

**REPORT**  
**OF THE**  
**COMMITTEE ON RELATIONS**  
**WITH THE**  
**HOST COUNTRY**

**GENERAL ASSEMBLY**

**OFFICIAL RECORDS: THIRTY-SIXTH SESSION**

**SUPPLEMENT No. 26 (A/36/26)**



**UNITED NATIONS**

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**NOTE**

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

[30 November 1981]

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## I. INTRODUCTION

1. By its resolution 2819 (XXVI) of 15 December 1971, the General Assembly established the Committee on Relations with the Host Country. At its thirty-fifth session, the General Assembly decided, by resolution 35/165 of 15 December 1980, that the Committee should continue its work, in conformity with resolution 2819 (XXVI), and decided to include in the provisional agenda of its thirty-sixth session the item entitled "Report of the Committee on Relations with the Host Country". The Committee's recommendations are contained in section V below.

## II. MEMBERSHIP, TERMS OF REFERENCE AND ORGANIZATION OF THE WORK OF THE COMMITTEE

2. The Committee's membership in 1981 was as follows:

Bulgaria	Ivory Coast
Canada	Mali
China	Senegal
Costa Rica	Spain
Cyprus	Union of Soviet Socialist Republics
France	United Kingdom of Great Britain and Northern Ireland
Honduras	United States of America
Iraq	

3. Mr. A. V. Mavrommatis (Cyprus) continued to serve as Chairman and Mrs. E. Castro de Barish (Costa Rica) continued to serve as Rapporteur throughout 1981. The representatives of Bulgaria, Canada and the Ivory Coast were elected as Vice-Chairmen.

4. The list of topics previously adopted by the Committee was retained in 1981 and is as follows:

1. Question of the security of missions and the safety of their personnel.
2. (a) Comparative study of privileges and immunities;
- (b) Obligations of permanent missions to the United Nations and individuals protected by diplomatic immunity;
- (c) Exemption from taxes levied by states other than New York;
- (d) Possibility of establishing at United Nations Headquarters a commissary to assist diplomatic and Secretariat personnel;
- (e) Housing for diplomatic personnel and for Secretariat staff;

- (f) Transportation;
  - (g) Insurance;
  - (h) The public relations of the United Nations community in the host city and the question of encouraging the mass media to publicize the functions and status of permanent missions to the United Nations;
  - (i) Education and health;
  - (j) Question of the provision of an identity document for members of the families of diplomatic personnel, non-diplomatic staff of missions, and members of the United Nations Secretariat in New York;
  - (k) Acceleration of customs procedures;
  - (l) Entry visas issued by the host country.
3. Study of the Convention on the Privileges and Immunities of the United Nations.
  4. Consideration of, and advice to the host country on, issues arising in connexion with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations.
  5. Consideration and adoption of the Committee's report to the General Assembly.
5. During the period under review, the Committee held six meetings.
6. At the Committee's first meeting this year, held on 28 January 1981, it was decided to abolish the Working Group which had been established by the Committee in 1972 <sup>1/</sup> but had been inactive for the last three years. At the suggestion of the Chairman, it was decided to refer matters within the Working Group's mandate to the Bureau on the understanding that representatives of the host country would attend Bureau meetings ex officio. The Bureau met twice during the period under review.

### III. SECURITY OF MISSIONS AND SAFETY OF THEIR PERSONNEL

7. At the 2nd meeting of the Bureau, held on 7 April 1981, the representative of Bulgaria raised certain questions about the general security of diplomatic missions and their members, citing examples from the experience of his Mission.
8. By a letter dated 15 May 1981 addressed to the Secretary-General (A/AC.154/210), the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations requested the circulation as an official document

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<sup>1/</sup> Official Records of the General Assembly, Thirtieth Session, Supplement No. 26 (A/10026), para. 6.

of the Committee of four notes verbales dated 3 February, 25 March, 10 April and 8 May 1981 from the Permanent Mission of the USSR addressed to the United States Mission. In these notes, the USSR Mission complained about the fact that on several occasions hostile actions against staff of the Permanent Mission, members of their families and Soviet citizens working in New York had taken place.

