

《國際組織 (特權及豁免權) (聯合國人員和有關人員) 令》
(第 558 章, 附屬法例 C)

International Organizations (Privileges and Immunities) (United Nations and Associated Personnel) Order
(Cap. 558 sub. leg. C)

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經核證文本
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尚未實施的條文 / 修訂 ——

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International Organizations (Privileges and Immunities)
(United Nations and Associated Personnel) Order

(第 558 章第 3 條)

(Cap. 558, section 3)

(略去制定語式條文——2020 年第 1 號編輯修訂紀錄)

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1. (已失時效而略去——2020 年第 1 號編輯修訂紀錄)

1. (Omitted as spent—E.R. 1 of 2020)

2. 釋義

2. Interpretation

在本命令中——

In this Order—

《公約》(Convention) 指在 1994 年 12 月 9 日訂於紐約的《聯合國人員和有關人員安全公約》；

associated personnel (有關人員) means—

有關人員 (associated personnel) 指進行活動以協助完成聯合國行動的任務的下列人員——

- (a) 由一國政府或政府間組織按同聯合國主管機關協議派遣進行該活動的人；
- (b) 由聯合國秘書長或專門機構或國際原子能機構聘用進行該活動的人；及
- (c) 由人道主義非政府組織或機構根據同聯合國秘書長或專門機構或國際原子能機構的協議部署進行該活動的人；

- (a) persons assigned by a government or an intergovernmental organization with the agreement of a competent organ of the United Nations;
- (b) persons engaged by the Secretary-General of the United Nations or by a specialized agency or by the International Atomic Energy Agency; and
- (c) persons deployed by a humanitarian non-governmental organization or agency under an agreement with the Secretary-General of the United Nations or with a specialized agency or with the International Atomic Energy Agency,

聯合國人員 (United Nations personnel) 指——

to carry out activities in support of the fulfilment of the mandate of a United Nations operation;

- (a) 由聯合國秘書長聘用或部署、擔任聯合國行動的軍事、警察或文職部門成員的人；及

- (b) 由聯合國或其專門機構或國際原子能機構派遣、在進行聯合國行動的地區具有正式身分的其他官員和專家；

聯合國行動 (United Nations operation) 指聯合國主管機關按照《聯合國憲章》設立、並在聯合國的權力和控制之下進行的行動，而——

- (a) 該行動是以維持或恢復國際和平與安全為目的；或
(b) 聯合國安全理事會或聯合國大會已為《公約》的目的，宣布參加行動人員的安全面臨特殊危險，

但不包括經聯合國安全理事會根據《聯合國憲章》第七章授權作為執行行動、有任何參與人員作為與有組織的武裝部隊作戰的戰鬥人員、並適用國際武裝衝突法的任何行動。

Convention (《公約》) means the Convention on the Safety of United Nations and Associated Personnel done at New York on 9 December 1994;

United Nations operation (聯合國行動) means an operation established by a competent organ of the United Nations in accordance with the Charter of the United Nations and conducted under the authority and control of the United Nations—

- (a) where the operation is for the purpose of maintaining or restoring international peace and security; or
(b) where the Security Council of the United Nations or the General Assembly of the United Nations has declared, for the purposes of the Convention, that there exists an exceptional risk to the safety of the personnel participating in the operation,

but does not include any operation which is authorized by the Security Council of the United Nations as an enforcement action under Chapter VII of the Charter of the United Nations, in which any of the personnel are engaged as combatants against organized armed forces and to which the law of international armed conflict applies;

United Nations personnel (聯合國人員) means—

- (a) persons engaged or deployed by the Secretary-General of the United Nations as members of the military, police or civilian components of a United Nations operation; and
(b) other officials and experts on mission of the United Nations or its specialized agencies or the International Atomic Energy Agency who are present in an official capacity in the area where a United Nations operation is being conducted.

3. **《公約》第 8 條在香港具有法律效力**
附表所列的《公約》第 8 條在香港具有法律效力。
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3. **Article 8 of Convention has force of law in Hong Kong**
Article 8 of the Convention, as set out in the Schedule, has the force of law in Hong Kong.
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附表

[第 3 條]

在香港具有法律效力的《公約》第 8 條

第 8 條

釋放或交還被捕或被扣的聯合國人員和有關人員的義務

除非在可適用的部隊地位協定中另有規定，如果聯合國人員和有關人員在履行職務時被捕或被扣，而其身分已被證實，不應對其進行訊問，而應立即將其釋放或交還給聯合國或其他有關當局。在釋放前，應遵照普遍公認的人權標準和 1949 年各項《日內瓦公約》的原則和精神對待這些人員。

Schedule

[s. 3]

Article 8 of Convention Having Force of Law in Hong Kong

Article 8

Duty to release or return United Nations and associated personnel captured or detained

Except as otherwise provided in an applicable status-of-forces agreement, if United Nations or associated personnel are captured or detained in the course of the performance of their duties and their identification has been established, they shall not be subjected to interrogation and they shall be promptly released and returned to United Nations or other appropriate authorities. Pending their release such personnel shall be treated in accordance with universally recognized standards of human rights and the principles and spirit of the Geneva Conventions of 1949.