



Ministero degli Affari Esteri

-Cerimoniale I-

Codice Mittente:

L. Falcow

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Mod. 6 U. C.

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=URGENTE=

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Roma, (data e numero di protocollo) 0217

Posizione :

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Oggetto: Procedimento penale contro Greco Michele ed altri: richiesta di testimonianza del Console degli Stati Uniti a Palermo, Signor Ralph T. Jones.

Riferimenti:

TELESPRESSO indirizzato a: TRIBUNALE DI PALERMO
-Ufficio Istruzione Processi Penali
(alla cortese attne Giudice Caponetto

A seguito dei contatti avuti per le vie brevi, si trasmette fotocopia della Nota Verbale, inviata a questo Ministero dall'Ambasciata degli Stati Uniti a Roma, relativa alla richiesta di testimonianza del Sig. Ralph T. Jones, Console degli Stati Uniti a Palermo.

G. Roberti

Alleg. 1

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No. 227

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Italian Republic and has the honor to refer the Ministry of Foreign Affairs to the enclosed Summons from the Tribunal of Palermo to the United States Consul General at Palermo. The Embassy regrets that it cannot permit the Consul General to testify in the proceedings referred to in the Summons, for the following reasons.

The service of the Summons on the Consul General is, in this case, ineffective. The Consular premises of the Government of the United States are inviolable to the extent provided in Article 31 of the Vienna Convention on Diplomatic Relations. This inviolability has long been construed as a bar to service of process on Consular officers and employees within the Consular premises. It appears that the Summons was transmitted by mail to the United States Consulate General in Palermo addressed to a United States Consular officer and, no consent having been given by the head of the Consular Post or his designee or by the head of the United States Embassy, such service contravenes the inviolability of the Consulate and is therefore invalid. Accordingly, the Summons is attached hereto.

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Even if the Summons was properly served, a Consular officer is under no obligation to give evidence concerning matters connected with the exercise of his functions, in accordance with Article 44(3) of the Vienna Convention. Further if a Consular officer declines to give evidence in a proceeding, no coercive measure or penalty may be applied to him, as recognized by Article 44(1) of the Vienna Convention.

As a matter of information for the Ministry of Foreign Affairs, the Embassy regrets that the Consular officer does not have any information relevant to the proceedings.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Italian Republic the assurance of its highest consideration.

Enclosure:
Summons from the
Tribunale di Palermo



Embassy of the United States of America

Rome, March 8, 1985