

**International Law Commission****Sixty-sixth session**

Geneva, 4 May–5 June and 6 July–7 August 2015

Immunity of State officials from foreign criminal jurisdiction**Text of the draft articles provisionally adopted by the Drafting Committee at the sixty-seventh session****Draft article 2****Definitions**

For the purposes of the present draft articles:

...

(f) An “act performed in an official capacity” means any act performed by a State official in the exercise of State authority.

Draft article 6**Scope of immunity *ratione materiae***

1. State officials enjoy immunity *ratione materiae* only with respect to acts performed in an official capacity.
2. Immunity *ratione materiae* with respect to acts performed in an official capacity continues to subsist after the individuals concerned have ceased to be State officials.
3. Individuals who enjoyed immunity *ratione personae* in accordance with draft article 4, whose term of office has come to an end, continue to enjoy immunity with respect to acts performed in an official capacity during such term of office.