9. In its note verbale dated 3 February 1981, the USSR Mission stated that on 22 January 1981 a member of the Mission had been attacked when leaving the Mission's housing complex, that the attackers had attempted to damage his car and had insulted him with unprintable abuse. In an incident on 1 February 1981 Zionist elements had insulted Soviet diplomats when they were leaving the Mission. On the same day, a Soviet staff member of the United Nations Secretariat had been harassed and insulted in the vicinity of the Mission. A similar incident had taken place on 2 February 1981, involving another staff member of the United Nations Secretariat. On 3 February 1981 two members of the Mission had been subjected to an attack and insults nears the Mission and a group of Zionists had harassed and threatened the wives and children of Soviet diplomats while they were walking in Central Park. The USSR Mission insisted that the United States authorities take all the necessary and effective measures to ensure security and normal conditions for the activities of the Permanent Mission of the USSR to the United Nations and of its staff, and also of Soviet staff members of the United Nations Secretariat.

10. By its note verbale dated 25 March 1981, the USSR Mission stated that it had received hundreds of provocative phone calls by hostile persons impeding the normal functioning of the Mission. Three hundred and ten phone calls had been counted during a 24-hour period on 24 March 1981. In protesting against these activities, the USSR Mission demanded that the United States protect the USSR Mission from these campaigns.

11. In its note verbale dated 10 April 1981, the USSR Mission drew attention to the fact that on 6 April 1981 callers from the so-called "Jewish Defense League" had threatened to place an explosive device in one of the Mission's motor vehicles, and that black paint had been poured over one of the Mission's cars with diplomatic licence plates parked on Third Avenue between 69th and 70th Streets. The USSR Mission lodged a protest and demanded that the United States take appropriate action to enable the Mission to carry out its function.

12. In its note verbale dated 8 May 1981, the USSR Mission stated that on 4 May 1981 Zionist hooligans had thrown dirt in the face of a member of the Mission, had insulted him and had tried to damage his car. Attempts of physical violence had continued to be made against Soviet citizens. In this connexion, the USSR drew attention to the ongoing provocative phone calls containing threats and gross unprintable abuse and insults. In protesting against these hostile acts the USSR Mission demanded that the United States take the necessary steps to establish normal conditions for the work of the USSR Mission.

13. By a letter dated 26 May 1981 addressed to the Secretary-General (A/AC.154/211), the Permanent Representative of the USSR requested the circulation as an official document of the Committee of a note verbale dated 25 May 1981 from the USSR Mission to the United States Mission. The note stated that on 13 and 17 May 1981 incendiary devices had been found, of which three had been placed near the USSR Mission's summer house at Oyster Bay and another on the territory of the Mission's housing complex. The materials in question had been handed over to the

local police. The USSR Mission emphasized that the above-mentioned terrorist acts had been taking place in the context of an unceasing campaign of threats and intimidation against the USSR Mission emanating from the terrorist organizations "Omega-7" and the "Jewish Defense League". The USSR Mission recalled that similar campaigns of threats had preceded the explosion of a bomb in the building of the USSR Mission on 11 December 1979. The USSR Mission reiterated its demands that the United States authorities put an end to these terrorist acts and create normal conditions for the work of the USSR Mission and its staff.

14. By a letter dated 1 June 1981 addressed to the Secretary-General (A/AC.154/213), the Permanent Representative of the USSR requested the circulation as an official document of the Committee of a note verbale dated 1 June 1981 from the USSR Mission to the United States Mission. The note objected to the fact that, on 25 May 1981, between 10.15 p.m. and 11.10 p.m., a noisy anti-Soviet demonstration organized by the "Jewish Defense League" had taken place outside the Mission's housing complex in Riverdale, preventing cars and pedestrians from entering or leaving the complex. Threats and insults had been shouted by the participants, disturbing people's peace and quiet. A similar demonstration involving 300 persons had taken place in the afternoon of 24 May 1981. The USSR Mission noted that the host country had failed to take effective measures to halt these provocations on the part of the Zionists and it lodged a protest and demanded that the United States authorities take appropriate measures to establish normal conditions for the work of the USSR Mission.

15. By a letter dated 9 June 1981 addressed to the Chairman of the Committee (A/AC.154/214), the Counsellor of the United States Mission requested the circulation as an official document of the Committee of two notes verbales dated 3 April 1981 and 29 May 1981.

