

SCIENCE
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Actual problems of social and humanitarian sciences
Актуальные проблемы социальных и гуманитарных наук

Ijtimoiy-gumanitar fanlarning dolzarb muammolari

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2025

SCIENCEPROBLEMS.UZ

**IJTIMOIIY-GUMANITAR FANLARNING
DOLZARB MUAMMOLARI**

№ 5/4 (5) – 2025

**АКТУАЛЬНЫЕ ПРОБЛЕМЫ СОЦИАЛЬНО-
ГУМАНИТАРНЫХ НАУК**

ACTUAL PROBLEMS OF HUMANITIES AND SOCIAL SCIENCES

TOSHKENT-2025

BOSH MUHARRIR:

Isanova Feruza Tulqinovna

TAHRIR HAY'ATI:

07.00.00- TARIX FANLARI:

Yuldashev Anvar Ergashevich – tarix fanlari doktori, siyosiy fanlar nomzodi, professor, O'zbekiston Respublikasi Prezidenti huzuridagi Davlat boshqaruvi akademiyasi;

Mavlanov Uktam Maxmasabirovich – tarix fanlari doktori, professor, O'zbekiston Respublikasi Prezidenti huzuridagi Davlat boshqaruvi akademiyasi;

Xazratkulov Abror – tarix fanlari doktori, dotsent, O'zbekiston davlat jahon tillari universiteti.

Tursunov Ravshan Normuratovich – tarix fanlari doktori, O'zbekiston Milliy Universiteti;

Xolikulov Axmadjon Boymahmatovich – tarix fanlari doktori, O'zbekiston Milliy Universiteti;

Gabrielyan Sofya Ivanovna – tarix fanlari doktori, dotsent, O'zbekiston Milliy Universiteti.

Saidov Sarvar Atabullo o'g'li – katta ilmiy xodim, Imom Termiziy xalqaro ilmiy-tadqiqot markazi, ilmiy tadqiqotlar bo'limi.

08.00.00- IQTISODIYOT FANLARI:

Karlibayeva Raya Xojabayevna – iqtisodiyot fanlari doktori, professor, Toshkent davlat iqtisodiyot universiteti;

Nasirxodjayeva Dilafruz Sabitxanovna – iqtisodiyot fanlari doktori, professor, Toshkent davlat iqtisodiyot universiteti;

Ostonokulov Azamat Abdukarimovich – iqtisodiyot fanlari doktori, professor, Toshkent moliya instituti;

Arabov Nurali Uralovich – iqtisodiyot fanlari doktori, professor, Samarqand davlat universiteti;

Xudoyqulov Sadirdin Karimovich – iqtisodiyot fanlari doktori, dotsent, Toshkent davlat iqtisodiyot universiteti;

Azizov Sherzod O'ktamovich – iqtisodiyot fanlari doktori, dotsent, O'zbekiston Respublikasi Bojxona instituti;

Xojayev Azizxon Saidaloxonovich – iqtisodiyot fanlari doktori, dotsent, Farg'ona politexnika instituti

Xolov Aktam Xatamovich – iqtisodiyot fanlari bo'yicha falsafa doktori (PhD), dotsent, O'zbekiston Respublikasi Prezidenti huzuridagi Davlat boshqaruvi akademiyasi;

Shadiyeva Dildora Xamidovna – iqtisodiyot fanlari bo'yicha falsafa doktori (PhD), dotsent v.b, Toshkent moliya instituti;

Shakarov Qulmat Ashirovich – iqtisodiyot fanlari

nomzodi, dotsent, Toshkent axborot texnologiyalari universiteti

09.00.00- FALSAFA FANLARI:

Hakimov Nazar Hakimovich – falsafa fanlari doktori, professor, Toshkent davlat iqtisodiyot universiteti;

Yaxshilikov Jo'raboy – falsafa fanlari doktori, professor, Samarqand davlat universiteti;

G'aybullayev Otabek Muhammadiyevich – falsafa fanlari doktori, professor, Samarqand davlat chet tillar instituti;

Saidova Kamola Uskanbayevna – falsafa fanlari doktori, "Tashkent International University of Education" xalqaro universiteti;

Hoshimxonov Mo'min – falsafa fanlari doktori, dotsent, Jizzax pedagogika instituti;

O'roqova Oysuluv Jamoliddinovna – falsafa fanlari doktori, dotsent, Andijon davlat tibbiyot instituti, Ijtimoiy-gumanitar fanlar kafedrasini mudiri;

Nosirxodjayeva Gulnora Abdukaxxarovna – falsafa fanlari nomzodi, dotsent, Toshkent davlat yuridik universiteti;

Turdiyev Bexruz Sobirovich – falsafa fanlari bo'yicha falsafa doktori (PhD), dotsent, Buxoro davlat universiteti.

