

**No. 25823**

---

**UNION OF SOVIET SOCIALIST REPUBLICS  
and  
LIBYAN ARAB JAMAHIRIYA**

**Consular Convention. Signed at Moscow on 14 October 1985**

*Authentic texts: Russian and Arabic.*

*Registered by the Union of Soviet Socialist Republics on 4 April 1988.*

---

**UNION DES RÉPUBLIQUES SOCIALISTES  
SOVIÉTIQUES  
et  
JAMAHIRIYA ARABE LIBYENNE**

**Convention consulaire. Signée à Moscou le 14 octobre 1985**

*Textes authentiques : russe et arabe.*

*Enregistrée par l'Union des Républiques socialistes soviétiques le 4 avril 1988.*

## [TRANSLATION — TRADUCTION]

CONSULAR CONVENTION<sup>1</sup> BETWEEN THE UNION OF SOVIET  
SOCIALIST REPUBLICS AND THE SOCIALIST PEOPLE'S LIBYAN  
ARAB JAMAHIRIYA

The Union of Soviet Socialist Republics and the Socialist People's Libyan Arab Jamahiriya,

Desiring further to develop the existing friendly relations and co-operation between the two States,

Wishing to regulate consular ties between them,

Have decided to conclude this Consular Convention and for that purpose have agreed as follows:

## PART I. DEFINITIONS

*Article 1.* For the purposes of this Convention, the following expressions shall have the meanings hereunder assigned to them:

1. "Consular post" shall mean a consulate-general, consulate, vice-consulate or consular agency;
2. "Consular district" shall mean the area of territory of the receiving State assigned to a consular post for the exercise of consular functions;
3. "Head of consular post" shall mean a person who is in charge of a consular post;
4. "Consular officer" shall mean any person, including the head of a consular post, who is authorized to exercise consular functions;
5. "Consular employee" shall mean any person, not a consular officer, performing administrative, technical or domestic service duties in the consular post;
6. "Consular premises" shall mean the buildings, parts of buildings, including the residence of the head of a consular post, auxiliary premises and land ancillary to such buildings, parts of buildings or auxiliary premises used exclusively for the purposes of the consular post, irrespective of ownership;
7. "Consular archives" shall mean all official correspondence, documents, seals, ciphers, books, office equipment and supplies, and equipment belonging to the consular post intended for their safe keeping;
8. "Vessel of the sending State" shall mean any vessel, other than a warship, flying the flag of that State;
9. "Aircraft of the sending State" shall mean any aircraft, other than a war-plane, registered in accordance with the law of the sending State and bearing that State's distinctive markings;
10. "National of the sending State" shall also mean a body corporate, depending on the context.

<sup>1</sup> Came into force on 3 November 1986, i.e., on the thirtieth day after the exchange of the instruments of ratification, which took place at Tripoli on 4 October 1986, in accordance with article 42 (1).

PART II. ESTABLISHMENT OF CONSULAR POSTS AND APPOINTMENT OF  
CONSULAR OFFICERS AND CONSULAR EMPLOYEES

*Article 2.* 1. The establishment of a consular post in the receiving State shall be subject to the consent of that State.

2. The sending and receiving States shall determine by agreement the seat of the consular post, its classification and the limits of its consular district.

*Article 3.* A consular officer must be a national of the sending State.

*Article 4.* 1. Any person appointed or selected by the sending State to serve as head of a consular post shall be recognized as such once he has been accepted in that capacity by the receiving State, following an announcement to that effect.

This provision shall also apply to other consular officers.

2. The sending State shall transmit through its diplomatic mission to the People's Bureau for Foreign Liaison or Ministry of Foreign Affairs of the receiving State the consular commission or other document of appointment of the head of consular post. The commission or other document shall specify the full name of the head of consular post, his rank, the consular district in which he will perform his duties and the seat of the consular post.

3. On presentation of the commission or other document of appointment of the head of consular post, the *exequatur* or other authorization shall be granted as soon as possible and free of charge by the receiving State.

4. The head of consular post may take up his duties as soon as the receiving State has granted him the *exequatur* or other authorization.

5. Pending delivery of the *exequatur* or other authorization, the receiving State may permit the head of consular post to exercise his functions on a provisional basis.

