



STATUTORY INSTRUMENTS.

S.I. No. 552 of 2018



INTERNATIONAL COMMITTEE OF THE RED CROSS (PRIVILEGES
AND IMMUNITIES) ORDER 2018

INTERNATIONAL COMMITTEE OF THE RED CROSS (PRIVILEGES
AND IMMUNITIES) ORDER 2018

WHEREAS it is enacted by section 42A (amended by section 6 of the Diplomatic Relations (Miscellaneous Provisions) Act 2017 (No. 33 of 2017)) of the Diplomatic Relations and Immunities Act 1967 (No. 8 of 1967) that the Government may by order make provision to enable —

- (a) international organisations, communities or bodies, their institutions or organs and their property, and
- (b) persons,

to have and enjoy in the State any inviolability, exemptions, facilities, immunities, privileges or rights equivalent or having like effect to those conferred upon, or afforded in relation to, sending states, missions or international organisations under the Vienna Convention, the Convention on the Privileges and Immunities of the United Nations, or the Convention on the Privileges and Immunities of the Specialised Agencies or any other international agreement scheduled to the Diplomatic Relations and Immunities Act 1967 provided for in relation to them by an international agreement or arrangement to which the State or the Government is or intends to become a party;

AND WHEREAS the International Committee of the Red Cross is such an international organisation, community or body and the Arrangement between the Government of Ireland and the International Committee of the Red Cross on the Status and Privileges and Immunities of the International Committee of the Red Cross in Ireland signed at Dublin on 27 November 2017 is such an arrangement;

NOW, the Government, in exercise of the powers conferred on them by the said section 42A, hereby order as follows:

1. This Order may be cited as the International Committee of the Red Cross (Privileges and Immunities) Order 2018.
2. The Arrangement between the Government of Ireland and the International Committee of the Red Cross on the Status and Privileges and Immunities of the International Committee of the Red Cross in Ireland, the text of which is for convenience of reference set out in the Schedule, shall apply for the purposes of section 42A.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 25th December, 2018.*

SCHEDULE

Arrangement between the Government of Ireland and the International Committee of the Red Cross on the Status and Privileges and Immunities of the International Committee of the Red Cross in Ireland

The Government of Ireland

and

The International Committee of the Red Cross

(hereinafter 'the ICRC'),

Considering the work done by the ICRC in providing without discrimination protection and assistance with a view to relieving human suffering;

Bearing in mind the wish expressed both by Ireland and the ICRC to work together with a view to facilitating the implementation of the mandate entrusted to the ICRC under the 1949 Geneva Conventions and their Additional Protocols of 1977 (to which Ireland is a High Contracting Party), the Statutes of the International Red Cross and Red Crescent Movement, and the Resolutions of the International Conferences of the Red Cross and Red Crescent;

Recalling that in order to implement its humanitarian mandate, the ICRC carries out its activities in full conformity with its fundamental principles of humanity, neutrality, impartiality and independence and its standard working modalities, in particular confidentiality;

Have reached the following understandings:

PARAGRAPH 1

STATUS AND LEGAL PERSONALITY OF THE ICRC

The Government of Ireland will treat the ICRC as an international organisation, community or body for the purposes of Irish law and the ICRC will be recognised as a body corporate, with the capacity, *inter alia*, to contract obligations, to institute legal proceedings and to acquire and dispose of movable and immovable property.

PARAGRAPH 2

IMMUNITY OF THE ICRC, ITS PROPERTY AND ASSETS

The ICRC, its property and assets, wherever located and by whomsoever held, will enjoy immunity from every form of legal process, except:

- (i) in so far as in any particular case the ICRC has expressly waived its immunity; and

- (ii) in respect of civil proceedings brought against the ICRC for injury or damage caused to third parties by acts attributable to the ICRC or relating to a contract entered into by the ICRC for the supply of goods or services.

PARAGRAPH 3

INVIOABILITY OF ICRC PROPERTY AND ASSETS

The property and assets of the ICRC, wherever located and by whomsoever held, will be immune from search, requisition, confiscation, expropriation or any other form of interference, whether by executive, judicial, administrative or legislative action.

