the United States as an officer or employee of a foreign government or international organization, (i.e., the United States has been officially informed of his position) and who is in the United States on official business, and any member of his family whose presence in the United States is in connection with the presence of such officer or employee.”

Foreign Government: “the government of a foreign country, irrespective of recognition by the United States.”

International organization: “a public international organization designated as such pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288).”

Family: “(a) a spouse, parent, brother or sister, child or person to whom the foreign official stands *in loco parentis*, or (b) any other person living in his household and related to the foreign official by blood or marriage.”

Official guest: “a citizen or national of a foreign country present in the United States as an official guest of the government of the United States pursuant to designation as such by the Secretary of State.”

The definitions are quite broad, and are not limited to individuals with diplomatic status.

The United States Department of State is informing Governments and organizations affected by this Act of the contents of the Act, and the manner of its enforcement, specifically the intention of the Federal Government not to supplant local authority in routine criminal cases having no international political ramifications. A copy of the State Department’s diplomatic note is attached for your information.

You are requested to bring to the attention of your nearest FBI office any information concerning possible violations of the Act and intelligence information relating to threatened violations, since such incidents may have implications affecting United States foreign policy considerations. If it is determined the violation does not affect the foreign affairs of the United States, no Federal prosecution will result.

Your continued support in affording protection to foreign officials and official guests in co-operation with the United States Secret Service is vital since the Act does not enlarge Federal resources for that purpose.

Hopefully, there will be few, if any, such incidents, and these, most likely, will occur in our larger cities where foreign Governments and organizations have representatives assigned. However, such an incident may occur while an official is in travel status or on vacation; consequently, I am attempting to bring this matter to the attention of all local United States law enforcement officials.

Sincerely yours,  
(Signed)  
L. Patrick GRAY, III  
Acting Director