

Chapter IX

IMMUNITY OF STATE OFFICIALS FROM FOREIGN CRIMINAL JURISDICTION

A. Introduction

341. The Commission, at its fifty-ninth session (2007), decided to include the topic “Immunity of State officials from foreign criminal jurisdiction” in its programme of work and appointed Mr. Roman A. Kolodkin as Special Rapporteur.¹³⁶³ At the same session, the Commission requested the Secretariat to prepare a background study on the topic.¹³⁶⁴

¹³⁶³ At its 2940th meeting, on 20 July 2007 (*Yearbook ... 2007*, vol. II (Part Two), p. 98, para. 376). The General Assembly, in paragraph 7 of resolution 62/66 of 6 December 2007, took note of the decision of the Commission to include the topic in its programme of work. The topic had been included in the long-term programme of work of the Commission during its fifty-eighth session (2006), on the basis of the proposal contained in Annex I of the Commission (*Yearbook ... 2006*, vol. II (Part Two), p. 185, para. 257).

¹³⁶⁴ *Yearbook ... 2007*, vol. II (Part Two), p. 101, para. 386.

342. At its sixtieth session (2008), the Commission considered the preliminary report of the Special Rapporteur.¹³⁶⁵ The Commission had also before it a memorandum by the Secretariat on the topic.¹³⁶⁶ In the absence of a further report, the Commission was unable to consider the topic at its sixty-first session (2009).

B. Consideration of the topic at the present session

343. At the present session, the Commission was not in a position to consider the second report of the Special Rapporteur, which was submitted to the Secretariat (A/CN.4/631).

¹³⁶⁵ *Yearbook ... 2008*, vol. II (Part One), document A/CN.4/601.

¹³⁶⁶ A/CN.4/596 and Corr.1 (mimeographed; available on the Commission’s website, documents of the sixtieth session).