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ADESIONE DELLA SANTA SEDE ALLA CONVENZIONE DELL'O.N.U. SULLA PREVENZIONE E LA REPRESSIONE DEI REATI CONTRO I DIPLOMATICI

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- COMUNICATO

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• COMUNICATO

TESTO IN LINGUA ITALIANA TRADUZIONE IN LINGUA INGLESE TESTO IN LINGUA ITALIANA

Nel pomeriggio del 26 settembre corrente, S. E. Mons. Dominique Mamberti, Segretario per i Rapporti con gli Stati, ha depositato presso il Segretario Generale delle Nazioni Unite lo strumento di adesione alla Convenzione sulla prevenzione e la repressione dei reati contro le persone che godono di una protezione internazionale, ivi compresi gli agenti diplomatici. Nel compiere tale passo, sia a nome proprio che a quello dello Stato della Città del Vaticano, la Santa Sede ha dichiarato che intende contribuire ulteriormente ed in modo concreto all'impegno globale per la prevenzione e il contrasto dei reati commessi contro i Diplomatici.

Lo strumento di adesione ricorda inoltre che la promozione dei valori della fraternità, della giustizia e della pace tra le persone e i Popoli stanno particolarmente a cuore alla Santa Sede e richiedono l'osservanza dello stato di diritto, così come il rispetto dei diritti umani. In tale prospettiva, l'adesione alla Convenzione in parola conferma l'attenzione della Sede Apostolica agli strumenti internazionali di cooperazione giudiziaria in materia criminale, che, come la presente Convenzione, costituiscono un'effettiva garanzia di fronte alle attività criminali che minacciano la pace e la dignità dell'uomo.

Pertanto, questa decisione non manifesta soltanto il desiderio della Santa Sede di collaborare a tutelare adeguatamente il personale diplomatico, ed *in primis* il proprio e quello accreditato presso di essa, ma aiuta anche la comunità internazionale a mantenere alta la guardia contro i rischi del terrorismo. Infine, si tratta di un'iniziativa in linea e nel solco del processo, che, come è noto, è stato da tempo avviato, per adeguare l'ordinamento giuridico vaticano ai più alti *standards* internazionali intesi a contrastare detta grave piaga.

[01234-01.01] [Testo originale: Italiano]

TRADUZIONE IN LINGUA INGLESE

On the afternoon of 26 September 2012, H.E. Archbishop Dominique Mamberti, Secretary for the Holy See's Relations with States, deposited the instrument of accession to the United Nations Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, to the Secretary of the United Nations. In taking this step, both in its own name and on behalf of Vatican City State, the Holy See has declared that it intends to contribute further to the global efforts to prevent and combat crimes against diplomats.

The instrument of accession also recalls that the promotion of brotherhood, justice and peace among individuals and peoples is particularly dear to the heart of the Holy See, and that such promotion requires the observance of the rule of law, as well as respect for human rights. In this perspective, the accession to this Convention reaffirms the Apostolic See's attention for those international instruments on judicial cooperation in matters related to criminal law, which constitute, like this Convention, an effective protection against those criminal activities which threaten peace and human dignity.

Therefore this decision demonstrates not only the Holy See's desire to cooperate in protecting adequately the diplomatic personnel (in primis its own and that accredited to it), but it also contributes to the international community's efforts to protect itself against the risks of terrorism.

Finally, this initiative is in line with the well-known process, that began some time ago, which aims at adapting the Vatican legal system to the highest international standards related to the fight against this serious scourge.

[01234-02.02] [Original text: Italian]

• STRUMENTO DI ADESIONE DELLA SANTA SEDE

The undersigned Cardinal Secretary of State has the honour to certify hereby that the Holy See, acting also in the name and on behalf of Vatican City State, accedes to the **Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents**, which was adopted in New York on 14 December 1973 and came into force on 20 February 1977.

By acceding to this Convention, the Holy See intends to contribute and to give its moral support to the global prevention, repression and prosecution of crimes against Internationally Protected Persons, including Diplomatic Agents, and to the protection of victims of such crime. In conformity with its own nature, its Mission, and the particular character of Vatican City State, the Holy See upholds the values of brotherhood, justice and peace between persons and peoples, whose protection and strengthening require the primacy of the rule of law and respect for human rights, and it reaffirms that instruments of criminal and judicial cooperation constitute effective safeguards in the face of criminal activities that jeopardize human dignity and peace.

Enclosed are the texts **of one reservation and three declarations**, which are an integral part of this Instrument of Accession.

In witness whereof the undersigned Cardinal Secretary of State has signed this document and has affixed thereto his seal.

From the Vatican, 18th September 2012

+ Tarcisio Card. Bertone
Secretary of State

Reservation and declarations

By acceding to the **Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents**, the Holy See intends to contribute and to give its moral support to the global prevention, repression and prosecution of such crimes and to the protection of their victims.

In conformity with its own nature, its Mission, and the particular character of Vatican City State, the Holy See upholds the values of brotherhood, justice and peace between persons and peoples, whose protection and strengthening require the primacy of the rule of law and respect for human rights, and it reaffirms that instruments of criminal and judicial cooperation constitute effective safeguards in the face of criminal activities that jeopardize human dignity and peace.

Reservation

Pursuant to article 13.2 of the Convention, the Holy See, acting also in the name and on behalf of Vatican City State, declares that it does not consider itself bound by article 13.1 of the Convention. The Holy See, acting also in the name and on behalf of Vatican City State, specifically reserves the right to agree in a particular case, on an *ad hoc* basis, to any convenient means to settle any dispute arising out of this Convention.

Declarations

Pursuant to articles8.2 and 8.3 of the Convention, the Holy See declares that it takes the Convention as the legal basis for cooperation on extradition with other Parties to the Convention, subject to the limitations to the extradition of persons provided for by its domestic law.

With regard to articles 8 and 10 of the Convention, the Holy See declares that, in light of its legal doctrine and the sources of its law (Vatican City State Law LXXI, 1 October 2008), nothing in the Convention shall be interpreted as imposing an obligation to extradite or provide mutual legal assistance if there are substantial grounds for believing that the request is made for the purpose of prosecuting or punishing a person on account of that person’s race, religion, nationality, ethnic origin or political opinion; that compliance with the request would cause prejudice to that person’s position for any of these reason; or that the person would be subject to the death penalty or to torture.

Pursuant to the last sentence of article 2.2(a) of the International Convention for the Suppression of the Financing of Terrorism, of 9 December 1999, the Holy See, acting also in the name and on behalf of Vatican City State, declares that, from the moment the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, enters into force for the Holy See, it shall be deemed to be included within the scope of the Convention for the Suppression of the Financing of Terrorism pursuant to its article 2.1(a).

[01235-02.01] [Original text: English]