

EXH. B. 1 U

1988



Department of the Treasury  
Internal Revenue Service

KANSAS CITY, MO 64999

In reply refer to: 9999999999  
Apr. 23, 1991 LTR 2358C  
8812 30 000  
Input Op: 9999999999 07607

LEO E & JOANNE WANTA  
2101 N EDGEWOOD  
APPLETON WI 54914-2473

Taxpayer Identification Number: [REDACTED]  
Tax Form: 1040  
Tax Period: Dec. 31, 1988  
Correspondence Received Date: Apr. 11, 1991

Dear Taxpayer:

Based on our information, you are not liable for filing a tax return for this period. If other issues arise, we may need to contact you in the future. You do not need to reply to this letter.

Sincerely yours,

Dorothy O. Smith  
Chief, Collection Branch





STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

JAMES E. DOYLE  
ATTORNEY GENERAL  
Bernice L. Bridge  
Deputy Attorney General

DOCKET  
NUMBER

123 West Washington Avenue  
P.O. Box 7857  
Madison, WI 53707-7857

U.S. DISTRICT COURT  
WEST. DIST. OF WISCONSIN

Douglas H. Bag  
Assistant Attorney General

OCT 22 200

608/266-7636  
FAX 608/267-7223  
TTY 608/267-8002

September 12, 1995

FILED/RECEIVED  
JOSEPH W. SKUPNIEWITZ, CLERK

CASE  
NUMBER

HAND DELIVERED

010 0601 C

The Honorable Michael B. Torphy  
Circuit Judge, Branch 2  
City-County Building, Room 214  
210 Martin Luther King Jr. Boulevard  
Madison, Wisconsin 53709-0001

Re: State of Wisconsin v. Leo E. Wanta  
Dane County Circuit Court Case Number 92-CF-683

Dear Judge Torphy:

In accordance with the instructions contained in your letter of September 7, 1995, which was received in this office on September 11, 1995, I am herewith providing to the court a letter dated September 8, 1995, from Mr. John A. Hartingh of the Federal Bureau of Investigation containing relevant investigative information from bureau files.

The letter is confidential under federal law and remains the property of the FBI. It is not available for public inspection under the Wisconsin Open Records Law. Sections 19.36(1) and (2). Nevertheless, by its terms it may be used in this court proceeding. Accordingly, I would respectfully request that the letter itself be the subject of a protective order of this court and treated similar to the Presentence Investigation Report (PSI) made confidential under Wisconsin law. Further, I construe the prohibition on release of the contents of the letter to Mr. Wanta to be limited to situations other than those involving necessary use in adversarial court proceedings, such as in the present case. Because of due process considerations, to interpret the letter differently would be to make meaningless the authorization to use this information "in court proceedings if deemed necessary."

By copy of this letter, I am providing copies of Mr. Hartingh's letter to defense counsel and Denise Symdon, the

1/7

207



28 October 2001

Strictly Confidential / Stillpoint

via telefax – 202 622 2151

United States of America  
U. S. Department of the Treasury  
Attention : The Honourable, Paul O'Neill  
Office of the Secretary  
740 15 th Street  
Washington, DC, USA 20220.0000

Ref: SA 32 NV  
SA 233 MS  
S - 31 - IANO

In the matter of : Follow-up of correspondence, dated 17 October 2001 (Item AA)

Dear Secretary O'Neill :

Item AA ..... U. S. District Court filing on 22 October 2001  
Case Number : 01 C 0601 C ... and...

Item BB ..... Please see enclosed communications to U. S. Vice President Dick Cheney, et al, from the USA / Wanta Groupe for your confidential departmental review and analysis:

1. 27.10.01 re HK
2. 26.10.01 re Anthrax
3. 21.10.01 re Sulu, Acce... et al
4. 18.10.01 re Phils/Korea .. et al
5. 10/18/01 re Phils/Korea .. et al
6. Oct 02 '01 re Financial.ops, et al
7. Oct 01 ' 01 re USG agents, et al
8. Sep 24 ' 01 re Ur boxes / cannisters, et al
9. Sep 18 ' 01 re OBL family residency – Island of Basalan, et al
10. White House confirmation of Official Diplomatic Investitures, in Paris, France with news coverage, among other things; and illegal state criminal activities by state agent provocateurs, now on the federal record, inter alia .... U. S. Presidential Executive Clemency was never requested – nor considered to vacate / dismiss a bogus Wisconsin (USA) Alleged Foreign Income Tax Crime [ with USG employment / Austrian permanent residency] which never occurred at anytime nor taken place in any country.

Thank you for your sensitive and confidential handling of these serious matters.

Lee E Wanta, Diplomatic Passport No. 04362 and 12535 / Ministry of Foreign Affairs  
Enclosures: 15pgs  
LEW/fi.418.ops

cc: Chief Counsel,  
Alfonso Robles,  
(202) 927, 6900



28 October 2001

Strictly Confidential / Stillpoint

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U. S. Department of the Treasury  
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Enclosures: 15 pgs cc: Chief Counsel, Alfonso Robles, 202.927.6900 LEW/fi.418.ops



17 October 2001

Strictly Confidential / Stillpoint

Telefax : 202 622 2151

United States of America  
U. S. Department of the Treasury  
Attention : The Honorable, Paul O' Neill  
Office of the Secretary  
740 15 th Street  
Washington, DC, USA 20220.0000

Ref: SA 32 NV  
SA 233 MS  
S - 31 - IANO

In the matter of : Information and Delivery of enclosed Rough Draft Affidavits in  
current U. S. District Court action, among other legal remedies.

