

marks of their official character, be inviolable and the authorities of the receiving State shall not open or detain them. The consular bag shall contain only official correspondence, documents and objects intended exclusively for official use.

(4) A consular courier provided with an official document identifying him as such and specifying the number of containers entrusted to him which comprise the consular bag shall be accorded by the receiving State the same rights, privileges and immunities as a diplomatic courier of the sending State. This provision shall apply also to a consular courier ad hoc, whose rights, privileges and immunities as such shall, however, cease to apply upon the handing over of the consular bag to the recipient.

(5) The master of a vessel or the commander of a civil aircraft scheduled to land at a permitted place of entry into the receiving State may be charged with the conveyance of the consular bag. The master or commander shall be provided with an official document specifying the number of containers entrusted to him and comprising the consular bag; he shall not, however, be considered to be a consular courier. By arrangement with the competent authorities of the port or airport concerned the consulate may send a consular officer or a consular employee who will be entitled to take possession of the bag from the master or commander or to hand it over to him, freely and without intermediary.

#### Article 18

(1) The person of a consular officer shall be inviolable.

(2) A consular officer shall be immune from the jurisdiction of the receiving State except in the case of the following actions:

1. an action relating to private immovable property situated in the receiving State, unless he holds it on behalf of the sending State for the purposes of the consulate;
2. an action relating to succession in which the consular officer is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;
3. an action relating to any professional or commercial activity exercised by the consular officer in the receiving State outside his official duties;
4. an action arising out of a contract concluded by the consular officer when he is not acting, expressly or impliedly, as an agent of the sending State;
5. an action by a third party for damages arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

(3) The provisions of paragraphs (1) and (2) shall apply also to a member of the family of a consular officer, provided in each case that the person concerned is not a national or a permanent resident of the receiving State.

(4) No measure of execution may be taken in respect of a person covered by the provisions of paragraphs (1) to (3) except in cases coming under subparagraphs 1 to 5 of paragraph (2), and provided also that the measure in question can be taken without infringing the inviolability of the person concerned or of his residence.

(5) A consular employee employed in the consulate to perform administrative or technical duties, provided that he is not a national or a permanent resident of the receiving State, shall be immune from the criminal jurisdiction of that State. He shall also be immune from the civil and administrative jurisdiction of that State in respect of any act performed\*in his official capacity, except in relation to an action as specified in subparagraph 5 of paragraph (2).

(6) A member of the family of a consular employee to whom the provisions of paragraph (5) apply shall be immune from the criminal jurisdiction of the receiving State, provided

in each case that the person concerned is likewise not a national or a permanent resident of that State.

(7) A consular employee employed in the consulate to perform service duties, provided that he is not a national or a permanent resident of the receiving State, shall be immune from the jurisdiction of that State in respect of any act performed in his official capacity, except in relation to an action as specified in subparagraph 5 of paragraph (2).

(8) The immunity from civil and administrative jurisdiction accorded under the provisions of this Article shall apply in any case where State coercive action (Staatliche Zwangsmassnahmen) is taken by the competent authorities of the receiving State.

#### Article 19

(1) In any case where a consular employee not entitled to immunity from the criminal jurisdiction of the receiving State under the provisions of Article 18 is arrested, detained or subjected to any other deprivation of personal liberty or where criminal proceedings are instituted against him, the competent authorities of that State shall immediately inform the head of the consulate accordingly.

(2) The provisions of paragraph (1) shall apply also in relation to a member of the family of a consular officer or of a consular employee who is likewise not entitled to immunity from the criminal jurisdiction of the receiving State under the provisions of Article 18.

#### Article 20

(1) A consular officer or, provided that he is not a national or a permanent resident of the receiving State, a consular employee, may be requested to appear as a witness in proceedings before the courts or other competent authorities of the receiving State. In the event that he complies with such a request, he may, however, decline to give evidence with regard to matters falling within the work of the consulate or as an expert witness with regard to the law of the sending State.

(2) Where a person to whom the provisions of paragraph (1) apply declines to appear as a witness or to give evidence, no coercive measures shall be taken against him and no penalty shall be imposed upon him.

(3) Where a person to whom the provisions of paragraph (1) apply is prepared to give evidence as a witness, the court or other competent authority requiring the evidence shall take all reasonable measures to avoid interference with the work of the consulate. Subject to the provisions of Article 15, the evidence of a consular officer or consular employee may be given, in so far as it is practicable and permissible under the laws and regulations of the receiving State, orally or in writing, at the consulate or at his residence.

(4) A consular employee to whom the provisions of paragraph (1) do not apply may decline to give evidence on matters falling within the work of the consulate.

(5) A consular officer or a consular employee shall be entitled, in giving evidence as a witness, to make an affirmation in lieu of an oath.

(6) The provisions of paragraphs (1) to (5) shall apply, to the extent that they are capable of such application, to a member of the family of a consular officer or of a consular employee, provided in each case that the person concerned is not a national or a permanent resident of the receiving State.

#### Article 21

(1) The sending State may waive the privileges and immunities provided for in Articles 18 and 20. The waiver shall in all cases be express and shall be communicated in writing to the receiving State.

(2) The initiation of proceedings by a person entitled to immunity from jurisdiction under Article 18 shall preclude