



General Assembly

Distr.
GENERAL

A/39/456/Add.3
4 October 1984
ENGLISH
ORIGINAL: ENGLISH/RUSSIAN

Thirty-ninth session
Agenda item 128

CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES

Report of the Secretary-General

Addendum

CONTENTS

	<u>Page</u>
REPORTS AND VIEWS RECEIVED FROM STATES	2
A. Reports received from States pursuant to paragraph 8 of General Assembly resolution 38/136	2
Note verbale from the Permanent Mission of the Union of Soviet Socialist Republics to the United Nations addressed to the Secretary-General	2
B. Views received from States pursuant to paragraph 10 of General Assembly resolution 38/136	5
Union of Soviet Socialist Republics	5

REPORTS AND VIEWS RECEIVED FROM STATES

A. Reports received from States pursuant to paragraph 8 of
General Assembly resolution 38/136

Note verbale from the Permanent Mission of the Union of Soviet
Socialist Republics to the United Nations addressed to the
Secretary-General*

[Original: Russian]

[2 October 1984]

During the night of 21/22 June 1983, the Soviet consul in San Francisco was attacked and seriously injured by criminals.

In September 1983, the Consulate General of the USSR in San Francisco was in a virtual state of siege for more than two weeks. Rampaging hooligans pelted the building with stones and shouted threats at the Soviet employees, who in point of fact could not leave the building without risk of physical violence and insults.

With the connivance of the authorities, a systematic campaign of criminal acts and threats against the Soviet Mission to the United Nations is continuing. Rowdy mobs assemble in the immediate vicinity of the Mission, so that its normal work is impeded. The members of these mobs pursue the diplomats and the members of their families on the streets and in public places with impunity, hurl personal insults at them and chant obscene words. The campaign of threatening and insulting telephone calls to the Mission continues.

On 25 February and 17 March 1983, the apartments of Soviet employees of the United Nations Secretariat were attacked with firearms. On 4 September 1983, a wild mob of hooligans forced its way into the territory of the residence of the Permanent Representative of the USSR to the United Nations and engaged in a noisy and rowdy anti-Soviet demonstration. During the night of 22/23 February 1984, three high-powered explosive devices were hurled onto the territory of the residential complex of the USSR Mission to the United Nations in New York, resulting in a fire which caused serious material damage.

It should be noted that those responsible for these terrorist acts are well known to the United States authorities. The guilty parties have publicly identified themselves and threatened new outrages. The fact that they go unpunished shows that the authorities do not wish to take effective measures to stop these criminal acts.

* Being transmitted to the Permanent Representatives of France, the Federal Republic of Germany, Japan and the United States by notes verbales from the Secretary-General and being circulated to all States under cover of a note verbale from the Secretary-General.

Among the examples of flagrant violation by United States authorities of their obligations and of the norms of international law are the events which took place on 2 May 1984. An embassy attaché was stopped by the police while driving his car, allegedly for speeding. Despite the fact that the Soviet diplomat showed them documents attesting to his status and, hence, his right of personal immunity, the police forced him to get out of the car, subjected him to a rough search, handcuffed him and took him to the police station.

In violation of the provisions of the Soviet-United States Consular Convention, the Soviet diplomat was not allowed to contact his embassy, despite his repeated requests. Nor did the police authorities themselves inform the embassy that they had arrested one of its employees.

All the circumstances of the case demonstrate clearly the premeditated nature of these unlawful and provocative acts. Furthermore, this deliberate violation by the United States authorities of the privileges and immunities of the employees of Soviet establishments is far from being an isolated case.

Measures which place Soviet missions in the United States in a disadvantageous position with respect to the missions of other States are very common.

There are instances of provocative behaviour by officials of the United States Immigration Service, who subject Soviet nationals who are passing through passport control to unlawful interrogations and take the liberty of making comments that offend their national dignity.

Even the daily practical activities of the employees of Soviet establishments are hampered. The transport of the diplomatic bag, particularly in San Francisco, is impeded.

All these actions are completely incompatible with the generally recognized norms and practices of international law.

These and many other violations which are inadmissible in the normal relations between States have been repeatedly denounced in notes from the Soviet Embassy addressed to the United States Department of State and in notes from the Permanent Mission of the USSR to the United Nations addressed to the United States Mission to the United Nations. However, the United States authorities stubbornly continue to shirk their responsibility to ensure the safety of, and normal working conditions for, Soviet diplomatic and consular missions and their personnel.

Serious violations of the security of Soviet diplomatic and consular missions and representatives have occurred recently in Japan.