Dear Secretary O'Neill:

Your approval with U. S. Department of the Treasury notification to :

RAIC William LeCates  
1415 Murfreesboro Road  
Nashville, Tn, USA 37217.0000

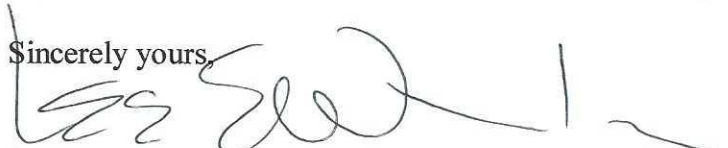
IANO / Don Meiger  
423 Canal Street  
New Orleans, La, USA 70130.2336

Please have Bill and Don contact asap the Law Offices of ...

Jan Morton Heger, Esquire  
Attention - Thomas Henry, Legal Assistant  
Telefon : 402 933 6421

Thank you for your sensitive and confidential handling of this pending subject matter.

Sincerely yours,

  
Lee E Wanta ..... DPP Numbers - 04362 and 12535 / Ministry of Foreign Affairs

cc : The Honorable, Dick Cheney  
The Honorable, Colin Powell  
SAC Jeb McGruder  
SAC Gary Small  
Gulf States, et al - Sector 5, Will Associates Groupe [NYC-JFK], et al

via telefax : 202 456 6670

**AFFIDAVIT**

The undersigned being first duly sworn deposes and states as follows:

1. My name is William LeCates and I am a Former Special Agent in Charge and Resident Agent in Charge with the United States Customs, Nashville, Tennessee

2. I know an individual by the name of Leo Wanta and I am familiar with his association and cooperation with certain United States government investigative agencies.

3. I have had an opportunity to review a letter dated September 8, 1995 allegedly signed by John A. Hartingh and submitted on U. S. Department of Justice, Federal Bureau of Investigation stationary.

4. I have had an opportunity to conduct an internal agency inquiry and I am of the opinion that the letter referenced in section 3 of this Affidavit is not an authorized or approved report of the FBI that accurately reflects files pertaining to Leo Wanta in the records of the FBI, as well as the U.S. Customs Service.

5. I can advise that an internal affairs investigation is being conducted into how and under what authority this alleged report of the FBI was prepared and provided to the State of Wisconsin.

6. Not addressing the correctness of any information in the referenced report concerning the Dane County, State of Wisconsin tax claims against Leo Wanta it can be represented that the other representations as to other alleged crimes and dealings with either the FBI, U.S. Custom Service and/ or other U.S. government agencies do not fairly and accurately represent the nature of the association of Leo Wanta with the U.S. government for the reported events. The undersigned affiant in an "In Camera" sealed and closed proceeding with restricted participation would answer questions of the Court and provide information which affiant believes would result in justice and protection of the interests of all concerned parties.

The foregoing statements and representations are made under penalty of perjury this \_\_\_\_ of October 2001.

\_\_\_\_\_  
Special Agent William LeCates

**Notarization**

State of \_\_\_\_\_  
County of \_\_\_\_\_

On this \_\_\_\_ day of October 2001 William LeCates personally appeared before me and after being first duly sworn stated that the matters set forth in the affidavit are true and correct.

Seal and expiration date of appointment:

\_\_\_\_\_  
Notary



UNDER THE TOTTEN DOCTRINE 92 U.S.  
105, 107, AUTHORIZING OPERATION :  
StillPoint TO DESTABILIZE THE EVIL  
EMPIRE ( U.S.S.R. ) AND TO ELIMINATE  
ANY AND ALL P.R.C. BORDER  
INTRUSIONS BY RUSSIA, TO  
COLLECTIVELY and LAWFULLY CREATE  
THE  
" THE NEW RUSSIAN FEDERATION "  
ALLOWING THE NEGOTIATION OF THE  
TOTAL GLOBAL SURRENDER OF THEIR  
PREVIOUS " SOVIET UNION / RUSSIA "

via PROMIS SOFTWARE \_ INSLAW, INC. \_ Washington, D.C., USA

In God We Trust, Forever and a Day

[miapolloproductionsltd.blogspot.com/2018/06/conspiracy-chronicles-case-of-leo-wanta.html](http://miapolloproductionsltd.blogspot.com/2018/06/conspiracy-chronicles-case-of-leo-wanta.html)

[https://www.liveleak.com/view?i=6a2\\_1388943553](https://www.liveleak.com/view?i=6a2_1388943553)

<http://eagleonetowanta.com> <https://vimeo.com/273803684>

<https://vimeo.com/273386153> <https://youtu.be/r3rVXZHJr7o>

<http://www.veteranstoday.com/2013/12/28/high-speedrail/>

S-31-IANO / SA32NV / U.S. CUSTOMS SERVICE

INTERNAL AFFAIRS / NEW ORLEANS

UNITED STATES SENATOR and FORMER STATE GOVERNOR, et al  
PLOT THE MURDER OF AMBASSADOR LEO EMIL WANTA

<http://beforeitsnews.com/alternative/2018/03/senator-gov-plot-murder-on-tape-3601797.html>

USDollars 433 TRILLION +/- LESS THE 35% REPATRIATION CIVIL INCOME TAX PAYMENT [ U.S. DISTRICT  
COURT FOR THE EASTERN DISTRICT OF VIRGINIA - CASE No. 02-1363-A and Civil Action No. 1:07 cv 609  
T3E/BRP ] TO BE PAID DIRECTLY TO AMB WANTA.

# United States Senate

WASHINGTON, D.C. 20510

June 6, 1984

President Leo E. Wanta  
Leo E. Wanta Associates  
2101 N. Edgewood Avenue  
Appleton, Wisconsin 54911

Dear Friend:

Anyone who pays taxes knows that our present system of taxation is cumbersome, unduly burdensome, and just plain unfair. I believe it is time for a complete overhaul of the U.S. income tax system.