16. In the note verbale of 3 April 1981, the United States Mission referred to the points raised by the note of 3 February 1981 from the USSR Mission and stated that the United States Mission condemned irresponsible acts by American citizens against Soviet Mission personnel and their families. The United States Mission drew attention to its efforts to protect the USSR Mission by having established the New York Police Department Plainclothes Crime Prevention Team in support of the existing 24-hour uniformed fixed post coverage at the Mission. The United States Mission emphasized the need for timely reporting of the incidents and for full co-operation of the Soviet Mission. The United States Mission rejected the allegation that the Police Department of the City of New York was not taking all appropriate measures to ensure the safety of members of the USSR Mission. It pointed out that arrests had been made concerning the incident of 5 February 1981 and that summonses had been issued to three individuals for harassment involving the incident on 1 February 1981. The United States Mission regretted the decision of the USSR Mission not to testify in court which severely hampered law enforcement efforts.

17. In its note verbale dated 29 May 1981 the United States Mission referred to a note from the USSR Mission dated 30 April 1981 which recalled the bombing of the USSR Mission on 11 December 1979. An investigation of the bombing was still under way. However, no one had yet been apprehended or prosecuted. The United States Mission recalled that it had reinforced the protection of the USSR Mission and related diplomatic establishments and that an investigation of all acts of harassment had been undertaken. Two individuals had been convicted of varying

degrees of harassment. The note emphasized that the United States was fully committed to carrying out its host country responsibilities, including the safeguarding of diplomatic premises and personnel.

18. By a letter dated 31 July 1981 addressed to the Secretary-General (A/36/414), the Chargé d'Affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations complained about the intrusion into the premises of the Mission by a group of people of unknown identity. The host country authorities had not, it was maintained, taken adequate measures to prevent that act of vandalism. The Libyan Arab Jamahiriya wished to register a strong protest against the collusion of the American authorities with the perpetrators of this act of vandalism and requested that the above-mentioned letter be circulated as an official document of the General Assembly under item 123 of the provisional agenda, and that the document be brought to the attention of the Committee on Relations with the Host Country.

19. By a letter dated 13 October 1981 addressed to the Secretary-General (A/AC.154/215), the Counsellor of the United States Mission requested the circulation as an official document of the Committee of a letter dated 8 September 1981 addressed to the Chairman of the Committee which recalled the complaint of the Libyan Arab Jamahiriya. The United States Mission categorically rejected the suggestions of improper or inadequate conduct or of collusion on the part of the American authorities in the course of the incident that took place at the Libyan Mission on 30 July 1981. The American authorities had responded and had arrived on the scene within minutes and had ended the occupation of the Libyan Mission quickly and had restored the premises safely to the Mission's staff. In this connexion, the United States reaffirmed its strong condemnation of any and all acts violating the premises of foreign diplomatic missions or the security of their personnel.

20. At the 87th meeting of the Committee, on 6 November 1981, the representative of the USSR requested the circulation as an official document of the Committee of a note verbale, dated 3 September 1981, from the USSR Mission to the United States Mission (A/AC.154/217). The note stated that, on 3 September 1981, explosive devices had been found under two vehicles belonging to the Permanent Missions of the USSR and the Byelorussian SSR. The USSR Mission noted that a police representative had expressed the opinion that an explosion could have occurred, had anyone entered the vehicles. From a telephone call recorded by the police it emerged that members of the so-called "Jewish Defense League" were involved in the incident. The USSR Mission lodged a protest and demanded that the United States authorities take appropriate measures to establish normal conditions for the work of the USSR Mission.

21. By a letter dated 4 November 1981 addressed to the Chairman of the Committee (A/AC.154/218), the Counsellor of the United States Mission requested the circulation as an official document of the Committee of a note verbale dated 4 November 1981 from the United States Mission to the USSR Mission. The United States Mission recalled that the explosives had been rendered inoperative by the police and that within five days after the incident agents of the Federal Bureau of Investigation arrested an individual who was charged with the fire-bombing of a car in a separate case and who was indicted and is presently awaiting trial in a United States District Court. The United States Mission emphasized that effective measures by the police had been instituted to prevent future incidents of this type.