10.00.00- FILOLOGIYA FANLARI:

Axmedov Oybek Saporbayevich – filologiya fanlari doktori, professor, O'zbekiston davlat jahon tillari universiteti;

Ko'chimov Shuxrat Norqizilovich – filologiya fanlari doktori, dotsent, Toshkent davlat yuridik universiteti;

Hasanov Shavkat Ahadovich – filologiya fanlari doktori, professor, Samarqand davlat universiteti;

Baxronova Dilrabo Keldiyorovna – filologiya fanlari doktori, professor, O'zbekiston davlat jahon tillari universiteti;

Mirsanov G'aybullo Qulmurodovich – filologiya fanlari doktori, professor, Samarqand davlat chet tillar instituti;

Salaxutdinova Musharraf Isamutdinovna – filologiya fanlari nomzodi, dotsent, Samarqand davlat universiteti;

Kuchkarov Raxman Urmanovich – filologiya fanlari nomzodi, dotsent v/b, Toshkent davlat yuridik universiteti;

Yunusov Mansur Abdullayevich – filologiya fanlari nomzodi, O'zbekiston Respublikasi Prezidenti huzuridagi Davlat boshqaruvi akademiyasi;

Saidov Ulugbek Aripovich – filologiya fanlari nomzodi, dotsent, O'zbekiston Respublikasi Prezidenti huzuridagi Davlat boshqaruvi akademiyasi.

12.00.00- YURIDIK FANLAR:

Axmedshayeva Mavlyuda Axatovna – yuridik fanlar doktori, professor, Toshkent davlat yuridik universiteti;

Muxitdinova Firyuza Abdurashidovna – yuridik fanlar doktori, professor, Toshkent davlat yuridik universiteti;

Esanova Zamira Normurotovna – yuridik fanlar doktori, professor, O'zbekiston Respublikasida xizmat ko'rsatgan yurist, Toshkent davlat yuridik universiteti;

Hamroqulov Bahodir Mamasharifovich – yuridik fanlar doktori, professor v.b., Jahon iqtisodiyoti va diplomatiya universiteti;

Zulfiqorov Sherzod Xurramovich – yuridik fanlar doktori, professor, O'zbekiston Respublikasi Jamoat xavfsizligi universiteti;

Xayitov Xushvaqt Saparbayevich – yuridik fanlar doktori, professor, O'zbekiston Respublikasi Prezidenti huzuridagi Davlat boshqaruvi akademiyasi;

Asadov Shavkat G'aybullayevich – yuridik fanlar doktori, dotsent, O'zbekiston Respublikasi Prezidenti huzuridagi Davlat boshqaruvi akademiyasi;

Ergashev Ikrom Abdurasulovich – yuridik fanlari doktori, professor, Toshkent davlat yuridik universiteti;

Utemuratov Maxmut Ajimuratovich – yuridik fanlar nomzodi, professor, Toshkent davlat yuridik universiteti;

Saydullayev Shaxzod Alixanovich – yuridik fanlar nomzodi, professor, Toshkent davlat yuridik universiteti;

Hakimov Komil Baxtiyarovich – yuridik fanlar doktori, dotsent, Toshkent davlat yuridik universiteti;

Yusupov Sardorbek Baxodirovich – yuridik fanlar doktori, dotsent, Toshkent davlat yuridik universiteti;

Amirov Zafar Aktamovich – yuridik fanlar doktori (PhD), O'zbekiston Respublikasi Sudyalari oliy kengashi huzuridagi Sudyalari oliy maktabi;

Jo'rayev Sherzod Yuldashevich – yuridik fanlar nomzodi, dotsent, Toshkent davlat yuridik universiteti;