That is why I have introduced the Fair and Simple Tax (FAST) plan. The FAST plan will combine the best features of the flat rate tax -- a single tax rate applied to all taxpayers -- with special provisions for low-income wage earners, families with children, savers, and homeowners.

FAST greatly simplifies the tax code. It removes most tax loopholes, but retains important deductions for homeowners, savers, and families. It keeps deductions for charitable contributions, mortgage and other interest paid, real property taxes, and medical expenses above 10% of gross income. Such saving-oriented programs as Individual Retirement Accounts also would be retained. After deductions and personal allowances are taken out, everyone pays a tax rate of 25 percent on whatever's left.

The American taxpayer is tired of a tax system that robs Peter to pay Paul; that grants loopholes for some, but not for all. It is time for a major overhaul of our current tax system, and I believe my bill is an important start in that direction.

If you would like more information on the Fair and Simple Tax plan, please let me know.

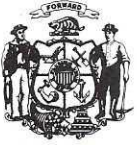
Best regards,



Robert W. Kasten, Jr.

RWK/jep





# Supreme Court of Wisconsin

BOARD OF ATTORNEYS PROFESSIONAL RESPONSIBILITY

110 EAST MAIN STREET, ROOM 406  
MADISON, WISCONSIN 53703-3383

*Rec'd 4-7-84  
VW*

GERALD C. STERNBERG  
ADMINISTRATOR

JOHN B. MC CARTHY  
RESOLUTION COUNSEL

ELSA P. GREENE  
DEPUTY ADMINISTRATOR

NANCY L. WARNER  
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TELEPHONE: 608-267-7274

VICTOR A. MILLER, ST. NAZIANZ, CHAIRPERSON  
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CAROLINE SANDIN, ASHLAND  
SALLY WELLMAN, MADISON  
EDWARD E. HALES, RACINE  
PATRICIA M. HEIM, LACROSSE

April 5, 1984

Mr. Leo E. Wanta  
2101 N. Edgewood Avenue  
Appleton, WI 54914

PERSONAL AND CONFIDENTIAL

Dear Mr. Wanta:

Your grievance of March 1, 1984 has been received. At the outset, you should know that by law this office may not advise you of your legal rights. We are not empowered to overturn any of the transactions you have been involved in, or to award monetary damages of any kind. We are only authorized to discipline attorneys for professional misconduct.

I am afraid I was somewhat confused by your grievance and was unable to determine exactly what actions taken by Atty. Hilgendorf you felt were unethical. You also mention Atty. Morton Schmidt in your grievance, and I am unable to distinguish between actions taken by Atty. Schmidt and actions taken by Atty. Hilgendorf. If you wish to complain about both attorneys it will be necessary for you to send us a separate letter on each, and in each of those letters be very specific about exactly what that attorney did which you feel to be unethical. Please provide as much detail as possible, including specific dates and representations made to you. You have also provided a number of supporting documents, but I am unclear as to the purpose these documents serve with reference to your complaint. If you believe there is something wrong with the way the document has been handled, if there is a false statement of fact, etc., be very specific in identifying the document number and what in the document is wrong, or what information in the document supports your complaint.

I realize such details will take time to compile, but almost inevitably any attorney we ask to respond to a grievance will present their own version of what occurred. To avoid an endless exchange of letters, we try to obtain as complete a picture as possible of a grievance before we require an attorney to respond.



Mr. Leo E. Wanta  
April 5, 1984  
Page Two.

If you have any questions concerning the kinds of materials and the nature of the information we require, please feel free to write or call. I will look for your reply within the next two weeks. If we don't hear from you I will assume you do not want to pursue this matter further. Thank you very much for bringing this matter to our attention.

Very truly yours,

*Nancy L. Warner*

NANCY L. WARNER  
Legal Assistant

NLW:jfk/17m

Enclosure

P.S. Enclosed please find a pamphlet describing our procedures and the kind of information we find useful from complaining parties.

judged in accordance with universal international law. In accordance with the latter, consuls are not extraterritorial. They consequently are liable to prosecution.<sup>41</sup>

In a 1958 case, *Re Cummings*, an American Vice-Consul attached to the Consular Section of the American Embassy at Buenos Aires, was charged by the provincial police with injuring one Miguel Vera in a traffic accident. The question was raised as to whether the accident was an act incidental to the official functions of the accused, thereby conferring original jurisdiction upon the Supreme Court. The Court held that its original jurisdiction over civil or criminal cases involving diplomatic and consular officers did not extend to cases arising out of the unofficial acts of a consul, to which traffic accidents belonged. The case was thus remanded to a lower court of appropriate jurisdiction.<sup>42</sup>

In the United Kingdom, diplomats involved in traffic accidents or violations in the metropolitan police district have been free from prosecution. Indeed, the Commissioner of Police specifically instructed police and traffic wardens to do their best for diplomats in not enforcing the parking regulations with full rigidity.<sup>43</sup> The same privileges and courtesy have not been extended, however, to consular officers since the latter have immunity only in respect of their official acts.<sup>44</sup>

In states with a federal system, enforcement of traffic laws generally encounters complicated procedural problems, which often result in letting consul-offenders go scot free. In the United States, for example, foreign consuls who violate traffic laws and regulations usually go unpunished, not on the ground that a consul's driving may constitute an official function, but because of the peculiar constitutional provisions governing the jurisdiction of the Federal and State courts. Thus, Article III of the United States Constitution provides in part: "In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the Supreme Court shall have original jurisdiction." Title 28, U.S.C. § 1351 provides:

Consuls and vice-consuls as defendants

The district courts shall have original jurisdiction, exclusive of the courts of the States, of all actions and proceedings against consuls or vice consuls of foreign states. June 25, 1948, c. 646, 62 Stat. 934; May 24, 1949, c. 189 § 80(c), 63 Stat. 101.