6. As soon as the head of consular post has been recognized, even on a provisional basis, the authorities of the receiving State shall make the necessary arrangements to enable him to perform his functions.

*Article 5.* 1. The sending State shall notify the People's Bureau for Foreign Liaison or Ministry of Foreign Affairs of the receiving State of:

(a) The full name and function of consular officers appointed in a capacity other than that of head of consular post;

(b) The full name of consular employees.

2. The competent authorities of the receiving State shall issue appropriate identity documents to consular officers and consular employees and members of their families residing with them.

*Article 6.* The receiving State may at any time, and without having to explain the reason for its decision, duly notify the sending State that the *exequatur* or other authorization granted to a head of consular post has been revoked or that a consular officer or consular employee is unacceptable. The sending State shall thereupon recall the consular officer or consular employee concerned in the event that he has already taken up his appointment. If the sending State fails to carry out this obligation within a reasonable period, the receiving State may decline to recognize the person concerned as a consular officer or consular employee.

*Article 7.* 1. If a head of consular post is unable for any reason to act as such or if the post is temporarily vacant, the sending State may authorize a consular officer belonging to the same or another consular post in the receiving State or one of the members

of the diplomatic staff of its diplomatic mission in the receiving State to act as temporary head of consular post. The full name of the person concerned shall be notified to the People's Bureau for Foreign Liaison or Ministry of Foreign Affairs of the receiving State.

2. A person authorized to act as temporary head of consular post shall be entitled to perform the duties of head of consular post and shall enjoy the same privileges and immunities as are accorded to a head of consular post under this Convention.

3. The appointment to the consular post of a member of the diplomatic staff of the diplomatic mission of the sending State in accordance with paragraph 1 of this article shall not affect the privileges and immunities accorded to him by virtue of his diplomatic status.

*Article 8.* 1. Members of the diplomatic staff of the diplomatic mission of the sending State in the receiving State who have been entrusted with the performance of consular functions in the diplomatic mission shall have the same rights and duties as are provided for in this Convention in respect of consular officers.

2. The performance of consular functions by the persons referred to in paragraph 1 of this article shall not affect the privileges and immunities accorded to them by virtue of their diplomatic status.

*Article 9.* 1. The sending State may, under the conditions and in the form provided for in the law of the receiving State, acquire as property, hold, occupy or lease any land, buildings, parts of buildings and auxiliary premises, erect and reconstruct buildings and adapt any land required for the purposes of establishing consular premises and living quarters for consular officers and consular employees. Where necessary, the receiving State shall assist the sending State in this connection.

2. Nothing in the provisions of paragraph 1 of this article shall be deemed to exempt the sending State from the obligation to comply with any town-planning or building laws or regulations applicable to the area in which the land, buildings, parts of buildings or auxiliary premises concerned are situated.

### PART III. PRIVILEGES AND IMMUNITIES

*Article 10.* The receiving State shall afford protection to consular officers and shall make the necessary arrangements to enable them to perform their functions and to enjoy the rights, privileges and immunities to which they are entitled under this Convention and the laws of the receiving State. The receiving State shall make the necessary arrangements to ensure the protection of consular premises and the living quarters of consular officers.

*Article 11.* 1. A consular shield bearing the coat-of-arms of the sending State and designating the consular post in the language of that State and the language of the receiving State may be affixed to the outside of the building in which the consular post is situated.

2. The flag of the sending State may be flown from the consular building and also at the residence of the head of consular post.

3. A head of consular post may fly the flag of the sending State on his means of transport in accordance with the practice of the receiving State.

*Article 12.* 1. The consular premises shall be inviolable.

The authorities of the receiving State may not enter such premises except with the consent of the head of consular post, the head of the diplomatic mission of the sending State, or a person designated by one of them.

2. The provisions of paragraph 1 of this article shall apply to the living quarters of consular officers and consular employees who are nationals of the sending State.

*Article 13.* The consular archives shall be inviolable at all times and wherever they may be.

*Article 14.* 1. A consular post shall have the right to communicate with the Government, diplomatic missions and consular posts of the sending State. For this purpose the consular post may use all ordinary means of communication, cipher, and diplomatic and consular couriers and bags. For the use of ordinary means of communication, the same rates shall apply to a consular post as to a diplomatic mission.