Babadjanov Atabek Davronbekovich – yuridik fanlar nomzodi, dotsent, Toshkent davlat yuridik universiteti;

Normatov Bekzod Akrom o'g'li — yuridik fanlar bo'yicha falsafa doktori, Toshkent davlat yuridik universiteti;

Rahmatov Elyor Jumaboyevich — yuridik fanlar nomzodi, Toshkent davlat yuridik universiteti;

13.00.00- PEDAGOGIKA FANLARI:

Xashimova Dildarxon Urinboyevna – pedagogika fanlari doktori, professor, Toshkent davlat yuridik universiteti;

Ibragimova Gulnora Xavazmatovna – pedagogika fanlari doktori, professor, Toshkent davlat iqtisodiyot universiteti;

Zakirova Feruza Maxmudovna – pedagogika fanlari doktori, Toshkent axborot texnologiyalari universiteti huzuridagi pedagogik kadrlarni qayta tayyorlash va ularning malakasini oshirish tarmoq markazi;

Kayumova Nasiba Ashurovna – pedagogika fanlari doktori, professor, Qarshi davlat universiteti;

Taylanova Shoxida Zayniyevna – pedagogika fanlari doktori, dotsent;

Jumaniyozova Muhayyo Tojiyevna – pedagogika fanlari doktori, dotsent, O'zbekiston davlat jahon tillari universiteti;

Ibraximov Sanjar Urinbayevich – pedagogika fanlari doktori, Iqtisodiyot va pedagogika universiteti;

Javliyeva Shaxnoza Baxodirovna – pedagogika fanlari bo'yicha falsafa doktori (PhD), Samarqand davlat universiteti;

Bobomurotova Latofat Elmurodovna — pedagogika fanlari bo'yicha falsafa doktori (PhD), Samarqand davlat universiteti.

19.00.00- PSIXOLOGIYA FANLARI:

Karimova Vasila Mamanosirovna – psixologiya fanlari doktori, professor, Nizomiy nomidagi Toshkent davlat pedagogika universiteti;

Hayitov Oybek Eshboyevich – Jismoniy tarbiya va sport bo'yicha mutaxassislarni qayta tayyorlash va malakasini oshirish instituti, psixologiya fanlari doktori, professor

Umarova Navbahor Shokirovna– psixologiya fanlari doktori, dotsent, Nizomiy nomidagi Toshkent davlat pedagogika universiteti, Amaliy psixologiyasi kafedrasi mudiri;

Atabayeva Nargis Batirovna – psixologiya fanlari doktori, dotsent, Nizomiy nomidagi Toshkent davlat pedagogika universiteti;

Shamshetova Anjim Karamaddinovna – psixologiya fanlari doktori, dotsent, O'zbekiston davlat jahon tillari universiteti;

Qodirov Obid Safarovich – psixologiya fanlari doktori (PhD), Samarkand viloyat IIB Tibbiyot bo'limi psixologik xizmat boshlig'i.

22.00.00- SOTSILOGIYA FANLARI:

Latipova Nodira Muxtarjanovna – sotsiologiya fanlari doktori, professor, O'zbekiston milliy universiteti kafedra mudiri;

Seitov Azamat Po'latovich – sotsiologiya fanlari doktori, professor, O'zbekiston milliy universiteti;

Sodiqova Shohida Marxaboyevna – sotsiologiya fanlari doktori, professor, O'zbekiston xalqaro islom akademiyasi.

23.00.00- SIYOSIY FANLAR

Nazarov Nasriddin Ataqulovich –siyosiy fanlar doktori, falsafa fanlari doktori, professor, Toshkent arxitektura qurilish instituti;

Bo'tayev Usmonjon Xayrullayevich –siyosiy fanlar doktori, dotsent, O'zbekiston milliy universiteti kafedra mudiri.

OAK Ro'yxati

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Muassis: “SCIENCEPROBLEMS TEAM”
mas'uliyati cheklangan jamiyati

Tahririyat manzili:

100070. Toshkent shahri, Yakkasaroy tumani, Kichik Beshyog'och ko'chasi, 70/10-uy. Elektron manzil:

scienceproblems.uz@gmail.com

Bog'lanish uchun telefon:

(99) 602-09-84 (telegram).

