



WORLD HEALTH ORGANIZATION
ORGANISATION MONDIALE DE LA SANTÉ
WELTGESUNDHEITSORGANISATION
ВСЕМИРНАЯ ОРГАНИЗАЦИЯ ЗДРАВООХРАНЕНИЯ

REGIONAL OFFICE FOR EUROPE
BUREAU RÉGIONAL DE L'EUROPE
REGIONALBÜRO FÜR EUROPA
ЕВРОПЕЙСКОЕ РЕГИОНАЛЬНОЕ БЮРО

Head office:
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Website: <http://www.euro.who.int>

Our reference:	CSG/hfj	Your reference:
Notre référence:	Note	Votre référence:
Unser Zeichen:	Verbale	Ihr Zeichen:
См. наш номер:		На Ваш номер:

Ministry of Foreign Affairs and International
Cooperation
Piazzale della Farnesina, 1
Rome 00135
Italy

NOTE VERBALE

The World Health Organization presents its compliments to the Ministry of Foreign Affairs of the Italian Republic and has the honor to refer to communications from the Procura della Repubblica presso il Tribunale di Bergamo inviting Ms Cristina Da Rold, Dr Alvise Forcellini, Ms Leda Nemer, Dr Wim van Lergerghe, Dr Mirko Claus, Dr Pirous Fateh Moghadam, Dr Brigida Marta, Dr Jas Mantero and Mr Lorenzo Lionello to present themselves to the Sezione di Polizia Giudiziaria Guardia di Finanza on 5 or 6 November 2020. These experts have been performing missions for WHO in the context of the COVID-19 pandemic and we understand that they have been invited in their capacity as WHO experts.

At the outset, the Organization notes that it has not received, through proper official channels involving the Ministry of Foreign Affairs any notification for this appearance.

The Organization has the honour to draw the attention of the Ministry to the fact that the World Health Organization, its officials and experts on mission in the performance of their duties are immune from any form of legal process unless the Organization has expressly waived the immunity following a request made through the Ministry. This immunity from legal process arises by virtue of Sections 4 and 19 of the 1947 Convention on the Privileges and Immunities of the Specialized Agencies to which Italy acceded with respect to the Organization on 30 August 1985 and by virtue of Article 8 of the Memorandum of Agreement between the Government of Italy and the World Health Organization Regional Office for Europe concerning the WHO European Office for Investment for Health and Development signed on 23 November 2012 (attached) and ratified on 7 December 2015.

Therefore, the Organization respectfully requests that the Ministry take all necessary steps to ensure that the aforementioned immunity of the Organization and its officials is fully respected in the context of the aforementioned legal proceedings.

That being clarified, in view of its special status of an intergovernmental organization, WHO has a policy to normally not involve itself or its staff members in national litigation concerning third parties

on technical issues or issues related to WHO's work. This policy aims at protecting WHO's impartiality and objectivity as a public international organization. However, should the Procura deem it helpful to the proceedings WHO would be willing, on a voluntary basis and without prejudice to the immunities mentioned above, to consider technical questions provided in writing.

The World Health Organization avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Italian Republic the assurances of its highest consideration.

Copenhagen, 3 November 2020



Encls:

Convocations from the Procura della Repubblica presso il Tribunale di Bergamo received by WHO.
Memorandum of Agreement dated 23 November 2012

Copy for information to:

Mr Luigi Di Maio, Minister of Foreign Affairs and International Cooperation, Ministry of Foreign Affairs and International Cooperation, Piazzale della Farnesina, 1, Rome 00135, Italy

Mr Roberto Speranza, Minister of Health, Ministry of Health, Lungotevere Ripa, 1, Rome 00153, Italy

Dr Giuseppe Ruocco, Secretary General, Ministry of Health, Viale Giorgio Ribotta, 5, Rome 00144, Italy

Dr Alfredo D'Ari, Director General, Directorate General for European and International Relations, Ministry of Health Lungotevere Ripa, 1, Rome 00153, Italy

Dr Maria Grazia Pompa, Senior Medical Officer, Directorate General for Communication and European and International Relations, Ministry of Health, Lungotevere Ripa, 1, Rome 00153, Italy

H.E. Mr Gian Lorenzo Cornado, Ambassador, Permanent Mission of Italy to the United Nations Office and other international organizations in Geneva, 10, Chemin de l'Impératrice, Geneva 1292, Switzerland

H.E. Mr Luigi Ferrari, Ambassador Extraordinary and Plenipotentiary, Embassy of Italy, Gammel Vartov Vej 7, Hellerup 2900, Denmark

Dr Marcello Barlabà

Ms Christine Elisabeth Brown, Head of Office, WHO European Office for Investment for Health and Development Ospedale SS. Giovanni e Paolo, Corridoio S. Domenico, 1st fl., Castello 6777, Venice 30122