

**No. 5975**

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**UNITED NATIONS  
and  
CONGO (LEOPOLDVILLE)**

**Agreement relating to the legal status, facilities, privileges  
and immunities of the United Nations Organization  
in the Congo. Signed at New York, on 27 November  
1961**

*Official text: French.*

*Registered ex officio on 27 November 1961.*

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**ORGANISATION DES NATIONS UNIES  
et  
CONGO (LÉOPOLDVILLE)**

**Accord concernant le statut juridique et les privilèges et  
immunités de l'Organisation des Nations Unies au  
Congo ainsi que les facilités qui lui seront accordées.  
Signé à New-York, le 27 novembre 1961**

*Texte officiel français.*

*Enregistré d'office le 27 novembre 1961.*

[TRANSLATION — TRADUCTION]

**No. 5975. AGREEMENT<sup>1</sup> BETWEEN THE UNITED NATIONS AND THE REPUBLIC OF THE CONGO (LEOPOLDVILLE) RELATING TO THE LEGAL STATUS, FACILITIES, PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS ORGANIZATION IN THE CONGO. SIGNED AT NEW YORK, ON 27 NOVEMBER 1961**

The United Nations and the Government of the Republic of the Congo (hereinafter referred to as "the Government") :

Desiring to conclude an agreement for the purpose of carrying out the resolutions of the Security Council concerning the Republic of the Congo, and to determine the details of the application of their basic Agreement of 27 July 1960 ;

Recalling the request of the Government to the United Nations for military assistance and its acceptance of the resolutions of the Security Council ; and

Having regard to the provisions of the United Nations Charter for mutual assistance in carrying out the measures decided upon by the Security Council, and for the privileges and immunities necessary for the fulfilment of the purposes of the United Nations,

Have agreed as follows :

**RESPECT FOR LOCAL LAW AND INTERNATIONAL STATUS**

1. Members of the United Nations Force in the Congo and all officials serving under the United Nations in the Congo shall respect the laws and regulations of the Republic of the Congo. They shall refrain from any activity of a political character in the Congo and from any action incompatible with their international responsibilities. The Special Representative of the Secretary-General shall ensure the observance of these obligations.

2. The United Nations shall possess sole competence with respect to decisions concerning the composition of the military units sent to the Congo, it being understood at the same time that the United Nations shall, in determining their composition, give every consideration to the opinion of the Government as one of the most important factors to be borne in mind in connexion with recruitment:

<sup>1</sup> Deemed to have taken effect on 15 July 1961, as from the date of arrival of the first elements of the United Nations Force in the Congo, in accordance with paragraph 48.

3. In so far as consistent with the relative provisions of the United Nations Charter and the independent exercise of its functions, the Secretary-General shall pay all due attention to any pertinent information transmitted to him by the Government concerning United Nations officials who have been assigned to duty with the United Nations in the Congo, as well as concerning local personnel employed by the United Nations.

#### ENTRY, EXIT AND IDENTIFICATION

4. Members of the Force shall be exempt from passport and visa regulations and immigration inspection or restrictions. Officials serving under the United Nations in the Congo and members of their families living at their expense shall be exempt from immigration restrictions and alien registration.

5. The first entry of members of the Force into the territory of the Republic may be by military movement order, a national military identity card and the certificates of vaccination as provided in international conventions. Thereafter the personal identity card issued to them under the authority of the Special Representative of the Secretary-General shall be recognized by all authorities as valid and sufficient identification. Members of the Force shall be bound to present their identity cards, if requested, but not to surrender them.

6. The United Nations laissez-passer shall be recognized as a valid travel document. This laissez-passer, as well as the personal identity cards issued to United Nations officials in the Congo by the Special Representative of the Secretary-General, shall be recognized by all authorities as valid and sufficient identification.

7. (a) Requests for visas made by holders of a laissez-passer and accompanied by a certificate stating that these officials are travelling on United Nations business shall be given the speediest possible consideration.

(b) The same privileges shall be granted to experts and other persons who do not hold a United Nations laissez-passer but who carry a certificate stating that they are travelling on United Nations business.

(c) Persons granted the privileges referred to in this article shall obtain the certificates of vaccination as provided in international conventions.

(d) Persons holding a laissez-passer and also experts or other persons travelling on United Nations business who come from a country where the Republic of the Congo is not represented, or who are unable for any other reason to obtain a visa before their arrival in the Congo, shall be permitted to enter without a visa which shall be delivered to them after their arrival by the Ministry of Foreign Affairs.

