

12 FAM 100 COURIER OPERATIONS

12 FAM 110 ORGANIZATION AND ADMINISTRATION

12 FAM 111 SCOPE AND AUTHORITY

12 FAM 111.1 Scope

(TL:DS-39; 8-15-94)

a. The Bureau of Diplomatic Security (DS) administers and manages the Diplomatic Courier Service (DS/CIS/DC). The following Department regulations conform to applicable U.S. Government regulations and international agreements.

b. These regulations and procedures apply to the Department's diplomatic courier operations, U.S. posts abroad, and U.S. missions to international organizations.

c. A/IM has sole responsibility for all regulations governing the contents, preparation, dispatch and receipt of diplomatic pouches. (See 5 FAM .) Where DS courier operations closely relate to these pouch operations, they are cross-referenced to 5 FAM or 5 FAH .

12 FAM 111.2 Authorities

(TL:DS-39; 8-15-94)

a. The Omnibus Diplomatic Security and Anti-Terrorism Act of 1986 (Pub. L. 99-399 codified at 22 U.S.C. 4804 (6)) provides the basis for the Department's regulations concerning courier operations.

b. The Vienna Convention on Diplomatic Relations (23 UST 3227, 5 UNTS 95, and TIAS 7502 entered into force with respect to the United States on December 13, 1972) sets forth law and practice on diplomatic rights and privileges. 12 FAM111 Exhibit 111.2 provides an excerpt from Article 27.

c. The Vienna Convention on Consular Relations entered into force with respect to the United States on December 24, 1969. (TIAS 6520; 21 UST 77.)

12 FAM 112 PROGRAM DIRECTION

(TL:DS-39; 8-15-94)

DS/CIS/DC plans, coordinates, and directs the worldwide courier program, including comprehensive training (see 1 FAM). It develops standards and procedures, including policy, for implementing the program, including:

- (1) Funding courier travel;
- (2) Providing appropriate transportation;
- (3) Determining courier routes, schedules, and mode/class of travel in accordance with Department policy and procedures (see 6 FAM);
- (4) Determining the frequency of classified pouch service;
- (5) Monitoring the use of nonprofessional couriers;
- (6) Monitoring the use of diplomatic security control officers; and
- (7) Providing liaison regarding courier communications with the Defense Courier Service (DCS) and with other federal agencies utilizing the Department's facilities.

12 FAM 113 PROGRAM IMPLEMENTATION

12 FAM 113.1 Department

(TL:DS-39; 8-15-94)

a. The Director for DS/CIS/DC arranges the secure and economical international transmission of pouches between the Department and diplomatic missions, and between missions. Except as required to accomplish that responsibility, DS/CIS/DC is not responsible for any transmissions of classified material between locations within the United States.

b. The Director for DS/CIS/DC manages the program through the three regional diplomatic courier divisions located in Washington, D.C., Frankfurt, and Bangkok (see 1 FAM). The Director assists in the assignment of couriers to ensure adequate staffing of the Diplomatic Courier Headquarters Office, the facility in Miami, the hub at Helsinki, and the regional divisions.

c. Generally, DS/CIS/DC provides courier service to a consular post only when the post is located along an established international courier route.

12 FAM 113.2 Post

(TL:DS-39; 8-15-94)

a. Posts are responsible for transporting and controlling classified material in-country. As necessary, principal officers authorize cleared U.S. citizen employees of their posts to act as nonprofessional couriers. They usually operate in-country but may cross international boundaries during emergencies and when DS/CIS/DC cannot provide the required service. (See 12 FAM 142.1 .)

b. Posts provide courier escort support in accordance with subchapter 12 FAM 150 .

c. Posts must obtain preclearance from the host government before any nonroutine shipments of controlled/ unclassified and/or classified material may be sent to post. When assurance of clearance into the country by the host government is obtained, the receiving post must notify the originator of the material by a telegram which includes confirmation of:

- (1) Host government clearance;
- (2) Post's acceptance of the material;
- (3) Transportation arrangements; and
- (4) Storage arrangements when shipments are large.

12 FAM 114 THROUGH 119 UNASSIGNED

12 FAM 111 Exhibit 111.2 THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS ARTICLE 27 (Excerpt)

Article 27 of the United Nations Conference on Diplomatic Intercourse and Immunities held in Vienna, Austria, in 1961 (the Vienna Convention on Diplomatic Relations) states:

1. The receiving State shall permit and protect free communication on the part of the mission for all official purposes. In communicating with the Government and the other missions and consulates of the sending State, wherever situated, the mission may employ all appropriate means, including diplomatic couriers and messages in code or cipher. However, the mission may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions.

3. The diplomatic bag shall not be opened or detained.

4. The packages constituting the diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use.

5. The diplomatic courier, who shall be provided with an official document indicating his status and the number of packages constituting the diplomatic bag, shall be protected by the receiving State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State or the mission may designate diplomatic couriers **ad hoc**. In such cases the provisions of paragraph 5 of this Article shall also apply, except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the diplomatic bag in his charge.

7. A diplomatic bag may be entrusted to the captain of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag but he shall not be considered to be a diplomatic courier. The mission may send one of its members to take possession of the diplomatic bag directly and freely from the captain of the aircraft.

