SPECIAL SESSION

Articles 26 - 31 as adopted by the Drafting Committee

Article 26

Immunity from jurisdiction

1. The representatives of the sending State on the special mission and the members of its diplomatic staff shall enjoy immunity from the criminal jurisdiction of the receiving State.

2. They shall also enjoy immunity from the civil and administrative jurisdiction of the receiving State, except in the case of:

(a) A real action relating to private immovable property situated in the territory of the receiving State, unless the person in question holds it on behalf of the sending State for the purposes of the mission;

(b) An action relating to succession in which the person in question is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;

(c) An action relating to any professional or commercial activity exercised by the person in question in the receiving State outside his official functions;

(d) An action for damages arising out of an accident caused by a vehicle used outside the official functions of the person in question.
3. The representatives of the sending State on the special mission and the members of its diplomatic staff are not obliged to give evidence as witnesses.

4. No measures of execution may be taken in respect of a representative of the sending State on the special mission or a member of its diplomatic staff except in the cases coming under sub-paragraphs (a), (b), (c) and (d) of paragraph 2 of this article, and provided that the measures concerned can be taken without infringing the inviolability of his person or his residence.

5. The immunity from jurisdiction of the representative of the sending State on the special mission and of the members of its diplomatic does not exempt them from the jurisdiction of the sending State.
Article 27

Waiver of Immunity

1. The sending State may waive the immunity from jurisdiction of its representatives on the special mission and of the members of its diplomatic staff.

2. Waiver must always be express.

3. The initiation of proceedings by one of the persons referred to in paragraph 1 of this article shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgment, for which a separate waiver shall be necessary.

5. The sending State shall waive the immunity of persons referred to in paragraph 1 of this article in all cases where it considers that such immunity would prevent justice from being done and where it can be waived without prejudice to the purpose for which it is granted.

Article 28

Exemption from social security legislation

1. Subject to the provisions of paragraph 3 of this article, representatives of the sending State on the special mission and the members of its diplomatic staff shall with respect to services rendered for the sending State be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this article shall also apply to persons who are in the sole private employ of a representative of the sending State on the special mission.
or of a member of its diplomatic staff, on condition:

(a) That such employed persons are not nationals of or permanently resident in the receiving State; and

(b) That they are covered by the social security provisions which may be in force in the sending State or a third State.

3. Representatives of the sending State on the special mission and members of its diplomatic staff who employ persons to whom the exemption provided for in paragraph 2 of this article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this article does not exclude voluntary participation in the social security system of the receiving State where such participation is permitted by that State.

5. The provisions of the present article do not affect bilateral and multilateral agreements on social security which have been previously concluded and do not preclude the subsequent conclusion of such agreements.

**Article 29**

**Exemption from dues and taxes**

**First alternative**

The representatives of the sending State on the special mission and the members of its diplomatic staff shall be exempt from all dues and taxes, national, regional or municipal, in the receiving State on the salaries and other emoluments attaching to their functions with the special mission.
Second alternative

The representatives of the sending State on the special mission and the members of its diplomatic staff shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

(a) Indirect taxes of a kind which are normally incorporated in the price of goods or services;

(b) Dues and taxes on private immovable property situated in the territory of the receiving State, unless they hold it on behalf of the sending State for the purposes of the mission;

(c) Estate, succession or inheritance duties levied by the receiving State, subject to the provisions of paragraphs 2 and 3 of article 38;

(d) Dues and taxes on private income having its source in the receiving State and capital taxes on investments made in commercial undertakings in the receiving State;

(e) Charges levied for specific services rendered;

(f) Registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of article 23.

**Article 30**

**Exemption from personal services and contributions**

The receiving State shall exempt the representatives of the sending State on the special mission and the members of its diplomatic staff from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.
Article 31
Exemption from customs duties and inspection

1. Within the limits of such laws and regulations as it may adopt, the receiving State shall permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on:

(a) Articles for the official use of the special mission;
(b) Articles for the personal use of the representatives of the sending State on the special mission and the members of its diplomatic staff or of the members of their family who accompany them.

2. The personal baggage of the representatives of the sending State on the special mission and of the members of its diplomatic staff shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the receiving State. Such inspection shall be conducted only in the presence of the person concerned, or of his authorized representative.