A long line of cases has underscored the impossibility of prosecuting

<sup>41</sup> 4 Hackworth, *Digest*, 739.

<sup>42</sup> *Jurisprudencia Argentina*, 1958—IV (October-December 1958), p. 512; 26 *International Law Report*, 1958-II, pp. 549-60.

<sup>43</sup> See *The Times*, March 6, 1964, p. 16b.

<sup>44</sup> Letter to author from Mr. I. M. Sinclair, Counsellor and Legal Adviser of the U.K. Mission to the United Nations, dated September 17, 1965.

consuls involved in traffic violations, only a few of which need be mentioned.

In a case of a statutory crime instituted against a foreign cor California, the question of the Federal or State court's jurisdiction raised. In its communication to the Department of State, dated Fe 24, 1914, the Department of Justice wrote:

From a careful investigation of the authorities it would seem that there way to reach the Consul by criminal proceedings. It is settled that the State have no jurisdiction, and apparently the United States courts would have since the offense referred to is not made a crime by any law of the United It is true that in the case of *In re Iasigi*, 79 Fed. 751, 753, there is a dictum o Brown to the effect that the Federal courts would have exclusive jurisdic offenses by consuls, whether at common law or under State or United statutes. There does not appear to be, however, any authority upholding th and a manuscript opinion of the Attorney General to the contrary in the Case is referred to in *Moore's Digest*, Vol. 5, p. 66. On the whole I an opinion that there is no jurisdiction in the Federal courts to proceed a consul except where he has offended against some specific criminal law United States.<sup>45</sup>

In reply to an inquiry from a United States attorney concer State court's jurisdiction over a traffic violation by a foreign cons Department of Justice in 1934, after referring to the constitution statutory provisions, said:

The rule is that though the offending consul is not immune from pros he is subject to prosecution only in cases in which the Federal cour jurisdiction.

It goes without saying that the Federal courts would have no jurisdiction and sentence an offender unless it appears that the offense charged is def an Act of Congress, *United States v. Mossew*, 266 Fed. 18, and cases therei

In view of the conclusions herein reached, it would seem that there is for you to do in the matter except to advise the Attorney General of the Maryland that the tate courts hsave no jurisdiction in the case presented.<sup>46</sup>

The procedural obstacle is sometimes reinforced by treaty oblig Thus, in *People v. Amato*,<sup>47</sup> the New York City Magistrate's Con

<sup>45</sup> 4 Hackworth, *Digest*, 747.

<sup>46</sup> *Id.* at 751.

It may be significant to note that this opinion from the Department of was written on November 13, 1934, which directly contradicted an earlier nication from Assistant Secretary of State Welles to Attorney General Cu dated October 30, 1934 (4 Hackworth, *Digest* 738):

Foreign consular officers in the United States are not exempt from arr criminal prosecution for a violation of a city ordinance with respect to pa automobiles unless such exemption is specifically provided for in a treaty the United States and the Government the consular officer represents.

<sup>47</sup> Docket No. 204361 (unreported), New York, City Magistrate's Court, M Term, Brooklyn, May 17, 1954. McKean, City Magistrate. Cited in 49 *A.J.* (1955).



States parties to the Convention, to the Optional Protocol concerning Acquisition of Nationality, and the present Protocol may at any time declare that they will extend the provisions of the present Protocol to disputes arising out of the interpretation or application of the Optional Protocol concerning Acquisition of Nationality. Such declarations shall be notified to the Secretary-General of the United Nations.

#### Article V

The present Protocol shall be open for signature by all states which may become parties to the Convention as follows: until 31 October 1963 at the Federal Ministry for Foreign Affairs of the Republic of Austria and, subsequently, until 31 March 1964, at the United Nations Headquarters in New York.

#### Article VI

The present Protocol is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

#### Article VII

The present Protocol shall remain open for accession by all states which may become parties to the Convention. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

#### Article VIII

1. The present Protocol shall enter into force on the same day as the Convention or on the thirtieth day following the date of deposit of the second instrument of ratification or accession to the Protocol with the Secretary-General of the United Nations, whichever date is the later.

2. For each state ratifying or acceding to the present Protocol after its entry into force in accordance with paragraph 1 of this article, the Protocol shall enter into force on the thirtieth day after deposit by such state of its instrument of ratification or accession.

#### Article IX

The Secretary-General of the United Nations shall inform all states which may become parties to the Convention:

- (a) of signatures to the present Protocol and of the deposit of instruments of ratification or accession, in accordance with Articles V, VI and VII;
- (b) of declarations made in accordance with Article IV of the present Protocol;
- (c) of the date on which the present Protocol will enter into force, in accordance with Article VIII.

#### Article X

The original of the present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all states referred to in Article V.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorised thereto by their respective governments have signed the present Protocol.

DONE AT VIENNA, this twenty-fourth day of April, one thousand nine hundred and sixty-three.

