

**MINISTER**

**INTERNATIONAL RELATIONS AND COOPERATION**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NO.: 481**

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**Ms N R Mashabela (EFF) to ask the Minister of International Relations and Cooperations:**

What measures is her department putting in place to ensure that persons from the diplomatic corps do not abuse diplomatic immunity in order to avoid the killing of persons in the Republic and in so doing undermine the sovereignty of the Republic as it were in the case of the alleged murder and attempted murder of Mr Patrick Karegeya and Mr Faustin Kayumba Nyamwasa respectively? **NW545E**

**REPLY:**

The Vienna Convention on Diplomatic Relations, 1961 and the Vienna Convention on Consular Relations, 1963 read in conjunction with applicable local legislation, in South Africa's case the Diplomatic Immunities and Privileges Act, 2001 (Act 37 of 2001), are the definitive legal instruments that regulate the standing of Diplomats and Consular Agents globally.

Article 41.1 of the Vienna Convention on Diplomatic Relations, 1961 and Article 55.1 of the Vienna Convention on Consular Relations, 1963 state as follows: **“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.”**

In accordance with the stipulations of the Act, as well as the Vienna Conventions, having force of law in the Republic, no diplomatic immunity shall exempt a diplomatic or consular agent from the consequences of the commission of any crime in the Republic of South Africa.

I wish to point out that the case referred to by the Honourable Member does not belong in the category of persons who enjoy diplomatic immunity. Further enquiries into this matter should be referred to the Minister of Police and/or the Minister of Justice and Constitutional Development.