22. At the 87th meeting, the representative of the United States reported further on each of the incidents mentioned in the notes verbales received from the USSR Mission in the course of the year. He referred to the note of 3 February concerning harassment, and stated that the police had arrested the perpetrators but that the prosecution had been severely hampered by the refusal of the USSR Mission to allow their officials to testify in court. With reference to the note of 25 March 1981, concerning provocative phone calls, the United States Mission regretted the USSR Mission's refusal to co-operate with the telephone company in order to have a trap placed on the mission phone. Regarding the note of 10 April 1981, reporting that unknown persons had poured paint over a car of the Mission, the United States authorities had not been able to further investigate the complaint because the car had never been made available to police investigators. Regarding the note of 8 May 1981, concerning the insult to a member of the USSR Mission, the United States regretted that the perpetrator had not been found. Regarding the note of 26 May 1981, reporting that incendiary devices had been found at USSR residential areas, the United States Mission was of the view that the preliminary findings of the police did not confirm a deliberate incendiary attack. With regard to the note verbale of 3 September 1981, complaining about the explosive devices found under two diplomatic cars, the United States Mission reported that since the arrest of the individual charged with the fire-bombing of another diplomatic car the incidents against diplomatic vehicles had ceased.

23. The representative of the USSR, while not commenting in detail on the statement made by the representative of the United States, reiterated that in the view of the USSR Mission diplomatic personnel should not give testimony in foreign courts. He emphasized again the need for effective measures to ensure the safety of diplomatic premises and personnel and pointed out that it was the duty of the United States to comply with the obligations under the Vienna Convention on Diplomatic Relations of 18 April 1961.

24. The 88th meeting of the Committee was held on 20 November 1981 to consider, inter alia, the firing of shots against the residence of the Permanent Representative of the USSR in Glen Cove that had occurred on 14 November 1981. In a note dated 16 November 1981 addressed to the United States Mission (A/AC.154/219), in which the incident was described, the USSR Mission stated that the building in which Deputy Representatives, their families and some members of the Soviet delegation had been present, was deliberately fired upon and that only by a fortunate chance had no one been wounded by the shooting. The USSR Mission lodged a strong protest and demanded effective measures to be taken to prevent such further attacks. The USSR Mission expected to receive from the host country full information on the prosecution and punishment of the culprits. At the meeting, the representative of the USSR emphasized the gravity of the new shooting incident and noted that the attacks had become more frequent and dangerous. He pointed out that the history of attacks since the establishment of the Committee on Relations with the Host Country reflected the menacing proportions of hostile acts against the USSR Mission and its staff. In this connexion, the representative of the USSR Mission requested that a Soviet press release enumerating all the serious attacks against Soviet citizens since 1971 be annexed to the report.

25. The representative of the host country expressed his sincere regrets over the shooting incident and assured the representative of the USSR that an energetic and thorough-going investigation had been undertaken. Additional security precautions had been put into effect to prevent the recurrence of such terrorist acts. The

representative of the United States Mission reiterated that the United States authorities would continue to do everything possible to assure the security of the USSR Mission. A reply in the form of a note verbale had been sent to the USSR Mission (see A/AC.154/221). The representative of the host country asked that a detailed response of the United States Mission be also annexed to the report.

26. The Chairman expressed regret on behalf of the Committee and on his own behalf over the act of violence against the Soviet residence in Glen Cove and relief that no personal injuries had occurred. The Chairman stated his understanding that the statement of the representative of the host country meant that every possible measure would be taken to prevent criminal acts against any mission. He also pointed out that the Committee had no objection to having the press release of the Soviet Union as well as the response of the host country attached to the Committee's report. At the 89th meeting, the Chairman confirmed that the Committee wished the press release and the response thereto to be annexed in full to its report.

#### IV. OTHER MATTERS

##### A. Diplomatic status and traffic regulations

27. At the 85th meeting of the Committee, the Chairman read out a letter dated 23 December 1980 from the Permanent Representative of Spain to the United Nations addressed to the Alternate Representative for Special Political Affairs of the United States Mission to the United Nations (A/AC.154/207). In that letter, in which he acknowledged receipt of the note of 18 December 1980 addressed to all Missions by the Alternate Representative for Special Political Affairs of the United States Mission to the United Nations concerning the problems created by the parking of diplomatic vehicles at certain places, the representative of Spain noted that the problem of the towing away of diplomatic vehicles had been discussed in the past by the Committee, which had come to the conclusion that, except in very exceptional circumstances, such as the obstruction of fire hydrants, such vehicles could not be removed without violating the rules of international conduct. Moreover, the representative of Spain took the view that it would be flying in the face of the facts to claim that diplomatic vehicles were responsible for New York's traffic problems when it was common knowledge that the City was full of illegally parked vehicles and that many of them occupied parking spaces reserved for vehicles with diplomatic (DPL) or consular licence plates. The representative of Spain concluded by recalling resolutions 2819 (XXVI), 3033 (XXVII) and 3107 (XXVIII). In the debate which ensued, the representative of Spain referred once again to the note and reaffirmed that towing of diplomatic cars was not compatible with inviolability under the 1961 Vienna Convention except in emergency situations. The representatives of the USSR, Bulgaria, Costa Rica and Honduras concurred with the comments made by the representative of Spain. In the view of the representative of the United Kingdom of Great Britain and Northern Ireland, the Vienna Convention did not exclude towing of DPL cars. However, he pointed out that according to practice in the United Kingdom towing only takes place in situations where a hazard is present and severe obstruction to traffic has been caused. He suggested that the host country should be prepared to justify the towing in each instance. In this connexion, he referred to the practice in London which is to tow away a diplomatic vehicle only when it is causing a serious obstruction which cannot be overcome by moving it to an alternative position nearby, and where extensive enquiries have

