

**GOVERNMENT OF INDIA
EXTERNAL AFFAIRS
LOK SABHA**

STARRED QUESTION NO:46
ANSWERED ON:23.07.2003
DIPLOMATIC IMMUNITY TO KIN OF FOREIGN DIPLOMATS
M. JAGANNATH;RAM JEEVAN SINGH

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

- (a) the number of incidents of crime involving Embassy officials and their kin who escaped police action due to diplomatic immunity during the last three years up to June, 2003;
- (b) the particulars of the diplomats, the names of countries they belong to and the nature of crimes they were found to be involved;
- (c) the action taken against these diplomats;
- (d) whether there is any proposal to review the existing policy so as to deal with such situations; and
- (e) if so, the details thereof?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI VINOD KHANNA)

(a) – (e) : A statement is placed on the Table of the House.

STATEMENT REFERRED TO IN PARTS (a) TO (e) OF THE ANSWER TO THE LOK SABHA STARRED QUESTION NO.46
ANSWERED ON 23 JULY 2003

Ministry has come across 19 incidents of crime involving Embassy officials and their kin who escaped police action due to diplomatic immunity during the last three years upto June 2003.

2. Of the above-mentioned 19 cases, in 16 cases Pakistani diplomats/officials were involved in anti-India activities. Two cases were of Russian diplomats who were involved in rash and negligent driving which resulted in death of a person in each case. One recent case was of son of Senegalese Ambassador who was involved in an altercation with Indian driver of the Embassy which led to accidental death of the driver.

3. In case of Pakistani diplomats, they were declared persona non-grata. In the rest of the cases, Ministry asked for waiver of immunity to prosecute the involved persons. However the States preferred to withdraw the diplomats. Details of all the above cases is enclosed.

4. India is a signatory to the Vienna Convention. As per Article 31 of the Vienna Convention on Diplomatic Relations, a diplomat enjoys immunity from criminal jurisdiction of the receiving State. Article 37 extends this immunity to the members of the family of the diplomat provided they are not nationals of the receiving State. According to Article 32, the immunity of the Diplomat may be waived by the sending State. Our policy remains consistent with our international treaty obligations, international custom and practice.

Number of incidents of crime involving Embassy/High Commission/Consulate Officials and their kin who escaped police action due to diplomatic immunity during the last three years up to June 2003.

(i) PAKISTAN

Sl.No.	Year	Date of the Note Verbale	Name(s) of PHC Official(s) expelled
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1.	24.08.2000		Mr Malik Muhammad Rafique, Staff Member
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2.	Year 2001	03.11.2001	Mr Ghulam Shabbir Khan, Staff Member
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3.	24.12.2001		Mr Muhammad Sharif Khan, Staff Member
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4. Year 2002 04.03.2002 Mr Sultan Mahmood, Staff Member
5. - do - Mr Muhammad Gul Zarin Abbasi, Staff Member
6. 17.04.2002 Mr Ali Abbas, Staff Member
- 7 31.05.2002 Mr Amir Shabbir, Staff Member
8. Year 2003 22.01.2003 Mr Mansoor Saeed Shaikh, Counsellor
9. - do - Mr Mian Muhammad Asif, First Secretary
10. - do - Mr Muhammad Tasneem Khan, Staff Member
11. - do - Mr Sher Muhammad, Staff Member
12. 08.02.2003 Mr Jalil Abbas Jilani, Charge d'Affaires
13. - do - Mr Abdul Razak, Staff Member
14. - do - Mr Aftab Ahmed, Staff Member
15. - do - Mr Muhammad Nazir, Staff Member
16. - do - Mr Habib-ur-Rehman, Staff Member

(ii) OTHERS

Sl. No.	Country/Diplomat Involved	Nature of Crime	Action taken
17	Russian Federation	Due to rash and negligent driving, an Indian national was killed in Mumbai. (April 2000)	The waiver of immunity was requested by the Ministry to press the charges against the diplomat. The Russian Government preferred to recall the
	Diplomat from India.		
18	Russian Federation	Due to rash and negligent driving, one Indian national lost his life and two others sustained injuries near Perur Village, Mahapalipuram Road, Chennai. (March 2002)	The waiver of Diplomatic immunity was asked for to press charges. But the Russian Government preferred to recall the Diplomat
19	Republic of Senegal	Accidental death of Embassy's Son of the Senegal Ambassador (April 2003)	The waiver of Diplomatic immunity was asked for from the Government of Senegal to prosecute the Ambassador's son. Instead the Senegal Government recalled the Ambassador.