



**ROYAL MINISTRY
OF FOREIGN AFFAIRS**

Minister of Foreign Affairs

7 April 2006

Dear Secretary General,

Thank you for your letter of 7 March in which you availed yourself of your power of inquiry under Article 52 of the European Convention of Human Rights.

In response to your request I would like to provide the following clarification.

Representatives of foreign States are obliged to respect the laws and regulations applicable in Norway in the exercise of their functions. If there is any suspicion of unlawful activity, this is investigated by the police in line with standard practice. The provisions of the Penal Code, which also prohibit unlawful intelligence activities and espionage, are also applicable on board Norwegian vessels and aircraft. Any person who has contravened Norwegian law within its scope of application may thus be prosecuted in Norway.

This does not apply to persons with diplomatic status, who enjoy immunity from the criminal jurisdiction of the receiving State, cf. Article 31 of the Vienna Convention on Diplomatic Relations. According to Article 41 of the convention, all persons with diplomatic status have a duty to respect the laws and regulations of the receiving State. If such persons should engage in unlawful activities, they may be declared *persona non grata* in accordance with Article 9 of the convention.

The Norwegian Police Security Service is primarily a domestic security service designed to prevent and counteract any crime that might constitute a threat to national security.

The Minister of Justice has responsibility for the Norwegian Police

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Security Service's activity. The Office of the Public Prosecutor has the overall responsibility for matters related to investigation.

According to the instructions for the Police Security Service, the service shall cooperate with other countries' intelligence, surveillance and security services. The establishment of such cooperation and new agreements are to be approved by the Ministry of Justice in advance. It is also provided that the director of the Police Security Service is to report to the Ministry of Justice on all matters of any importance. In matters related to investigation, the Police Security Service is only required to inform the Ministry. It is a fundamental rule governing all Norwegian cooperation with foreign services, that the Norwegian police authorities always retain their jurisdiction over Norwegian territory.

Your second question relates to issues described in our response to your initial request of 21 November 2005. Let me emphasize that, to our knowledge, no public official of Norway has been involved in any manner – by action or omission – in the unacknowledged deprivation of liberty of any individual or transport of any individual so deprived of their liberty.

Furthermore, let me assure you that my government has completed its inquiry into the specific flights referred to in our first reply. We have no reason to believe that Norwegian territory has been used for the deprivation of liberty of any individual contrary to Norway's responsibility under the European Convention of Human Rights.

Yours sincerely,



Jonas Gahr Støre