failed to trace the driver. The representative of the United States regretted that the new towing programme of the City of New York had been instituted without advance consultation with the United States Mission but he gave assurances that clarifications were being sought. The representative of the United States went on to draw attention to the traffic problems of the City of New York, and stated that the United States Mission would continue its efforts to assist all missions to conduct their business without disruption and that it had requested the Traffic Department of the City of New York to make additional new parking spaces available for vehicles of missions and diplomatic personnel.

28. At the 86th meeting, on 7 April 1981, the Chairman reported on the results of two Bureau meetings which dealt with the issue of New York City parking for diplomatic vehicles. In the view of the Bureau, the present towing situation was not acceptable except in an extremely dangerous situation, a definition of which was still needed. The Chairman noted that there had been some improvement in the present towing situation. The Bureau also requested that the United States Mission pay attention to the problem of unauthorized cars occupying the spaces reserved for cars bearing DPL licence plates. The representative of France said that, while appreciating that the City of New York was obliged to take steps to improve traffic conditions in Manhattan, he had been disturbed by the way in which diplomatic vehicles had been impounded over the past few months. He pointed out that in Paris, a city which suffered from severe traffic problems, the French authorities had shown much greater courtesy towards diplomatic representatives, in that they had never thus far taken any similar measures. The representative of France expressed the view that, from a legal standpoint, that practice, as applied in New York, did not seem to conform to the provisions of articles 22 and 30 of the 1961 Vienna Convention. He accordingly stressed the need to terminate the practice in New York. The representative of the United States considered New York's towing practices as compatible with the United States obligations under the Vienna Convention since all four cases mentioned in the note of 18 December 1980 were safety hazards. As to the parking of private vehicles in spaces reserved for diplomatic vehicles, he promised to provide every possible assistance to remove the offending vehicles.

#### B. Visa questions

29. In connexion with the question of the new requirements for the issuance of visas to private servants and members of the service staff employed in the United States by members of the diplomatic and consular staff and by staff members of international organizations, set forth in a note verbale dated 12 January 1981 addressed to the permanent missions and observers to the United Nations by the United States Mission to the United Nations, the representative of Spain requested clarification of the contents of that note, which were, in his view, obscure. Specifically, he wondered whether the requirements set forth in the note verbale from the United States Mission applied to private servants in the employ of the sending State or only to private servants in the employ of members of the diplomatic staff. In pressing the question he recalled that the note verbale issued by the United States Mission did not clarify those two quite distinct situations. At the end of his statement, the representative of Spain said that his country viewed the new requirements with concern, in particular because they might represent a contravention of article 10, paragraph 1 (c), of the Vienna Convention on Diplomatic Relations of 18 April 1961, thus hampering performance of the

functions of missions and of diplomatic agents, instead of facilitating the resolution of any difficulties which might arise between sending States and the receiving State.

30. In his response, the representative of the United States regretted any confusion which might have been caused by the note verbale of 12 January 1981. However, he justified the measures set out in that note as a response to the abuses committed lately with respect to the personal servants of many missions and diplomatic agents. He stated that the aim of the new provisions was to guarantee fair employment contracts for private servants so as to avoid any problems at a later stage.

31. At the 86th meeting, the Chairman reported on a meeting of the Bureau at which the representative of the United States had stated that the employees of missions were entirely the responsibility of the missions concerned. They received the same visa classification as the diplomatic personnel of the mission regardless of the nature or location of their work. No contracts were required for employees of missions. The United States note of 12 January 1981 stated that contracts were required for "applicants for visas as servants, attendants and personal employees employed in the United States by personnel of foreign missions or consular posts and by officials of international organizations". These personal employees of individuals were classified G-5.