07.00.00 – TARIX FANLARI

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Article / Original Paper

THE NOTION AND CODIFICATION OF THE LAW ON SPECIAL MISSIONS IN INTERNATIONAL LAW

Khudayberganova Nigina To'liq qizi,
LL.B., LL.M., PhD researcher at
University of World Economy and Diplomacy
E-mail: n.khudayberganova17@gmail.com

Abstract. This article explores the specificity of the notion of special missions and the codification of the law on special missions in modern international law. Special missions are temporary missions on behalf of the State, which are sent from one State to another State exclusively with the consent of the host State for certain period, to perform a specific task or to deal with specific questions in the name of representing State.

Keywords: special missions, New York Convention on Special missions 1969, codification of law, scope of special missions, Vienne Convention on Diplomatic relations 1961, Special Rapporteur, draft convention, Havana Convention on Diplomatic Officials 1928, Harvard Draft convention 1932, permanent and temporal missions.

QONUNNING TUSHUNCHASI VA KODIFIKASIYASI XALQARO HUQUQDAGI MAXSUS MISSIYALAR HAQIDA

Xudayberganova Nigina To'liq qizi,
LL.B., LL.M., PhD tadqiqotchisi
Jahon iqtisodiyoti va diplomatiya universiteti

Annotatsiya. Mazkur maqolada maxsus missiyalar tushunchasi va uning normalarining xalqaro huquqda kodifikatsiyalanishi ko'rib chiqiladi. Muallifning ta'rifiga ko'ra, maxsus missiyalar - bu bir davlatdan ikkinchi davlatga ma'lum bir vazifani bajarish yoki yuboruvchi davlat nomidan muayyan masalalarni hal qilish uchun ma'lum bir vaqt davomida qabul qiluvchi davlatning roziligi bilan yuboriladigan vaqtinchalik missiyalar.

Kalit so'zlar: maxsus missiyalar, 1969-yildagi Maxsus missiyalar to'g'risidagi Nyu-York konvensiyasi, kodifikatsiyalash, maxsus missiyalar doirasi, diplomatik munosabatlar to'g'risidagi 1961-yilgi Vena konvensiyasi, Maxsus ma'ruzachi, konvensiya loyihasi, Diplomatik amaldorlar to'g'risidagi 1928-yilgi Gavana konvensiyasi, 1932-yilgi Garvard konvensiyasi loyihasi, doimiy va vaqtinchalik vakolatxonalar.

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Special missions are integral components of modern international law. They are accepted as temporary missions for short-term appointment and negotiations [1]. This chapter explores the legal concept of special missions, discussing the notion of temporary missions, their types and implementation within the context of modern international law.

Special missions from their origin are the main actors in establishment of diplomatic relations. From the ancient time members of missions or the envoys have special immunities for acting full-fledged. Firstly, it is important to give legal concept of special missions to understand the significance of the latter in modern international relations. Secondly, increasing number of States sending and receiving special missions is becoming more and more widespread in international arena. In addition, the question of special missions was discussed

in the *Tabatabai* case before a series of German courts [2]. The Federal Supreme Court noted that the Convention had not yet come into force and that there were conflicting views as to the extent to which it reflected existing customary law [3].

The notion of special missions in the 1969 New York Convention is given as a temporary mission, representing the State, which is sent by one State to another State with the consent of the latter for the purpose of dealing with it on specific questions or of performing in relation to it a specific task [4]. It seen from the description that main element is temporariness, which means that special missions are temporal envoys with special purposes and functions. In other legal source the author descripts special missions as a temporary mission, representing a State, which is sent by one State to another with the consent of the latter, in order to carry out official engagements on behalf of the sending State [5]. As it is clear from abovementioned notions temporariness has a direct relation to the immunity of special missions while performing their functions. Other author descripts as a temporary mission, representing the State, which is sent by one State to another State with the consent of the latter for the purpose of dealing with it on specific questions or of performing in relation to it a specific task [6]. As it is obvious the last approach is making accent on specificity of functions of special missions within a certain period of time.