A consular post may install and operate a radio transmitter only with the consent of the receiving State.

2. The official correspondence of a consular post, regardless of the means of communication used, and consular bags bearing visible external marks of their official character shall be inviolable and shall not be subject to detention by the authorities of the receiving State.

3. Consular couriers of the sending State shall enjoy in the territory of the receiving State the same rights, privileges and immunities as diplomatic couriers.

4. A consular bag may be entrusted to the captain of a vessel or aircraft. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered a consular courier. A consular officer may take possession of a consular bag directly and freely from the captain of the vessel or aircraft and may also hand a consular bag to him.

*Article 15.* 1. Consular officers and consular employees and members of their families residing with them shall enjoy personal inviolability. They shall not be subject to arrest or detention in any form. These provisions shall not apply to persons who are nationals or permanent residents of the receiving State.

2. The sending State shall treat consular officers, consular employees and members of their families residing with them with due respect and shall take all appropriate steps to prevent any attack on their persons, freedom or dignity.

*Article 16.* 1. Consular officers, consular employees and members of their families residing with them shall be immune from the jurisdiction of the receiving State, except in the case of civil actions:

- (a) Relating to private immovable property situated in the territory of the receiving State, unless they hold it on behalf of the sending State for consular purposes;
- (b) Relating to successions in which they are involved in the capacity of executor, administrator, heir or legatee as private persons and not on behalf of the sending State;
- (c) Relating to professional or commercial activity exercised by them in the receiving State outside their official functions;
- (d) Arising out of a contract concluded by them in which they did not contract expressly or impliedly as representatives of the sending State;
- (e) Instituted by a third party for damage arising in the receiving State from an accident caused by a means of transport.

2. No measures of execution may be taken in respect of the persons referred to in paragraph 1 of this article except in the cases covered by subparagraphs (a), (b), (c), (d) and (e) of the said paragraph, and only provided that the measures concerned can be taken without infringing the inviolability of their persons or living quarters.

3. The immunities provided for in this article shall not apply to persons who are nationals or permanent residents of the receiving State.

**Article 17.** 1. The sending State may waive the immunities of consular officers, consular employees and members of their families residing with them. Such waivers shall in all cases be express and shall be notified in writing.

Waivers of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of execution of the judgement, for which a separate waiver must be made.

2. If a consular officer, a consular employee or a member of his family residing with him brings an action in a case in which he would enjoy immunity under article 16 of this Convention, he shall not be entitled to invoke immunity from jurisdiction in respect of any counteraction directly related to the original action.

**Article 18.** 1. A consular officer shall not be required to give evidence as a witness before the courts or other competent authorities of the receiving State.

2. A consular employee shall appear in court to give evidence. He may refuse to give evidence concerning matters connected with official duties.

However, in no case may any coercive measures be applied against consular employees.

3. The provisions of this article shall apply, *mutatis mutandis*, to members of the families of consular officers and consular employees, provided that they reside with them and are not nationals of the receiving State.

**Article 19.** Consular officers, consular employees and members of their families residing with them shall, provided that they are not nationals of the receiving State and do not reside permanently therein, be exempt in the receiving State from service in the armed forces and from compulsory public service of any kind.

**Article 20.** Consular officers, consular employees and members of their families residing with them shall be exempt from all requirements under the laws and regulations of the receiving State relative to the registration of aliens, residence permits and other similar matters. This provision shall not apply to persons who are nationals or permanent residents of the receiving State.

**Article 21.** 1. No tax or other similar charge of any kind shall be imposed or collected in respect of consular premises or the living quarters of consular officers or consular employees, provided that the property in question is owned or leased in the name of the sending State or of any individual or body corporate on behalf of that State, or in respect of transactions or instruments relating to the acquisition of such property.

2. The provisions of paragraph 1 of this article shall not apply to payments due for specific services rendered.

**Article 22.** The sending State shall be exempt from taxes or other similar charges of any kind in respect of the acquisition, ownership, possession or use of movable property by that State for consular purposes.

**Article 23.** 1. Consular officers and consular employees shall be exempt from all taxes or other similar charges of any kind imposed or collected by the receiving State in respect of the salaries or wages received by them as compensation for their official duties.

