



STATUTORY INSTRUMENTS.

S.I. No. 151 of 2018



ICPO-INTERPOL REGIONAL CONFERENCE (PRIVILEGES AND
IMMUNITIES) ORDER 2018

ICPO-INTERPOL REGIONAL CONFERENCE (PRIVILEGES AND IMMUNITIES) ORDER 2018

WHEREAS it is enacted by section 40(1) (amended by section 5 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 designate an international organisation, community or body of which the State or the Government is or intends to become a member to be an organisation to which Part VIII of that Act applies and may, by the order, make provision for the purposes of section 42 of that Act, as respects inviolability, exemptions, facilities, immunities, privileges and 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 that Act, in relation to the organisation;

AND WHEREAS the International Criminal Police Organization — INTERPOL (ICPO-INTERPOL) is such an international organisation, community or body;

NOW, the Government, in exercise of the powers conferred on them by the said section 40(1), hereby order as follows:

1. This Order may be cited as the ICPO-INTERPOL Regional Conference (Privileges and Immunities) Order 2018.

2. The International Criminal Police Organization-INTERPOL (ICPO-INTERPOL) is designated as an organisation to which Part VIII of the Diplomatic Relations and Immunities Act 1967 (No. 8 of 1967) applies.

3. In this Order—

“ICPO-INTERPOL” means the International Criminal Police Organization — INTERPOL;

“Regional Conference” means a regional conference held in the State by the ICPO-INTERPOL in accordance with Article 11 of the Constitution of the ICPO-INTERPOL adopted by the ICPO-INTERPOL General Assembly at its 25th session (Vienna 1956), and Article 35 of the General Regulations of the ICPO-INTERPOL adopted by the ICPO-INTERPOL General Assembly at its 25th session (Vienna 1956) and amended by the ICPO-INTERPOL General Assembly at its 66th session (New Delhi 1997);

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 11th May, 2018.

“representatives” means all delegates, deputy delegates, advisers, technical experts and secretaries of delegations attending the Regional Conferences;

“Vienna Convention on Diplomatic Relations” means the Vienna Convention on Diplomatic Relations done at Vienna on the 18th day of April, 1961.

4. The ICPO-INTERPOL, and persons to whom Articles 7 and 13 refer, shall have within the State the privileges and immunities set out in this Order for the period from the date which is one month before the first day of a Regional Conference or the date on which this Order is made if that date is less than one month before the first day of the Regional Conference until the date which is one week after the conclusion of the Regional Conference.

5. This Order shall apply to the ICPO-INTERPOL for the purposes of section 42 of the Diplomatic Relations and Immunities Act 1967.

6. (1) The ICPO-INTERPOL shall enjoy immunity from legal process and from execution of legal process in civil, administrative, and criminal matters, except insofar as in any particular case it has expressly waived its immunity.

(2) The ICPO-INTERPOL may expressly waive its immunity from legal process and execution of legal process.

(3) The ICPO-INTERPOL may expressly waive the immunities conferred by this Order on persons to whom Articles 7(b) to (g) and 13 refer.

(4) An ICPO-INTERPOL Member Country may expressly waive the immunities conferred by this Order on persons referred to in Article 7(a).

7. The following shall be allowed to enter and leave the State for the purposes of performing their functions in connection with a Regional Conference:

- (a) representatives of ICPO-INTERPOL Member Countries attending the Regional Conference;
- (b) members of the Executive Committee of the ICPO-INTERPOL;
- (c) the ICPO-INTERPOL Secretary General and members of the ICPO-INTERPOL General Secretariat staff;
- (d) members of the Commission for the Control of INTERPOL's Files and the persons carrying out official duties on its behalf;
- (e) interpreters and minute writers hired by the ICPO-INTERPOL General Secretariat;
- (f) ICPO-INTERPOL's Advisers;
- (g) experts serving on committees of or performing missions for ICPO-INTERPOL who have been invited to attend the Regional Conference;

(*h*) spouses of persons referred to in paragraph (*a*);

(*i*) spouses and minor children of persons referred to in paragraph (*b*); (*c*); (*d*); or (*f*) above.

8. (1) All documents belonging to the ICPO-INTERPOL or held by it in whatever form and, inter alia, its archives and accounts, shall be inviolable wherever they are located.

(2) No censorship shall be applied to the official correspondence and other official communications sent and received by the ICPO-INTERPOL.

(3) The ICPO-INTERPOL shall have the right to use codes.

9. The ICPO-INTERPOL may, without being subject to any financial controls, regulations or moratoria—

(*a*) receive and hold funds and foreign exchange of all kinds, and operate accounts in all currencies in the State;

(*b*) freely transfer its funds and foreign exchange within the State, from its headquarters in Lyon, France to the State and from the State to its headquarters in Lyon, France.

10. The following shall be exempt from payment of import duties and taxes:

(*a*) administrative, technical and scientific material provided by the ICPO-INTERPOL for the Regional Conference;

(*b*) publications of the ICPO-INTERPOL and other official documents required for ICPO-INTERPOL's work during the Regional Conference;

(*c*) gifts presented by or to the Secretary General and officials of the ICPO-INTERPOL during the Regional Conference.

11. (1) In respect of persons to whom Article 7 (*a*) or (*g*) refers, such persons shall, subject to any waiver of immunity—

(*a*) be immune from arrest, detention and seizure of personal baggage except if caught in the act of committing an offence;

(*b*) be immune from legal process, even after the Regional Conference, in respect of words spoken or written and all acts done in the performance of their duties in connection with the Regional Conference;

(*c*) enjoy inviolability of all official papers and documents;

(*d*) enjoy the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions.

(2) Notwithstanding Article 4, in order to secure for the persons to whom Article 7 (a) or (g) refers complete freedom of speech and complete independence in the performance of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in the performance of their duties in connection with the Regional Conference shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the performance of such duties.

12. (1) In respect of persons to whom Article 7 (b), (c), (d), (e), or (f) refers, such persons shall, subject to any waiver of immunity—

(a) be immune from legal process, even after the Regional Conference, in respect of words spoken or written and all acts done in the performance of their duties in connection with the Regional Conference;

(b) enjoy inviolability of all official papers and documents;

(c) enjoy the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions.

(2) Notwithstanding Article 4, in order to secure for the persons to whom Article 7 (b), (c), (d), (e) or (f) refers complete freedom of speech and complete independence in the performance of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in the performance of their duties in connection with the Regional Conference shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the performance of such duties.

13. In addition to the privileges and immunities specified above, the ICPO-INTERPOL Secretary General and the members of the ICPO-INTERPOL Executive Committee, who are not Irish citizens or permanently resident in the State, shall have and enjoy in the State, and their spouses and minor children accompanying them, who are not Irish citizens or permanently resident in the State, privileges, immunities, and facilities equivalent to those accorded to diplomatic agents in the State in accordance with the Vienna Convention on Diplomatic Relations.

14. Privileges and immunities conferred by this Order on persons to whom Article 7(a) refers shall not be applicable to Irish citizens or persons permanently resident in the State.



GIVEN under the Official Seal, of the Government,
1 May 2018.

LEO VARADKAR,
Taoiseach.

EXPLANATORY NOTE

(This Note is not part of the Instrument and does not purport to be a legal interpretation).

Pursuant to the Diplomatic Relations and Immunities Acts 1967-2017 this order provides that privileges and immunities are afforded to the International Criminal Police Organisation — INTERPOL in the context of Regional Conferences held by that Organisation in the State.

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.

€2.54