8. The Government shall be kept informed of the following :

(a) The arrival and departure of military units serving in the Force, as well as their numbers and nationality ;

- (b) The arrival and final departure of members of the Force who are not transferred at the same time as the rest of their national contingent ;
- (c) The arrival and final departure of officials serving under the United Nations, or the termination of their services ;
- (d) The arrival or final departure of a member of the family of an official serving under the United Nations, or of a member of the Force ;
- (e) The appointment or discharge of persons residing in the Congo as officials employed in the service of the United Nations.

9. Members of the Force shall be subject to the exclusive jurisdiction of their respective national States in respect of any criminal offences which may be committed by them in the Congo. Officials serving under the United Nations in the Congo shall be immune from legal process in respect of all acts performed by them in their official capacity. They shall be immune from any form of arrest or detention.

10. In respect of matters not falling within paragraph 9, the Government in the exercise of its sovereignty undertakes to refrain from any act of arrest, detention, seizure of personal property, or other form of legal process against members of the Force or officials serving under the United Nations in the Congo or their dependants until after completion of the following procedures :

- (a) If the authorities of the Government possess evidence that an official or a dependant of such official has committed an offence against the penal laws of the Republic of the Congo all such evidence shall be communicated to the Special Representative of the Secretary-General, who shall conduct any supplementary inquiry necessary to obtain evidence. The Government and the United Nations will then arrive at an agreement as to whether the international Organization should institute disciplinary procedures within the terms of its appropriate regulations or whether the Government shall institute legal action. Failing an agreement, the matter shall be submitted to arbitration at the request of either Party.
- (b) If as a result of any act performed by a member of the Force or an official in the course of his official duties, it is alleged that loss or damage that may give rise to civil proceedings has been caused to a citizen or resident of the Congo, the United Nations shall settle the dispute by negotiation or any other method agreed between the Parties ; if it is not found possible to arrive at an agreement in this manner, the matter shall be submitted to arbitration at the request of either Party.
- (c) If evidence is submitted of the existence of an obligation at civil law binding upon or in favour of a member of the Force or an official serving under the United Nations in the Congo or a dependant of such member of the Force or official, and arising out of his presence in the Congo but not related to his official duties, the United Nations shall use its good offices to assist the parties

in arriving at a settlement. If the dispute cannot be settled in this manner, or by any other agreed mode of settlement, it shall be submitted to arbitration at the request of either Party.

11. The foregoing arrangements concerning jurisdiction are made having regard to the special functions of the United Nations in the Congo, and are not for the personal benefit of members of the Force or officials in the service of the United Nations. The Special Representative of the Secretary-General shall arrange for any arbitral procedure necessary to hear and decide such disputes as have to be submitted to arbitration under the provisions of paragraphe 10. They may, should they find it warranted, establish a Claims Commission and instruct it to consider all or any types of claims listed in paragraph 10.

12. The Supreme Commander of the United Nations Force in the Congo shall take all appropriate measures to ensure the discipline and good order of members of the Force. For this purpose United Nations military police may undertake the surveillance of the premises occupied by the United Nations, the areas in which the Force is deployed, and, in liaison with local authorities, wherever necessary to maintain such discipline and order. The military police shall have the power of arrest over members of the Force.

13. A member of the military personnel or an official serving under one of the Parties to the present Agreement may not be arrested by the authorities of the other Party unless the competent authorities to whom he is responsible are unable to act with the necessary speed to apprehend him at the time when he commits, or attempts to commit, an offence which may result in serious harm to persons or property; however, a person apprehended in this way, as well as any object seized in connexion with the offence, must be delivered immediately to the nearest authority to whom the person in question is responsible. These provisions shall be without prejudice to the right possessed by the ONUC, under its authority to assist in preserving order, to take into custody other persons in order to deliver them to the authorities, whether Congolese or not, to whom they are responsible.

14. The United Nations and the Congolese authorities shall assist each other in the carrying out of all necessary investigations into offences which are of concern to either or both Parties, in the hearing of witnesses, and in the collection and production of evidence.

#### PRIVILEGES AND IMMUNITIES

15. The United Nations, its property and assets, and the property and assets in the Congo of the States participating in the United Nations Force shall be immune from every form of legal process, from search and requisition and from any other form of governmental interference. The documents of the United Nations and of the participating States shall be inviolable, wherever they may be.