## Appendix 4

### VIENNA CONVENTION ON DIPLOMATIC RELATIONS<sup>1</sup> *Signed at Vienna, April 18, 1961*

*The States Parties to the present Convention,*

*Recalling that peoples of all nations from ancient times have recognized the status of diplomatic agents,*

*Having in mind the purposes and principles of the Charter of the United Nations concerning the sovereign equality of States, the maintenance of international peace and security, and the promotion of friendly relations among nations.*

*Believing that an international convention on diplomatic intercourse, privileges and immunities would contribute to the development of friendly relations among nations, irrespective of their differing constitutional and social systems.*

*Realizing that the purpose of such privileges and immunities is not to benefit individuals but to ensure the efficient performance of the functions of diplomatic missions as representing States,*

*Affirming that the rules of customary international law should continue to govern questions not expressly regulated by the provisions of the present Convention,*  
*Have agreed as follows:*

#### Article 1

For the purpose of the present Convention, the following expressions shall have the meanings hereunder assigned to them:

- (a) the "head of the mission" is the person charged by the sending State with the duty of acting in that capacity;
- (b) the "members of the mission" are the head of the mission and the members of the staff of the mission;
- (c) the "members of the staff of the mission" are the members of the diplomatic staff, of the administrative and technical staff and of the service staff of the mission;
- (d) the "members of the diplomatic staff" are the members of the staff of the mission having diplomatic rank;
- (e) a "diplomatic agent" is the head of the mission or a member of the diplomatic staff of the mission;
- (f) the "members of the administrative and technical staff" are the members of the staff of the mission employed in the administrative and technical service of the mission;
- (g) the "members of the service staff" are the members of the staff of the mission in the domestic service of the mission;
- (h) a "private servant" is a person who is in the domestic service of a member of the mission and who is not an employee of the sending State;
- (i) the "premises of the mission" are the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of the mission including the residence of the head of the mission.

<sup>1</sup> U.N. Doc. A/CONF.20/13, April 16, 1961; and Corr. 1, Sept. 12, 1961.



## Article 2

The establishment of diplomatic relations between States, and of permanent diplomatic missions, takes place by mutual consent.

## Article 3

1. The functions of a diplomatic mission consist *inter alia* in:

- (a) representing the sending State in the receiving State;
- (b) protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law;
- (c) negotiating with the Government of the receiving State;
- (d) ascertaining by all lawful means conditions and developments in the receiving State, and reporting thereon to the Government of the sending State;
- (e) promoting friendly relations between the sending State and the receiving State, and developing their economic, cultural and scientific relations.

2. Nothing in the present Convention shall be construed as preventing the performance of consular functions by a diplomatic mission.

## Article 4

1. The sending State must make certain that the *agrément* of the receiving State has been given for the person it proposes to accredit as head of the mission to that State.

2. The receiving State is not obliged to give reasons to the sending State for a refusal of *agrément*.

## Article 5

1. The sending State may, after it has given due notification to the receiving States concerned, accredit a head of mission or assign any member of the diplomatic staff, as the case may be, to more than one State, unless there is express objection by any of the receiving States.

2. If the sending State accredits a head of mission to one or more other States it may establish a diplomatic mission headed by a *chargé d'affaires ad interim* in each State where the head of mission has not his permanent seat.

3. A head of mission or any member of the diplomatic staff of the mission may act as representative of the sending State to any international organization.

## Article 6

Two or more States may accredit the same person as head of mission to another State, unless objection is offered by the receiving State.

## Article 7

Subject to the provisions of Articles 5, 8, 9 and 11, the sending State may freely appoint the members of the staff of the mission. In the case of military, naval or air attachés, the receiving State may require their names to be submitted beforehand, for its approval.

## Article 8

1. Members of the diplomatic staff of the mission should in principle be of the nationality of the sending State.

2. Members of the diplomatic staff of the mission may not be appointed from among persons having the nationality of the receiving State, except with the consent of that State which may be withdrawn at any time.

3. The receiving State may reserve the same right with regard to nationals of a third State who are not also nationals of the sending State.

## Article 9

1. The receiving State may at any time and without having to explain its decision, notify the sending State that the head of the mission or any member of the diplomatic staff of the mission is *persona non grata* or that any other member of the staff of the mission is not acceptable. In any such case, the sending State shall, as appropriate, either recall the person concerned or terminate his functions with the mission. A person may be declared *non grata* or not acceptable before arriving in the territory of the receiving State.

2. If the sending State refuses or fails within a reasonable period to carry out its obligations under paragraph 1 of this Article, the receiving State may refuse to recognize the person concerned as a member of the mission.

## Article 10

1. The Ministry for Foreign Affairs of the receiving State, or such other ministry as may be agreed, shall be notified of:

- (a) the appointment of members of the mission, their arrival and their final departure or the termination of their functions with the mission;
- (b) the arrival and final departure of a person belonging to the family of a member of the mission and, where appropriate, the fact that a person becomes or ceases to be a member of the family of a member of the mission;
- (c) the arrival and final departure of private servants in the employ of persons referred to in sub-paragraph (a) of this paragraph and, where appropriate, the fact that they are leaving the employ of such persons;
- (d) the engagement and discharge of persons resident in the receiving State as members of the mission or private servants entitled to privileges and immunities.

2. Where possible, prior notification of arrival and final departure shall also be given.

## Article 11

1. In the absence of specific agreement as to the size of the mission, the receiving State may require that the size of a mission be kept within limits considered by it to be reasonable and normal, having regard to circumstances and conditions in the receiving State and to the needs of the particular mission.

2. The receiving State may equally, within similar bounds and on a nondiscriminatory basis, refuse to accept officials of a particular category.

## Article 12

The sending State may not, without the prior express consent of the receiving State, establish offices forming part of the mission in localities other than those in which the mission itself is established.

## Article 13

1. The head of the mission is considered as having taken up his functions in the receiving State either when he has presented his credentials or when he has notified his arrival and a true copy of his credentials has been presented to the Ministry for Foreign Affairs of the receiving State, or such other ministry as may be agreed, in accordance with the practice prevailing in the receiving State which shall be applied in a uniform manner.