To sum up, special mission is a temporary mission on behalf of the State, which is sent from one State to another State exclusively with the consent of the host State for certain period of time, in order to perform a specific task or to deal with specific questions in the name of representing State.

Referring to the special missions, it is important to note the evolution of the law on special missions. One and the most important result of this evolution is New York Convention on special missions 1969, which has a specificity as temporal missions have immunity differing from other `official visitors` [5] who may enjoy wide range of immunities. Moreover, from the ancient times diplomacy is always carried out by permanent and temporal missions, which are defined as permanent diplomatic missions and special or *ad hoc* missions [7]. Furthermore, according to the Report of the United Nations Secretariat:

The custom of sending a special envoy on mission from one State to another, in order to mark the dignity or importance of a particular occasion, is probably the oldest of all means by which diplomatic relations may be conducted. It was only with the emergence of national States on a modern pattern that permanently accredited diplomatic missions, entrusted with a full range of powers, came to take the place of temporary ambassadors sent specially from one sovereign to another. However, although the legal rules which were evolved to determine diplomatic relations between States were therefore based largely on the conduct of permanent missions, so that special missions came to seem merely a particular variant of the other, the sending of special missions was never discontinued. During the eighteenth and nineteenth centuries such missions were frequently dispatched in order to provide suitable State representation at major ceremonial occasions, such as coronations or royal weddings, or for the purposes of important political negotiations, particularly those held at international congresses [8]. The present century, in particular since 1945, has seen a marked increase in the number and importance of special missions due to a combination of factors, the most significant of which would appear to be the availability of rapid transport by air; the enlargement of the scope of diplomatic activities to include subjects requiring special technical knowledge; and, on

some occasions, a return to the conduct of diplomatic negotiations on major issues through confidential envoys sent directly between heads of States [9].

To put it in another way, the significance of special missions is determined by the fact that states have from ancient times used the services of special missions when establishing diplomatic relations. Secondly, despite the fact that countries in most cases use the services of permanent missions after establishing diplomatic relations, the sending of special missions on specific issues between countries has never ceased.

The aforementioned paragraph shows, New York Convention on special missions 1969 is the key element in codification of the law on special missions. On the other hand, there are several predecessors before the latter convention was adopted. The Preamble of the Convention on special missions 1969 starts by enhancing the three main international documents:

- Charter of United Nations 1945;
- Vienna Convention on Diplomatic Relations 1961;
- Vienna Convention on Consular Relations 1963.

These three documents were conducted as the most essential ones before the 1969 New York Convention was adopted. In addition to them, there is Havana Convention on Diplomatic Officers, which was adopted in 1928 and entered into force in 1929 [10]. Article 2 of the Convention states that diplomatic officers are classed as *ordinary and extraordinary* [10]. Those who permanently represent the Government of one State before that of another are ordinary. Those entrusted with a special mission or those who are accredited to represent the Government in international conferences and congresses or other international bodies are extraordinary. Furthermore, there is a specific element in Article 5 of the given Convention, which states that every State may entrust its representation before one or more governments to a single diplomatic officer. Several States may entrust their representation before another to a single diplomatic officer. This means that a single person or diplomatic officer can represent the State as a 'mission'. This regional document is the first norm stating that a single person can be sent from one State as a mission to another.

In other words, this convention equated the status of "extraordinary diplomatic officials" with the status of a permanent, resident diplomatic agent. Furthermore, special missions are defined as envoys which are usually represent the State in international conferences and congresses.

The next predecessor is Harvard Draft Convention 1932 [11], which gives definition of term mission as 'a person or group of persons publicly sent by one State to another State to perform diplomatic functions' [11]. The definition is given as follows:

'...the term 'mission' is used to denote the diplomatic group whatever be the permanency of its tenure or its official rank (embassy, legation, special mission) ... The term is broad enough to include special missions of a political or ceremonial character which are accredited to the government of the receiving state. Members of special missions probably enjoy the same privileges and immunities as do those of permanent mission' [11].

To summarize, the meaning of the term 'mission' is stated as wider one than permanent and special missions. In addition, the Convention says that temporal missions enjoy the same privileges and immunities as permanent missions.

