VERŻJONI ELETTRONIKA

A.L. 79 tal-2013

ATT DWAR L-IMMUNITAJIET U L-PRIVILEĠĠI DIPLOMATIĊI (KAP. 191)

Ordni tal-2013 dwar l-Applikazzjoni tat-Taqsima III tal-Att dwar l-Immunitajiet u l-Privileġġi Diplomatiċi (Qorti Ewropea tad-Drittijiet tal-Bniedem)

BIS-SAĦĦA tas-setgħat mogħtija bl-artikolu 5 tal-Att dwar l-Immunitajiet u l-Privileġġi Diplomatiċi, il-Ministru tal-Affarijiet Barranin għamel l-Ordni li ġej:-

Titolu.

1. It-titolu ta' dan l-Ordni hu l-Ordni tal-2013 dwar l-Applikazzjoni tat-Taqsima III tal-Att dwar l-Immunitajiet u l-Privileġġi Diplomatiċi (Qorti Ewropea tad-Drittijiet tal-Bniedem).

Immunitajiet u privileġġi tal-Imħallfin, ir-Reġistratur u d-Deputat Reġistratur tal-Qorti Ewropea tad-Drittijiet tal-Bniedem.

2. L-Imħallfin, ir-Reġistratur u d-Deputat Reġistratur tal-Qorti Ewropea tad-Drittijiet tal-Bniedem għandhom igawdu l-immunitajiet u l-privileġġi murija fl-Ewwel u fit-Tieni Skeda li jinsabu ma' dan l-Ordni.

Ftehim dwar il-Privileġġi u l-Immunitajiet tal-Qorti Ewropea tad-Drittijiet tal-Bniedem.

3. (1) L-Artikoli murija fl-iSkedi li jinsabu ma' dan l-Ordni (li huma Artikoli tal-Ftehim Ġenerali dwar il-Privileġġi u l-Immunitajiet tal-Kunsill tal-Ewropa u s-Sitt Protokoll mal-Ftehim Ġenerali dwar il-Privileġġi u l-Immunitajiet tal-Kunsill tal-Ewropa) għandu jkollhom is-saħħa ta' liġi f'Malta.

(2) L-Artikoli msemmija fis-subartikolu (1) jinsabu fl-Ewwel u fit-Tieni Skeda fl-ilsien Ingliż biss u qed jiġu ppubblikati mal-verżjoni bl-Ingliż ta' dan l-Ordni.

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First Schedule

GENERAL AGREEMENT ON PRIVILEGES AND IMMUNITIES OF THE COUNCIL OF EUROPE

Article 18

Officials of the Council of Europe shall:

(a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity and within the limit of their authority;

(b) be exempt from taxation on the salaries and emoluments paid to them by the Council of Europe;

(c) be immune, together with their spouses and relatives dependant on them, from immigration restrictions and aliens' registration;

(d) be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank forming part of diplomatic missions to the government concerned;

(e) be given, together with their spouses and relatives dependant on them, the same repatriation facilities in time of international crisis as diplomatic envoys;

(f) have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question, and to re-export the same free of duty to their country of domicile.

Second Schedule

SIXTH PROTOCOL TO THE GENERAL AGREEMENT ON PRIVILEGES AND IMMUNITIES OF THE COUNCIL OF EUROPE

Article 1

In addition to the privileges and immunities specified in Article 18 of the General Agreement, judges shall be accorded in respect of themselves, their spouses and minor children the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law.

Article 2

For the purposes of this Protocol, the term "judges" means judges elected in

accordance with Article 22 of the Convention as well as any ad hoc judge appointed by a State Party concerned in pursuance of Article 27, paragraph 2, of the Convention.

Article 3

In order to secure for the judges complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Article 4

Privileges and immunities are accorded to judges not for the personal benefit of the individuals themselves but in order to safeguard the independent exercise of their functions. The plenary Court alone shall be competent to waive the immunity of judges; it has not only the right, but is under a duty, to waive the immunity of a judge in any case where, in its opinion, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded.

Article 5

1. The provisions of Articles 1, 3 and 4 of this Protocol shall apply to the Registrar of the Court and a Deputy Registrar formally notified as Acting Registrar to the States Parties to the Convention.

2. The provisions of Article 3 of this Protocol and Article 18 of the General Agreement shall apply to a Deputy Registrar of the Court.

3. The privileges and immunities referred to in paragraphs 1 and 2 of this Article are accorded to the Registrar and a Deputy Registrar not for the personal benefit of the individuals themselves but to facilitate the discharge of their duties. The plenary Court alone shall be competent to waive the immunity of its Registrar and a Deputy Registrar; it has not only the right, but is under a duty, to waive such immunity in any case where, in its opinion, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded.

Article 6

1. Documents and papers of the Court, judges and registry, in so far as they relate to the business of the Court, shall be inviolable.

2. The official correspondence and other official communications of the Court, judges and the registry may not be held up or subjected to censorship.

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