2. The order of presentation of credentials or of a true copy thereof will be determined by the date and time of the arrival of the head of the mission.

## Article 14

1. Heads of mission are divided into three classes, namely:

- (a) that of ambassadors or nuncios accredited to Heads of State, and other heads of mission of equivalent rank;



protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

3. The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution.

## Article 23

1. The sending State and the head of the mission shall be exempt from all national, regional or municipal dues and taxes in respect of the premises of the mission, whether owned or leased, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in this Article shall not apply to such dues and taxes payable under the law of the receiving State by persons contracting with the sending State or the head of the mission.

## Article 24

The archives and documents of the mission shall be inviolable at any time and wherever they may be.

## Article 25

The receiving State shall accord full facilities for the performance of the functions of the mission.

## Article 26

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving State shall ensure to all members of the mission freedom of movement and travel in its territory.

## Article 27

1. The receiving State shall permit and protect free communication on the part of the mission for all official purposes. In communicating with the Government and the other missions and consulates of the sending State, wherever situated, the mission may employ all appropriate means, including diplomatic couriers and messages in code or cipher. However, the mission may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions.

3. The diplomatic bag shall not be opened or detained.

4. The packages constituting the diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use.

5. The diplomatic courier, who shall be provided with an official document indicating his status and the number of packages constituting the diplomatic bag, shall be protected by the receiving State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State or the mission may designate diplomatic couriers *ad hoc*. In such cases the provisions of paragraph 5 of this Article shall also apply, except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the diplomatic bag in his charge.

7. A diplomatic bag may be entrusted to the captain of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag but he shall not be considered to be a diplomatic courier. The mission may send one of its

(b) that of envoys, ministers and internuncios accredited to Heads of State;

(c) that of *chargés d'affaires* accredited to Ministers for Foreign Affairs.

2. Except as concerns precedence and etiquette, there shall be no differentiation between heads of mission by reason of their class.

## Article 15

The class to which the heads of their missions are to be assigned shall be agreed between States.

## Article 16

1. Heads of mission shall take precedence in their respective classes in the order of the date and time of taking up their functions in accordance with Article 13.

2. Alterations in the credentials of a head of mission not involving any change of class shall not affect his precedence.

3. This article is without prejudice to any practice accepted by the receiving State regarding the precedence of the representative of the Holy See.

## Article 17

The precedence of the members of the diplomatic staff of the mission shall be notified by the head of the mission to the Ministry for Foreign Affairs or such other ministry as may be agreed.

## Article 18

The procedure to be observed in each State for the reception of heads of mission shall be uniform in respect of each class.

## Article 19

1. If the post of head of the mission is vacant, or if the head of the mission is unable to perform his functions, a *chargé d'affaires ad interim* shall act provisionally as head of the mission. The name of the *chargé d'affaires ad interim* shall be notified, either by the head of the mission or, in case he is unable to do so, by the Ministry for Foreign Affairs of the sending State to the Ministry for Foreign Affairs of the receiving State or such other ministry as may be agreed.

2. In cases where no member of the diplomatic staff of the mission is present in the receiving State, a member of the administrative and technical staff may, with the consent of the receiving State, be designated by the sending State to be in charge of the current administrative affairs of the mission.

## Article 20

The mission and its head shall have the right to use the flag and emblem of the sending State on the premises of the mission, including the residence of the head of the mission, and on his means of transport.

## Article 21

1. The receiving State shall either facilitate the acquisition on its territory, in accordance with its laws, by the sending State of premises necessary for its mission or assist the latter in obtaining accommodation in some other way.

2. It shall also, where necessary, assist missions in obtaining suitable accommodation for their members.

## Article 22

1. The premises of the mission shall be inviolable. The agents of the receiving State may not enter them, except with the consent of the head of the mission.

2. The receiving State is under a special duty to take all appropriate steps to



members to take possession of the diplomatic bag directly and freely from the captain of the aircraft.

#### Article 28

The fees and charges levied by the mission in the course of its official duties shall be exempt from all dues and taxes.

#### Article 29

The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

#### Article 30

1. The private residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission.

2. His papers, correspondence and, except as provided in paragraph 3 of Article 31, his property, shall likewise enjoy inviolability.

#### Article 31

1. A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving State. He shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of:

(a) a real action relating to private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;

(b) an action relating to succession in which the diplomatic agent is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;

(c) an action relating to any professional or commercial activity exercised by the diplomatic agent in the receiving State outside his official functions.

2. A diplomatic agent is not obliged to give evidence as a witness.

3. No measures of execution may be taken in respect of a diplomatic agent except in the cases coming under sub-paragraphs (a), (b) and (c) of paragraph 1 of this Article, and provided that the measures concerned can be taken without infringing the inviolability of his person or of his residence.

4. The immunity of a diplomatic agent from the jurisdiction of the receiving State does not exempt him from the jurisdiction of the sending State.

#### Article 32

1. The immunity from jurisdiction of diplomatic agents and of persons enjoying immunity under Article 37 may be waived by the sending State.

2. Waiver must always be express.

3. The initiation of proceedings by a diplomatic agent or by a person enjoying immunity from jurisdiction under Article 37 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgment, for which a separate waiver shall be necessary.

#### Article 33

1. Subject to the provisions of paragraph 3 of this Article, a diplomatic agent shall with respect to services rendered for the sending State be exempt from social

security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this Article shall also apply to private servants who are in the sole employ of a diplomatic agent, on condition:

(a) that they are not nationals of or permanently resident in the receiving State; and

(b) that they are covered by the social security provisions which may be in force in the sending State or a third State.

3. A diplomatic agent who employs persons to whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving State provided that such participation is permitted by that State.