2. Consular officers, consular employees and members of their families residing with them shall be exempt in the receiving State from all State and local taxes and charges, including taxes and charges on their movable property.

3. The exemptions provided for in paragraph 2 of this article shall not apply to:
- (a) Taxes and charges on personal immovable property situated in the receiving State;
  - (b) Taxes and charges on the inheritance or acquisition of property in the receiving State, with the exception of taxes and charges subject to exemption under article 25 of this Convention;
  - (c) Taxes and charges on private income derived from sources within the receiving State;
  - (d) Taxes and charges on transactions or on instruments recording or relating to transactions, including State duties of any kind imposed or collected in connection therewith, with the exception of taxes and charges subject to exemption under article 21 of this Convention;
  - (e) Charges levied for specific services rendered.

4. The provisions of paragraphs 1 and 2 of this article shall not apply to persons who are nationals or permanent residents of the receiving State.

*Article 24.* 1. The same exemption from customs duties as is accorded in respect of articles intended for the official use of a diplomatic mission shall be accorded in respect of all articles, including means of transport, intended for the official use of a consular post.

2. Consular officers and members of their families residing with them shall be accorded the same exemption from customs inspection as is accorded to members of the diplomatic staff of a diplomatic mission.

3. Consular officers, consular employees and members of their families residing with them shall, provided that they are not nationals or permanent residents of the receiving State, be accorded the same exemption from customs duties as is accorded to members of the corresponding categories of staff of a diplomatic mission.

4. For the purposes of paragraph 3 of this article, the term “corresponding categories of staff of a diplomatic mission” refers, in relation to consular officers, to members of the diplomatic staff and, in relation to consular employees, to members of the administrative and technical staff.

*Article 25.* In the event of the death of a consular officer, a consular employee or a member of his family residing with him, the receiving State shall permit the export of movable property free of customs duties and shall exempt such property from any taxes and charges on the inheritance or acquisition of property, provided that the presence of the property in the receiving State was due solely to the presence in that State of the deceased in his capacity as a consular officer, consular employee or member of his family.

The provisions of this article shall not apply to property acquired in the receiving State whose export is restricted or prohibited under the current legislation of that State.

*Article 26.* Consular officers and consular employees shall be permitted to travel freely within the limits of their consular district, provided that such travel is not contrary to the laws and regulations of the receiving State concerning areas entry into which is prohibited or restricted for reasons of national security.

*Article 27.* All persons to whom privileges and immunities are accorded under this Convention shall, without prejudice to the said privileges and immunities, be under an obligation to respect the laws and regulations of the receiving State.

#### PART IV. CONSULAR FUNCTIONS

*Article 28.* A consular officer shall promote the development and strengthening of friendly relations between the sending State and the receiving State and shall con-

tribute to the development of relations between them in the areas of economics, trade, science, culture and sport.

A consular officer shall defend the rights and interests of the sending State and its nationals.

*Article 29.* 1. A consular officer shall perform the functions specified in this part and other consular functions, provided that they are not contrary to the law of the receiving State.

2. A consular officer shall perform his functions within the limits of the consular district. Beyond those limits a consular officer may perform his functions only with the consent of the authorities of the receiving State.

3. In the performance of his functions, a consular officer may apply to the competent authorities of the consular district.

*Article 30.* 1. A consular officer shall perform the following functions:

- (a) Receive any declarations or documents relating to nationality;
- (b) Keep a register of nationals of the sending State;
- (c) Issue, amend, renew and revoke passports, other similar documents and entry and transit visas;
- (d) Register or receive notification of or documents concerning the birth or death of a national of the sending State;
- (e) Register marriages and the dissolution of marriages, provided that such action is not contrary to the law of the sending State and that both Parties are nationals of the sending State;
- (f) Receive any declarations pertaining to the family relationships of a national of the sending State;
- (g) Levy consular charges in the territory of the receiving State, in accordance with the laws and regulations of the sending State.

2. A consular officer shall, where local law so requires, notify the competent authorities of the receiving State of the registration at the consular post of changes in civil status in accordance with subparagraphs 1 (d) and 1 (e) of this article.