32. Lastly, with regard to the new requirements for the issue of visas for private servants and members of the service staff, the United States Mission issued a further new note verbale dated 29 July 1981. In that note, the United States Mission informed all missions to the United Nations of a change in the requirements set forth in the note verbale of 12 January 1981. In that connexion, the United States Mission acknowledged that, in the light of experience, requiring employment contracts in all cases might impose an unnecessary burden. Accordingly, in processing visa applications, the United States authorities would continue to require employment contracts in those cases in which: (a) they were not satisfied that the applicant fully understood the salary, conditions of employment, benefits, etc., of the employment offered and (b) they considered that there was a need for written evidence that the conditions of employment and compensation were reasonable. In the conclusion of its note verbale, the United States Mission emphasized that the modification in question did not reflect any change in its desire to guarantee reasonable living and working conditions for all private servants and members of the service staff employed by personnel of missions.

#### C. Mail

33. The representative of Spain referred to the problems posed by the existing delays in the delivering of letters to missions from post offices, delays which had not existed in the past and which had recently increased considerably, to such a point that letters sent from one mission to another at times took as long as two weeks to arrive. He underlined the problems inherent in such a delay in the distribution of mail, which affected the normal functioning of missions.

#### D. Special airport facilities for diplomats

34. The representative of the United States referred to a request, made by the delegation of Costa Rica, for granting diplomats permission to use the airport facilities reserved for crew members and reported that the United States Mission had contacted the immigration authorities and had passed along the request. The Immigration Officer had responded by stating that it would take longer to use the crew facilities than the regular facilities and that a diplomatic counter was administratively impossible. With regard to the suggestion that diplomats not be required to sign a sworn declaration of goods for use during customs clearance, the representative of the United States was informed by a senior customs official that diplomats merely sign the form on the aircraft, that their baggage is not normally inspected and that they are processed through customs in minutes.

35. Regarding the request for the provision of parking facilities for diplomats at airports, the United States representative stated that free parking is provided for diplomats at the international arrivals building on a 24-hour basis and that no diplomatic parking facilities exist at TWA or Pan American terminals nor at La Guardia Airport. Any questions concerning the Miami Airport should be directed to the Department of State.

#### E. Compilation of laws and regulations in force in the host country

36. The United States Mission, in response to a request by Mongolia, has compiled a list of treaties, local laws and regulations of particular interest to the United Nations diplomatic community in New York in its daily activities. This compilation was published as a document of the Committee (A/AC.154/212) and contains the following texts:

Headquarters Agreement, Public Law 80-357, 4 August 1947

International Organizations Immunities Act, Public Law 79-291, 29 December 1945

Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly of the United Nations on 13 February 1946

Vienna Convention on Diplomatic Relations, of 18 April 1961

Foreign Sovereign Immunities Act, Public Law 94-583, 21 October 1976,  
90 STAT.2891

Diplomatic Relations Act, Public Law 95-393, 30 September 1978

New York State Real Property Tax Law 418, pertaining to property owned by foreign Governments in New York State

List of visa symbols used by American Consular Officers in the issuance of non-immigrant visas

Act for the Protection of Foreign Officials and Official Guests of the United States, Public Law 92-539, 24 October 1972

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973

Act for the Prevention and Punishment of Crimes against Internationally Protected Persons, Public Law 94-467, 8 October 1976

V. RECOMMENDATIONS

37. The Committee, at its 89th meeting, on 30 November 1981, approved the following recommendations:

(1) Considering that the security of the mission accredited to the United Nations and the safety of their personnel are indispensable for their effective functioning, the Committee notes the assurances given by the competent authorities of the host country and the measures taken to that end.

(2) The Committee expresses its profound concern over the terrorist acts against diplomatic missions and condemns all such acts. The Committee calls upon the host country to ensure that the appropriate law enforcement authorities take urgent measures to apprehend, bring to justice and punish members of terrorist organizations and persons responsible for these actions.

(3) The Committee notes the actions taken by the host country and urges the host country to take all necessary measures without delay in order to continue to prevent any acts violating the security of missions and the safety of their personnel or the inviolability of their property, and in order to ensure normal conditions for the existence and functioning of all missions.