5. The provisions of this Article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

#### Article 34

A diplomatic agent shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

(a) indirect taxes of a kind which are normally incorporated in the price of goods or services;

(b) dues and taxes on private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;

(c) estate, succession or inheritance duties levied by the receiving State, subject to the provisions of paragraph 4 of Article 39;

(d) dues and taxes on private income having its source in the receiving State and capital taxes on investments made in commercial undertakings in the receiving State;

(e) charges levied for specific services rendered;

(f) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of Article 23.

#### Article 35

The receiving State shall exempt diplomatic agents from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

#### Article 36

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on:

(a) articles for the official use of the mission;

(b) articles for the personal use of a diplomatic agent or members of his family forming part of his household, including articles intended for his establishment.

2. The personal baggage of a diplomatic agent shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this Article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the receiving State. Such inspection shall be conducted only in the presence of the diplomatic agent or of his authorized representative.



## Article 37

1. The members of the family of a diplomatic agent forming part of his household shall, if they are not nationals of the receiving State, enjoy the privileges and immunities specified in Articles 29 to 36.

2. Members of the administrative and technical staff of the mission, together with members of their families forming part of their respective households, shall, if they are not nationals of or permanently resident in the receiving State, enjoy the privileges and immunities specified in Articles 29 to 35, except that the immunity from civil and administrative jurisdiction of the receiving State specified in paragraph 1 of Article 31 shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in Article 36, paragraph 1, in respect of articles imported at the time of first installation.

3. Members of the service staff of the mission who are not nationals of or permanently resident in the receiving State shall enjoy immunity in respect of acts performed in the course of their duties, exemption from dues and taxes on the emoluments they receive by reason of their employment and the exemption contained in Article 33.

4. Private servants of members of the mission shall, if they are not nationals of or permanently resident in the receiving State, be exempt from dues and taxes on the emoluments they receive by reason of their employment. In other respects, they may enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

## Article 38

1. Except insofar as additional privileges and immunities may be granted by the receiving State, a diplomatic agent who is a national of or permanently resident in that State shall enjoy only immunity from jurisdiction, and inviolability, in respect of official acts performed in the exercise of his functions.

2. Other members of the staff of the mission and private servants who are nationals of or permanently resident in the receiving State shall enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

## Article 39

1. Every person entitled to privileges and immunities shall enjoy them from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when his appointment is notified to the Ministry for Foreign Affairs or such other ministry as may be agreed.

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the country, or on expiry of a reasonable period in which to do so, but shall subsist until that time, even in case of armed conflict. However, with respect to acts performed by such a person in the exercise of his functions as a member of the mission, immunity shall continue to subsist.

3. In case of the death of a member of the mission, the members of his family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the country.

4. In the event of the death of a member of the mission not a national of or permanently resident in the receiving State or a member of his family forming part of his household, the receiving State shall permit the withdrawal of the movable

property of the deceased, with the exception of any property acquired in the country the export of which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on movable property the presence of which in the receiving State was due solely to the presence there of the deceased as a member of the mission or as a member of the family of a member of the mission.

## Article 40

1. If a diplomatic agent passes through or is in the territory of a third State, which has granted him a passport visa if such visa was necessary, while proceeding to take up or to return to his post, or when returning to his own country, the third State shall accord him inviolability and such other immunities as may be required to ensure his transit or return. The same shall apply in the case of any members of his family enjoying privileges or immunities who are accompanying the diplomatic agent, or travelling separately to join him or to return to their country.

2. In circumstances similar to those specified in paragraph 1 of this Article, third States shall not hinder the passage of members of the administrative and technical or service staff of a mission, and of members of their families, through their territories.

3. Third States shall accord to official correspondence and other official communications in transit, including messages in code or cipher, the same freedom and protection as is accorded by the receiving State. They shall accord to diplomatic couriers, who have been granted a passport visa if such visa was necessary, and diplomatic bags in transit the same inviolability and protection as the receiving State is bound to accord.

4. The obligations of third States under paragraphs 1, 2 and 3 of this Article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and diplomatic bags, whose presence in the territory of the third State is due to *force majeure*.

## Article 41

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State.

2. All official business with the receiving State entrusted to the mission by the sending State shall be conducted with or through the Ministry for Foreign Affairs of the receiving State or such other ministry as may be agreed.

3. The premises of the mission must not be used in any manner incompatible with the functions of the mission as laid down in the present Convention or by other rules of general international law or by any special agreements in force between the sending and the receiving State.

## Article 42

A diplomatic agent shall not in the receiving State practise for personal profit any professional or commercial activity.

## Article 43

The function of a diplomatic agent comes to an end, *inter alia*:

(a) on notification by the sending State to the receiving State that the function of the diplomatic agent has come to an end;

(b) on notification by the receiving State to the sending State that, in accordance with paragraph 2 of Article 9, it refuses to recognize the diplomatic agent as a member of the mission.



## Article 44

The receiving State must, even in case of armed conflict, grant facilities in order to enable persons enjoying privileges and immunities, other than nationals of the receiving State, and members of the families of such persons irrespective of their nationality, to leave at the earliest possible moment. It must, in particular, in case of need, place at their disposal the necessary means of transport for themselves and their property.

## Article 45

If diplomatic relations are broken off between two States, or if a mission is permanently or temporarily recalled:

- (a) the receiving State must, even in case of armed conflict, respect and protect the premises of the mission, together with its property and archives;
- (b) the sending State may entrust the custody of the premises of the mission, together with its property and archives, to a third State acceptable of the receiving State;
- (c) the sending State may entrust the protection of its interests and those of its nationals to a third State acceptable to the receiving State.