3. The provisions of subparagraphs 1 (d) and 1 (e) of this article shall not exempt the persons concerned from the obligation to comply with the formalities required by the law of the receiving State.

*Article 31.* 1. A consular officer shall perform the following acts:

- (a) Receive, draw up and certify declarations of nationals of the sending State and issue to them the relevant documents;
- (b) Draw up, attest and accept for safe keeping the wills of nationals of the sending State;
- (c) Draw up and certify instruments and agreements between nationals of the sending State, provided that such instruments and agreements are not contrary to the law of the receiving State and do not relate to the establishment or transfer of rights to immovable property;
- (d) Draw up or certify agreements between nationals of the sending State and nationals of the receiving State, provided that such agreements relate exclusively to interests located in the territory of the sending State or are enforceable in the territory of the sending State, unless such agreements are contrary to the law of the receiving State;



(e) Legalize documents issued by authorities or officials of the sending State or the receiving State and certify copies and translations of such documents and extracts therefrom;

(f) Translate documents and certify the accuracy of the translation;

(g) Certify the signatures of nationals of the sending State on documents of any kind, provided that the content of such documents is not contrary to the law of the receiving State;

(h) Accept for safe keeping property and documents of nationals of the sending State, provided that such action is not contrary to the law of the receiving State.

2. Documents drawn up, certified or translated by a consular officer in accordance with paragraph 1 of this article shall be regarded in the receiving State as documents having the same legal significance and evidentiary value as if they had been drawn up, certified or translated by the competent authorities or institutions of the receiving State.

*Article 32.* 1. The competent authorities of the receiving State shall notify a consular officer as soon as possible of the death of a national of the sending State and shall convey to him information concerning the estate, heirs and legatees and concerning the existence of a will.

2. The competent authorities of the receiving State shall notify a consular officer as soon as possible of the opening of a succession in the receiving State where an heir or legatee is a national of the sending State.

3. Where the consular officer learns of the death of a national of the sending State or of the opening of a succession, he shall, in turn, notify the competent authorities of the receiving State.

*Article 33.* 1. Where a national of the sending State holds or claims a right to property left in the receiving State after the death of a person of any nationality and is not present in the receiving State or otherwise represented in that State, the consular officer shall be entitled to represent the interests of the said national to the same extent as if powers of attorney had been executed by him in favour of the consular officer.

Such representation shall end as soon as the consular officer is notified that the said national is defending his interests in the receiving State either personally or through a lawyer.

2. Where a national of the sending State not domiciled in the receiving State dies while temporarily present in that State, the consular officer shall be entitled, in accordance with the law of the sending State, to dispose of the money, documents, property and effects of the deceased.

*Article 34.* A consular officer may, on behalf of a national of the sending State, where such national is not present in the receiving State, receive from a court, authority or individual, money or other property to which the said national is entitled as a consequence of the death of any person, including shares in a legacy, payments made in pursuance of industrial accident laws and sums payable for life insurance. The court, authority or individual in question may require the consular officer to satisfy any requirements which may be prescribed in respect of:

(a) Execution of power of attorney or other authorization by the said national of the sending State;

(b) Submission of proof that the money or other property has been received by the person in question.

*Article 35.* 1. A consular officer may propose to a court or other competent authority of the receiving State the names of appropriate persons to act as guardians or trustees in respect of a national of the sending State or in respect of the property of such a national in any case where such property is left without supervision.

2. If the court or competent authority considers that a person who has been proposed is for any reason unacceptable, the consular officer may propose a new candidate.

*Article 36.* 1. A consular officer may meet and communicate with any national of the sending State and advise and render any kind of aid to such national, including arrangements for providing him with legal assistance.

The receiving State shall do nothing to restrict communication between a national of the sending State and the consular post or the access of such national to the consular post.

A consular officer may request assistance from the competent authorities of the receiving State for the purpose of locating missing nationals of the sending State who are either permanently resident or temporarily present in the receiving State.

2. Where a national of the sending State is arrested, detained or otherwise deprived of his liberty, the competent authorities of the receiving State shall notify a consular officer of the sending State as soon as is reasonably possible after such national has been arrested, detained or otherwise deprived of his liberty.