(4) The Committee notes the actions taken by the host country and urges the host country to ensure that the appropriate law enforcement authorities continue to take measures to apprehend, bring to justice and punish all those responsible for committing criminal acts against missions accredited to the United Nations as provided for in the 1972 Federal Act for the Protection of Foreign Officials and Official Guests of the United States.

(5) The Committee, with a view to facilitating the course of justice, calls upon the missions of States Members of the United Nations to co-operate as fully as possible with the Federal and local United States authorities in cases affecting the security of those missions and their personnel.

(6) The Committee expresses the hope that obligations undertaken by the host country in accordance with international law in relation to the privileges and immunities of Member States will continue to be met effectively.

(7) The Committee appeals to the host country to review the measures with regard to the parking of diplomatic vehicles with a view to facilitating the desires and needs of the diplomatic community and to consider terminating the practice of serving summonses on diplomats.

(8) The Committee welcomes the diplomatic community's readiness to co-operate fully with the local authorities in solving traffic problems and notes, in this regard, the desirability of missions making reasonable efforts to utilize off-street parking facilities.

(9) The Committee expresses the hope that efforts will be continued and intensified with a view to implementing an information programme in order to acquaint the population of the City of New York and its boroughs with the importance of the international functions performed by the personnel of the missions accredited to the United Nations as well as with their corresponding privileges and immunities.

(10) The Committee has been informed that there have been difficulties concerning unpaid bills for goods and services rendered by private persons and organizations to certain missions accredited to the United Nations and certain individual diplomats attached to those missions, and suggests that the Secretariat and others concerned work together to solve these outstanding difficulties.

(11) The Committee wishes to express its appreciation to the New York City Commission for the United Nations and the Consular Corps and those bodies which contribute to its efforts to help to accommodate the needs, interests and requirements of the diplomatic community, to provide hospitality and to promote mutual understanding between the diplomatic community and the people of the City of New York.

(12) The Committee considers it necessary that its further meetings be organized both at the request of Member States and as necessary to fulfil its mandate relevant to resolutions of the General Assembly.

(13) The Committee recommends that it should consider problems within its terms of reference, pursuant to General Assembly resolutions 2819 (XXVI), 3033 (XXVII), 3107 (XXVIII), 3320 (XXIX), 3498 (XXX), 33/95, 34/148 and 35/165.

ANNEX I

Press release issued on 20 November 1981 by the Permanent Mission of the  
Union of Soviet Socialist Republics to the United Nations

The following are the most outrageous among the terrorist acts that have been committed over the past 10 years against the USSR Permanent Mission to the United Nations:

- 20 October 1971                      Four gunshots were fired at the Mission's building from the roof of Hunter College in Manhattan. All four bullets hit one of the apartments on the 11th floor belonging to a Counsellor of the Mission. There were four children inside at the time the shooting occurred.
- 19 January 1975                      Several gunshots were fired at the Mission. Two bullets hit living quarters on the 5th floor.
- 27 February 1976                      Several shots from a high-powered rifle were fired at the Mission's residential compound in the Riverdale section of the Bronx. A bullet that struck the glass panel of the entrance hall missed by several inches a Soviet official on duty at the time.
- 2 April 1976                          Several rifle shots were fired at the Mission from across a construction site on East 68th Street. One of the bullets smashed the window of a 9th floor apartment when there was a woman with a child inside.
- 11 December 1979                      A powerful bomb was exploded in front of the Mission causing serious damage to the building and injuring several Mission officials.
- 21 February 1980                      A shot was fired at the Mission. The bullet hit an 8th floor apartment with a woman and a child inside.
- 17 May 1981                          An incendiary device was planted on the territory of the Mission's residential compound in Riverdale.
- 3 September 1981                      An explosive device was placed under one of the Mission's cars.

14 November 1981

The Glen Cove mansion of the USSR Permanent Representative to the United Nations was hit. Automatic weapons were used to open precision fire at the building at a time when several Deputy Permanent Representatives, members of their families and some members of the USSR Delegation to the thirty-sixth session of the United Nations General Assembly were inside.

ANNEX II

Statement issued on 30 November 1981 by the Permanent Mission of the  
United States of America to the United Nations

At the last meeting of this Committee the delegate from the Union of Soviet Socialist Republics presented a press release chronologically listing serious attacks directed against the Soviet Mission building and residences encompassing a 10-year period beginning in 1971. This list, which numbered nine incidents, failed to include the various investigative and preventive measures which resulted in numerous arrests and convictions of the persons responsible.

