



# General Assembly

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## Sixty-first session

Agenda item 76

### **Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives**

#### **Letter dated 27 November 2006 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General**

I have the honour to address you in reference to agenda item 76, “Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives”. The Sixth Committee considered document A/61/119/Add.2, which refers to a report submitted by the Russian Federation dated 19 July 2006, which describes various incidents, including “the physical abuse and degrading treatment of the Counsellor at the Russian Embassy in Buenos Aires by the police (on 5 March 2006)”. The Russian Federation’s detailed version of the incident is given in paragraph 2, subparagraphs 4-6 of the aforementioned document.

The Government of the Argentine Republic requests that the Secretariat circulate the following information as a document of the General Assembly:

The judicial proceedings indicate that in the early morning hours of 5 March 2006, an officer of the Argentine Federal Police noticed a black Mercedes Benz speeding through the main streets in the centre of Buenos Aires. The officer pursued the vehicle in question, considering that it posed a danger to the population.

The driver of the Mercedes Benz continued to accelerate until he finally came to a stop and got out of the car, shouting and aiming punches and kicks at the police officer, who was forced to intervene in order to subdue him. It later transpired that the individual in question was Mr. Georgy Todua, Counsellor at the Embassy of the Russian Federation in the Argentine Republic.

(a) The National Court for Federal Criminal and Correctional Cases No. 7 conducted the preliminary investigation into the case of Georgy Todua and Horacio Taboada resisting authority and infliction of injuries. The court refrained from taking a statement from Mr. Todua (in accordance with



article 24, paragraph 1 of Decree-Law No. 1285/58 and article 32 of the Vienna Convention on Diplomatic Relations). On the basis of the statements collected from numerous witnesses, including eyewitnesses, the doctors on duty at the Fernandez Hospital, the Forensic Medicine Division of the Scientific Police and the reports from the Fernandez and Aleman Hospitals, the court decided, on 26 June 2006:

(i) To dismiss the proceedings against the Argentine Federal Police officer on the grounds that he could not be held responsible in any way for the injuries suffered by Georgy Todua;

(ii) To refer the case to Argentina's Supreme Court of Justice so that it might summon the accused, Georgy Todua, to make a statement in accordance with article 294 of the Argentine Code of Criminal Procedure;

(b) The Supreme Court of Justice of Argentina, noting that the aforementioned official had terminated his functions at the Russian Embassy in Buenos Aires and had left his Buenos Aires residence on 29 May 2006, and noting also that this would prevent any further investigation of the case, decided by a ruling of 11 July 2006, to send the case to the archives;

(c) The Argentine Republic has always ensured the full application in its territory of the provisions of the Vienna Convention on Diplomatic Relations, trusting that diplomats would respect its internal law and refrain from abusing their diplomatic or consular privileges and immunities.

The Ministry of Foreign Affairs of Argentina has received the Ambassador of the Russian Federation in Buenos Aires on two occasions, keeping him informed about the progress of the case, and the Minister of Foreign Affairs gave him a note concerning the case addressed to the Russian Minister for Foreign Affairs informing him about the investigation being conducted. Lastly, the Todua case was discussed at the meeting between the two Ministers for Foreign Affairs during the sixty-first session of the General Assembly of the United Nations.

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