PARAGRAPH 4

INVIOABILITY OF ICRC DOCUMENTS AND DATA

All documents and data (including electronic documents or data) belonging to the ICRC, or held by it, will be inviolable wherever located.

PARAGRAPH 5

CONFIDENTIALITY OF ICRC COMMUNICATIONS TO THE GOVERNMENT

The Government of Ireland undertakes to respect the confidentiality of all ICRC reports, letters and other communications, conveyed or transmitted in confidence, as well as the content and records of its own communications with the ICRC relating to any such confidential communications. Such respect includes neither divulging the content of such communications to a third party, nor permitting their disclosure or use in judicial proceedings, without prior written consent of the ICRC.

PARAGRAPH 6

EXEMPTION FROM TAXES

The ICRC will be exempt from all indirect taxes (including value-added taxes) on the purchase of goods and services of significant value intended for official use in Ireland. Ireland will make appropriate arrangements for the exemption, remission or reimbursement of such taxes.

PARAGRAPH 7

EXEMPTION FROM CUSTOMS DUTIES

The ICRC will be exempt from customs duties, import duties and charges having equivalent effect and from all taxes and restrictions on the import of all goods and materials (including ICRC publications and audio-visual materials) intended for official use in Ireland.

PARAGRAPH 8

ICRC REPRESENTATIVES

ICRC representatives will enjoy:

- (a) immunity from personal arrest or detention and from seizure of their personal baggage, as well as immunity from legal process of every kind, even after they have left the service of the ICRC, in respect of words spoken or written and all acts done by them in their capacity as representatives; and
- (b) inviolability for all papers and documents in their possession.

PARAGRAPH 9

IDENTITY DOCUMENT AND COMMISSION

1. ICRC representatives will hold a document called 'Identity document and commission', attesting to the bearer's identity and to his/her status as an ICRC representative.
2. The possession of such a document however will not remove the requirement for all ICRC representatives to hold passports issued by the relevant authorities of their states of nationality and to hold valid visas for Ireland where required.

PARAGRAPH 10

CO-OPERATION WITH THE HOST COUNTRY

1. The ICRC will co-operate with the Government of Ireland at all times with a view to preventing any form of abuse of the privileges, immunities and facilities provided for in this Arrangement.

2. The ICRC may waive any immunity, in any case where, in its sole opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the ICRC. Such waiver will only be valid when given in writing by the President of the ICRC or any person or organ to whom he or she has delegated that authority.

PARAGRAPH 11

INTERPRETATION

The present Arrangement will be interpreted in the light of its primary objectives, which are to enable the ICRC to assume its responsibilities, to carry out its activities and to implement its programmes, in full conformity with its internationally recognized mandate and its fundamental principles of humanity, neutrality, impartiality and independence.

PARAGRAPH 12

SETTLEMENT OF DISPUTES BY NEGOTIATION

1. Any dispute between the Participants arising out of the interpretation or application of the present Arrangement will be submitted to negotiation between the Participants.

2. The Participants will bear in mind the national interests of Ireland and the interests of the ICRC related to its activities, mandate and mission. They will do everything possible to see that disputes are settled in good faith and equitably, and with the discretion essential to continued good relations between the Participants.

PARAGRAPH 13

AMENDMENTS TO THE PRESENT ARRANGEMENT

The provisions of the present Arrangement may be amended at any time by written agreement of the Participants.

PARAGRAPH 14

COMMENCEMENT

The present Arrangement will come into effect on the date on which the Government of Ireland notifies the ICRC that its internal procedures giving effect to this Arrangement have been completed.

PARAGRAPH 15

TERMINATION

The Government of Ireland or the ICRC may terminate the present Arrangement by notifying in writing the other Participant with a minimum of six months' notice. After this period, the present Arrangement will cease to have effect.

Signed this 27th day of November 2017 at Dublin in two originals in English.

For the Government of Ireland

For the International Committee of
the Red Cross

N. Burgess

Y. Daccord



Given under the Official Seal of the Government,
11 December 2018.

LEO VARADKAR,
Taoiseach.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€3.05



Wt. (B33842). 285. 12/18. Essentra. Gr 30-15.