In researching the events surrounding these regretted incidents and the subsequent action taken by the host country's law enforcement community, it became obvious that this information was made public and had been conveyed to the Soviet Mission throughout the course of that period. However, to set the record straight, I will now respond to the Soviet press release and ask that our response be made part of the record of this year's Committee report.

On 21 October 1971, the Soviet Mission to the United Nations sustained rifle fire from nearby Hunter College. Fortunately, there were no injuries. Within 24 hours, the weapon used in the assault was located and forwarded to Washington, D.C., for FBI laboratory analysis. The Federal Bureau of Investigation and the New York City Police investigation culminated with the arrest of an individual on 2 February 1972. The defendant was successfully prosecuted on federal charges and was sentenced to a term of two and one half years imprisonment.

On 19 January 1975, 27 February 1976 and 2 April 1976, the Soviet Mission and the Soviet residence located in Riverdale, New York, were subjected to shooting attacks. The gunshots caused no casualties. In each instance, the weapon used was recovered by the authorities and was submitted for forensic examination. The ensuing concerted investigation conducted by agents of the Federal Bureau of Investigation and the New York City Police detectives terminated in the arrests of five individuals on 19 August 1976. The five indicted men were successfully convicted in U.S. District Court and were sentenced to terms of imprisonment in federal penitentiaries ranging from three to six years.

On 11 December 1979, an explosive device was detonated near the entrance of the Soviet Mission, causing extensive damage to the building facade. The terrorist organization Omega-7 claimed responsibility for this act. The New York City Police Department, the Federal Bureau of Investigation and other concerned federal agencies immediately launched an intensive investigation and a special federal grand jury was impaneled specifically to look into the activities of the group, Omega-7. While no arrests have been made as yet relative to the bombing, the Federal Bureau of Investigation did arrest and indict on various charges in October 1981 one of the reputed ring-leaders of Omega-7. It is believed that this arrest has caused a serious blow to the Omega-7 network. Since the date of the bombing, the Soviet Mission has been afforded increased protective security consisting of a 24-hour police detail as well as plainclothes anti-crime police officers on vicinity patrol.

On 21 February 1980, a bullet struck an 8th floor window of the Soviet Mission. Based on information supplied by the Federal Bureau of Investigation and the New York Police Department, it appears that the incident was not an attack directed against the Soviet Mission or its personnel. Authorities confirmed that no individual, group, or organization has claimed responsibility for the shooting. Police ballistics experts have concluded that the .38 calibre bullet was fired from a distance of possibly one mile and its velocity was expended by the time it struck the window on a downward pattern. The spent bullet then fell to the floor. That neither the Soviet security officer stationed atop the roof nor the surrounding police detail heard any sound of gunfire, has led authorities to strongly believe that the bullet randomly struck the Soviet Mission having been fired quite some distance away.

On 17 May 1981, a Soviet official at the Riverdale residential complex advised police stationed outside that a broken bottle with flammable liquid had been discovered in the parking lot area within. The Soviet official stated that near the broken bottle was a three-foot circular scorched area. The Soviets would not allow police personnel on the grounds of the complex, thereby hampering any investigative effort.

On 3 September 1981, police discovered unexploded incendiary devices beneath two Soviet vehicles parked near the Soviet Mission. Within five days of the incident agents of the Los Angeles office of the Federal Bureau of Investigation arrested an individual and charged him at that time before a U.S. Magistrate with the fire-bombing of a vehicle belonging to another Member State but which was parked in the vicinity of the Soviet Mission. The Federal Bureau of Investigation believes that this vehicle was fire bombed in the belief that it belonged to the Soviet Mission. Since the date of that arrest, the rash of fire-bombing attempts have ceased.

On 14 November 1981, shots were fired at the Soviet Mission's residence at Glen Cove, Long Island. The Federal Bureau of Investigation, the Nassau County Police and the Glen Cove Police Departments immediately initiated a full investigation. On 25 November 1981, after 10 days of unceasing detective work authorities arrested two individuals and charged them with the shooting.

An examination of the law enforcement community's response to the incidents enumerated above reveals an effective and efficient commitment to the protection of Soviet Mission personnel and property and underscores the United States Government's steadfast dedication to meet its responsibilities as host country to the United Nations.



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