3. Where a national of the sending State has been arrested, detained or otherwise deprived of his liberty or is serving a term of imprisonment, a consular officer may visit and communicate with him as soon as is reasonably possible after such national has been arrested, detained or otherwise deprived of his liberty.

These rights shall continue to be granted on a regular basis.

4. The rights referred to in this article shall be exercised in accordance with the laws and regulations of the receiving State, with the proviso, however, that the said laws and regulations shall not invalidate these rights.

*Article 37.* 1. A consular officer shall extend any kind of aid and assistance to a vessel of the sending State in the ports or the territorial or internal waters of the receiving State. A consular officer may for that purpose proceed on board the vessel, and the master and members of the crew of the vessel may communicate with a consular officer as soon as the vessel has received *pratique*.

2. A consular officer may request assistance from the competent authorities of the receiving State on any matters relating to the performance of his functions with respect to vessels of the sending State and the master and members of the crew of such vessels.

*Article 38.* A consular officer may:

(a) Without prejudice to the rights of the authorities of the receiving State, investigate any incident occurring on board a vessel of the sending State during its voyage or when it is in port, question the master and any member of the crew of such vessel, examine the vessel's papers, take statements with regard to its voyage and destination, and facilitate the vessel's entry into, departure from and stay in the port;

(b) Without prejudice to the rights of the authorities of the receiving State, settle disputes of any kind between the master and any member of the crew, including disputes as to contracts of service and conditions of work, to the extent that this is permitted under the law of the sending State;

(c) Make arrangements for the treatment in hospital and repatriation of the master or any member of the crew;

(d) Receive, draw up or authenticate any declaration or other document prescribed by the law of the sending State in connection with vessels;

(e) Issue a provisional certificate of the right to fly the flag of the sending State in respect of a newly acquired or newly built vessel.

*Article 39.* 1. Where the courts or other competent authorities of the receiving State intend to take any coercive measures or to institute any formal inquiry on board a vessel of the sending State, the competent authorities of the receiving State shall so notify a consular officer. Such notification shall be made before such action is initiated so as to enable the consular officer to be present at the proceedings. If the consular officer has not been present, he shall, upon request, be provided by the competent authorities of the receiving State with full information with regard to what has taken place.

2. The provisions of paragraph 1 of this article shall apply also in any case where it is the intention of the authorities of the receiving State to question the master or any member of the crew ashore.

3. The provisions of this article shall not, however, apply to any routine passport, customs or public-health inspection or to any action taken at the request, or with the consent, of the master of the vessel.

*Article 40.* 1. Where a vessel of the sending State is wrecked, runs aground, is stranded or otherwise damaged in the territorial or internal waters of the receiving State, or where any article forming part of the cargo of a damaged vessel, being the property of a national of the sending State, is found in the territory of the receiving State, the competent authorities of the receiving State shall as soon as possible notify a consular officer of the occurrence. They shall also notify him of measures already taken for the preservation of lives, the vessel, its cargo and other property on board and of articles belonging to the vessel or forming part of its cargo which have become separated from the vessel.

2. A consular officer may extend all possible assistance to the damaged vessel, the members of its crew and its passengers. For this purpose he may request assistance from the competent authorities of the receiving State.

*Article 41.* Articles 37 to 40 shall also apply, *mutatis mutandis*, to aircraft of the sending State.

#### PART V. FINAL PROVISIONS

*Article 42.* 1. This Convention shall be ratified in accordance with the procedure prescribed by the laws of the Contracting Parties and shall enter into force on the thirtieth day after the exchange of the instruments of ratification, which shall take place at Tripoli.

2. This Convention shall remain in force until the expiry of six months from the date on which one Contracting Party gives notice in writing to the other of its intention to terminate it.

IN WITNESS WHEREOF, the Plenipotentiaries of the Contracting Parties have signed this Convention and have thereto affixed their seals.

DONE at Moscow on 14 October 1985, corresponding to 29 Muharram 1395 MWR, in duplicate in the Russian and Arabic languages, both texts being equally authentic.

For the Union of Soviet Socialist  
Republics:

[E. SHEVARDNADZE]

For the Socialist People's  
Libyan Arab Jamahiriya:

[A. TREIKY]

---