One more document, discussing special missions is the Convention on the privileges and immunities of the united missions. In this document special missions are declared as temporal missions referring to their immunities and privileges while exercising their functions in Article IV stating that the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions [12]. This is one more proof that the legal status of special missions and the range of privileges and immunities are to equate to permanent missions.

Returning to the 1969 New York Convention on special missions, the preparation part to the adoption of the document should be discussed. In the report of International Law Commission, the Special Rapporteur was requested to prepare a draft document on *ad hoc diplomacy* [13], stating that diplomatic relations between States also assume other forms that might be placed under the heading of "ad hoc diplomacy", covering itinerant envoys, diplomatic conferences and special missions sent to a State for limited purposes [13].

The given statement means that for the establishment and further improvement of diplomatic relations between countries, the role of not only permanent missions but also temporary envoys on special assignments is important.

In 1960 the Special Rapporteur A. E. F. Sandstrom gave a report on *ad hoc diplomacy*. First Chapter of the Report was dedicated to special missions and their privileges and immunities. In the Report Special Rapporteur characterized a special mission as performing temporarily an act which ordinarily is taken care of by the permanent mission and he raises the questions of whether, and to what extent, the rules concerning diplomatic intercourse and immunities ought to apply in respect of the special mission [14]. Moreover, the Rapporteur considered General provisions of the 1958 (Draft), examining the concept and privileges and immunities of special missions; secondly, reviewed the notion of itinerant envoys and decided that the itinerant envoy's mission seems to be a special mission, and, seen as a whole, it can also be said to be a sequence of special missions to different countries [14]; thirdly, gave the definitions of congresses and conferences. According to the Report three articles were given as draft:

Article 1. Definitions:

The expression "special mission" means an official mission of State representatives sent by one State to another in order to carry out a special task.

The expression "1958 draft" denotes the Draft Articles on Diplomatic Intercourse and Immunities prepared by the International Law Commission in 1958.

Article 2

Applicability of section 1 of the 1958 draft of the provisions of section 1 of the 1958 draft, only articles 8, 9 and 18 apply to special missions.

Article 3

Applicability of sections II, III and IV of the 1958 draft [14].

Furthermore, in the Yearbook of the International Law Commission Volume II (1963) there is a working paper prepared by the secretariat, which is dedicated to Special missions [15]; 36 draft articles and 16 initial articles of the Convention were given in the Report on Special Missions by Mr. Milan Bartos, Special Rapporteur in the sixteenth commissions of General Assembly 1964 [16]; draft Convention consisted of 50 draft articles was viewed by the Committee on the nineteenth session of the General assembly in 1967 [17]. Finally, the draft

articles were considered in 1968 and 1969 by the Committee of General Assembly of United Nations. The Convention entered into force in June 1985. As of March 2025, the Convention has 40 parties. The Convention provides that officials from a state on special missions are entitled to immunity to the extent required by the performance of the person's official duties [18]. It is important to mention that Uzbekistan is not a party to this Convention.

According to last paragraph, the New York Convention on special missions 1969 played a crucial role in concept formation of special missions. In addition, it is important to mention the evolution of law on special missions, which lead to adoption of the latter Convention: Havana Convention on Diplomatic Officers 1928, Harvard Draft Convention 1932 were the fundamental part in formation of the study in permanent and temporal missions (the latter two are regional conventions). Convention on the privileges and immunities of the United Nations 1946 and Vienne Convention on Diplomatic Relations 1961 considered on the basic statements and rules on missions and their immunities and privileges (for example, immunity from legal process, inviolability of premises and archives, the status of envoys). If we analyze the evolution of the term 'special missions' within the adoption of these conventions, we can see that most questions arose about the scope of the notion of special missions. For instance, as it was mentioned before the regional document, Havana Convention on Diplomatic Officers 1928 classed permanent and temporal missions as 'ordinary' and extraordinary', stressing on temporal as missions for performing in international conferences and congresses. In addition, this convention is first international document stating that a single person can represent the State in international arena as a mission.

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Tahririyat manzili:

100070. Toshkent shahri, Yakkasaroy tumani, Kichik Beshyog'och ko'chasi, 70/10-uy. Elektron manzil:

scienceproblems.uz@gmail.com

Bog'lanish uchun telefon:

(99) 602-09-84 (telegram).