For example, on 27 May 1983, two bottles containing an explosive mixture were hurled onto the territory of the Consulate General of the USSR in Osaka, causing a fire. On 6 September 1983, a bottle containing an explosive mixture was hurled at the building of the Consulate General of the USSR in Sapporo; the bottle burst into flames on smashing into the outer fence of the mission. On 9 September 1983 employees of the Consulate General of the USSR in Sapporo were attacked, and an

attempt was made to force them into a car. On 23 March 1984 the vehicle of the First Secretary of the Soviet Embassy in Tokyo was attacked. Physical force was used against the Soviet diplomat, causing him bodily injury. The vehicle's passengers - two women and a child - were publicly abused and threatened.

Serious incidents have been noted recently in the Federal Republic of Germany. In June and July 1984 demonstrations were systematically organized outside the buildings of the Soviet Embassy in Bonn and the Consulate General of the USSR in Hamburg. Contrary to the rules of international law concerning the inviolability of the Embassy's premises, attempts were made to photograph and film the interior of the premises through doors and windows. Access of motor vehicles to the Embassy was blocked, posters of a slanderous nature were stuck on the vehicles, and some staff members were virtually besieged in their apartments.

Between 19 and 22 July 1984 the authorities of the Federal Republic of Germany illegally detained a vehicle carrying the diplomatic bag on the border of the Federal Republic of Germany at the town of Helmstadt. They demanded that the vehicle be opened for inspection and threatened to use force to do so. Representatives of the Ministry for Foreign Affairs of the Federal Republic of Germany admitted that these actions had been sanctioned by higher authorities. The representatives of the Ministry for Foreign Affairs of the Federal Republic of Germany sought to justify their illegal actions through the arbitrary interpretation of the Vienna Convention on Diplomatic Relations of 1961. The representation made by the Ministry of Foreign Affairs of the USSR and the Soviet Embassy in the Federal Republic of Germany pointed out that the unlawful and totally unjustified actions taken by the authorities of the Federal Republic of Germany were contrary to generally recognized international norms and the provisions of the Vienna Convention, which states clearly in article 27 that "the diplomatic bag shall not be opened or detained". Attention was drawn to the fact that the competent organs of the Federal Republic of Germany should take the necessary measures to ensure that such incidents do not occur in future and that suitable conditions are created for the unhindered passage of the diplomatic bag through the territory of the Federal Republic of Germany.

One serious incident occurred in France. On 9 April 1983 an armed attack involving the use of fire-arms, including large-calibre weapons, was made on the building of the Consulate General of the USSR in Marseilles.

The above-mentioned serious cases of violation of the security of Soviet diplomatic and consular missions and representatives shows that certain States Members of the United Nations are not fulfilling their obligations under the Vienna Convention on Diplomatic Relations of 1961, and are ignoring the urgent appeals of the United Nations General Assembly to respect and implement the principles and rules of international law governing diplomatic and consular relations.

[See also the views of the Union of Soviet Socialist Republics under subsection B below.]

B. Views received from States pursuant to paragraph 10 of
General Assembly resolution 38/136

UNION OF SOVIET SOCIALIST REPUBLICS

[Original: Russian]

[2 October 1984]

1. The position of principle of the USSR on the question of effective measures to enhance the protection, security and safety of diplomatic and consular missions and members of their staff has been repeatedly set forth both in statements by the Soviet delegation on this General Assembly agenda item and in replies to requests for information on the matter from the Secretary-General of the United Nations.
2. The Soviet Union invariably advocates the strict and absolute observance by all States of the principles and rules of diplomatic and consular law, considering this to be an essential condition for the maintenance of normal relations between States.
3. It is a matter of serious concern that to this date not all States have conscientiously fulfilled their obligations with regard to the safety of internationally protected persons, as evidenced by a whole series of cases of the violation of the principles and rules of international law aimed at protecting diplomatic and consular establishments, their staff and members of their families. Regrettably, it has to be stated that cases of such violations are especially frequent in the United States of America - the country in which the Headquarters of the United Nations is located.
4. Diplomatic and consular representatives of the USSR, as well as Soviet staff members of the United Nations Secretariat, are deliberately caused serious hindrance here in the normal performance of their functions. The lives and dignity of diplomats and members of their families are frequently threatened.
5. The Soviet Union would like to draw the General Assembly's attention once again to the need for all States strictly to fulfil their obligations with respect to the Vienna Convention on Diplomatic Relations of 1961 and to ensure the inviolability of diplomats and members of their families.
6. The strict observance by all States Members of the United Nations of their obligations to ensure normal conditions for the effective work of diplomatic and consular missions and representatives is a prerequisite for a general improvement of the international situation and the building of confidence in relations among States.

[See also the report of the Union of Soviet Socialist Republics under subsection A above.]