## Article 46

A sending State may with the prior consent of a receiving State, and at the request of a third State not represented in the receiving State, undertake the temporary protection of the interests of the third State and of its nationals.

## Article 47

1. In the application of the provisions of the present Convention, the receiving State shall not discriminate as between States.

2. However, discrimination shall not be regarded as taking place:

- (a) where the receiving State applies any of the provisions of the present Convention restrictively because of a restrictive application of that provision to its mission in the sending State;
- (b) where by custom or agreement States extend to each other more favourable treatment than is required by the provisions of the present Convention.

## Article 48

The present Convention shall be open for signature by all States Members of the United Nations or of any of the specialized agencies or Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention, as follows: until 31 October 1961 at the Federal Ministry for Foreign Affairs of Austria and subsequently, until 31 March 1962, at the United Nations Headquarters in New York.

## Article 49

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

## Article 50

The present Convention shall remain open for accession by any State belonging to any of the four categories mentioned in Article 48. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

## Article 51

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instruments of ratification or accession.

## Article 52

The Secretary-General of the United Nations shall inform all States belonging to any of the four categories mentioned in Article 48:

- (a) of signatures to the present Convention and of the deposit of instruments of ratification or accession, in accordance with Articles 48, 49 and 50;
- (b) of the date on which the present Convention will enter into force, in accordance with Article 51.

## Article 53

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States belonging to any of the four categories mentioned in Article 48.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

DONE AT VIENNA, this eighteenth day of April one thousand nine hundred and sixty-one.



sion put forward the following text as its draft Article 73 which was adopted virtually unchanged and without comment by the Vienna Conference as Article 78 of the Convention:

Except as the treaty or the present Convention otherwise provide, any notification or communication to be made by any State under the present Convention shall:

- (a) if there is no depositary, be transmitted direct to the States for which it is intended, or if there is a depositary, to the latter;
- (b) be considered as having been made by the State in question only upon the receipt by the State to which it was transmitted or, as the case may be, upon its receipt by the depositary;
- (c) if transmitted to a depositary, be considered as received by the State for which it was intended only when the latter State has been informed by the depositary in accordance with Article 77, paragraph 1(e).

The reference in (c) above to Article 77, paragraph 1(e) is to emphasize the duty laid on the depositary to inform all the parties as well as the States entitled to become parties to the treaty of acts, notifications and communications relating to the treaty in question. This function is to be discharged by the depositary with reasonable diligence and promptitude.

#### 4. *Correction of Errors in texts or copies of Treaties*

Additional functions to those so far considered are laid upon the depositary in cases involving correction of errors in the text or in certified copies of treaties. The kind of errors contemplated here is one which is of a purely typographical nature, or one which amounts to a mis-statement or a misdescription arising out of a misunderstanding as to the meaning of the text as authenticated. In such a case, the error should be corrected so that the real intention of the parties to the treaty may be expressed in the treaty as corrected. Where there is, however, a dispute between the parties about whether the alleged error is in fact merely typographical or misdescriptive, the matter would seem to be no longer one of a mere correction of an inadvertent misprint or misdescription but would seem to become one of mistake as to the substance of the parties' expression of consent to be bound. In the latter case, the matter must then be dealt with by reference to the rules already considered in connection with Article 48 of the Convention.<sup>17</sup> It is only where the parties recognize that the error in question is a genuine one that correction of the text may be carried out within the present context.

The question then arises as to who should effect a correction of the text as to which there is no dispute between the parties. It seems clear that if

17. See Ch. 10 *supra*.

*Vienna Convention*

there is a depositary, it should be the one to effect the necessary correction. The procedure, based upon the practice of the Secretary-General of the United Nations,<sup>18</sup> is for the depositary to notify all the interested States of the error in question, the proposal to correct or rectify it, and the specified time-limit to submit any objection. If, at the expiry of the time-limit, no objection has been received, the depositary will carry out the correction or rectification, draw up the necessary *proces-verbal* in which the fact is embodied and then circulate a copy of the *proces-verbal* to all the interested States. It would seem that, where the case is one of typographical error only, the consent of only those States that have signed the text need be obtained before the correction is made; it is, however, prudent to require that notification be sent to all the contracting States, so as to avoid any subsequent controversy concerning the nature of the alleged error and the particular rectification made.

If there is no depositary for a treaty in respect of which it is intended to make a correction of the text, the States concerned must determine whether any formal correction should be made and how to carry it out. If after the due authentication of the text of a treaty, the States agree that it contains an error, the same may be corrected in one of the ways: *either* by having the appropriate correction made in the text and causing such correction to be initialled by duly accredited representative of the States concerned, *or* by executing or exchanging a separate instrument or instruments in which the correction agreed to be made is fully set out. A third method, which is employed only as a last resort when there are too many errors in the text, is for all the parties to agree to execute a new revised text by the use of the same procedure as in the case of the adoption of the original text of the treaty.<sup>19</sup>

The foregoing rules apply also where it appears that there is a lack of concordance between versions of a treaty authenticated in two or more languages and where the parties agree that the discordance should be rectified. If it amounts to errors of translation only, such as when one of the language versions has to be corrected in order to align the texts, the contracting States are free to modify the translation by mutual agreement. This is clearly not a matter of altering an authentic text of the treaty in question.

A corrected text of a treaty operates from the date when the original text came into force. It replaces the defective text *ab initio*, unless, of course, it is otherwise agreed by the parties. The duty of the depositary is to seek the consent of the "contracting States" to the making of any

18. See Summary of the Practice of the Secretary-General as Depositary of Multilateral Agreements, pp. 8-12, 19-20.

19. Hackworth's "Digest of International Law", Vol. 5, pp. 93-101.

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