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**PART I : SECTION (I) — GENERAL**

**Government Notifications**

**MINISTRY OF FOREIGN AFFAIRS - SRILANKA**

**THE DIPLOMATIC PRIVILEGES ACT No. 9 OF 1996**

**Order under Section 4**

By virtue of the powers vest in me by Section 4 of the Diplomatic Privileges Act No. 9 of 1996., I Lakshman Kadirgamar, (PC) Minister of Foreign Affairs do, by this Order, declare that the provisions of the aforesaid Act shall apply in respect of the international Federation of Red Cross and Red Crescent Societies to the extent necessary to give effect to the terms of the Agreement concerning the Legal Status of the International Federation in the Democratic Socialist Republic of Sri Lanka, entered into with the Government of the Democratic Socialist Republic of Sri Lanka, on 8 July, 2004 the relevant Articles of which Agreement are recited in the Schedule hereto.

LAKSHMAN KADIRAGAMAR, P.C., M.P.  
Minister of Foreign Affairs.

Colombo  
6th September 2004.

**SCHEDULE**

**TITLE II - PROVISIONS CONCERNING THE STATUS OF THE  
INTERNATIONAL FEDERATION**

*Article 7*

**Legal personality of the Federation**

1. The Government recognizes the international legal personality of the International Federation, the mandate of which is laid down in the Statutes of the International Red Cross and Red Crescent Movement, adopted by the XXVth International Conference of the Red Cross (Geneva 1986).

2. In order to exercise its functions and to fulfill its purposes, the International Federation shall possess, on the Territory, legal personality with the full capacity to contract, to acquire and dispose of immovable and movable property and to institute legal proceedings.

3. The International Federation will, on the Territory, enjoy the immunities, privileges, facilities and exemptions similar to those of inter-governmental organizations, as laid down in the Agreement.

*Article 8*

**Freedom of action and field of operation of the Federation**

1. The International Federation shall be free to carry out, on the Territory, such activities as may be necessary for the exercise of its humanitarian mission, in conformity with its own constitution and with the Fundamental Principles of the International Red Cross and Red Crescent Movement.

2. On the Territory, the International Federation shall act through or in agreement with the National Society and in conformity with the laws of Sri Lanka.

3. The International Federation, its officials and office bearers shall be entitled to make use at all times of the emblem of the Red Cross and the Red Crescent.

*Article 11*

**Tax exemptions**

1. The International Federation, its assets, premises, income and other property shall be :

- (a) exempt from all direct taxes, except for taxes which are, in fact, no more than charges for public utility services.
- (b) exempt from customs, harbour and landing duties, as well as prohibitions and restrictions on imports and exports in respect of articles imported or exported by the International Federation for its official use, for relief operations and development co-operations and in respect of its publications.

2. The Government shall make appropriate administrative arrangements for the remission or return of the amount of excise duties or taxes on the sale of movable and immovable property which form part of the price to be paid (such as Value Added Tax), when the International Federation is making important purchase for official use of property or relief supplies on which such duties and taxes have been charged or are chargeable.

3. the exemptions on customs duties, taxes and duties granted to the International Federation Delegation shall be, subject to the provisions of the applicable laws, rules and regulations of Sri Lanka. It is understood, however, that articles imported under such exemptions will not be sold within Sri Lanka except under conditions agreed upon with the Government of Sri Lanka.

*Article - 12*

**Freedom of communication**

1. The International Federation shall enjoy for its official communications treatment not less favourable than that accorded by the Government to any diplomatic mission in the matter of priorities. Rates and taxes on mails, cables, telegrams, telefax, telephone and other communications and press rates for information to the press in accordance with national telecommunication legislation.

2. No censorship shall be applied to the official correspondence and other official communications of the International Federation.

3. The International Federation shall enjoy treatment not less favourable than that accorded to any foreign mission in respect of access to the national and international print and broadcast media.

4. The International Federation shall have the right to dispatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags. The bags shall be properly marked with the emblem of the Red Cross and Red Crescent accompanied by the name of the International Federation.

*Article - 13*

**Status of officers and office bearers of the International Federation**

1. Regardless of their nationality, officers and office bearers of the International Federation, holding the International Federation identity card accompanied by a certificate that they are traveling on the business of the International Federation

shall enjoy, while exercising their functions and during their mission on the Territory:

- (a) personal inviolability ;
- (b) immunity from legal process in respect of all acts performed by them in their official capacity (including words spoken or written), even after the end of their mission: this immunity from jurisdiction will include the exemption to testify on facts that they might have learned due to the exercise of their functions ;
- (c) exemption from taxation in respect of the salaries and emoluments paid to them by the International Federation ;
- (d) immunity from immigration restrictions and alien registration ; the Government will provide them free of charge and as quickly as possible the appropriate visas, necessary certificates and any other documents ;
- (e) the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions ;
- (f) the same repatriation facilities in time of national or international crisis as officials of comparable rank of diplomatic missions ;
- (g) freedom of movement and travel ;
- (h) exemption from national service obligations.

2. These immunities facilities exemptions and privileges are accorded not for the personal benefit of the individuals themselves. But in order to safeguard the effective exercise of their humanitarian mission in strict compliance with the Fundamental Principles of the International Red Cross and Red Crescent Movement. Therefore the Secretary General (or any official acting on his/ her behalf during his/ her absence from duty) shall have the right and the duty to waive the immunity of any person concerned by the paragraph 1 of the present Article in any case where, in the opinion of the Secretary General, the immunity would impede the course of justice and can be waived without prejudice to the interests of the International Federation.

3. In addition to the status specified in paragraph 1 of of the present article, the President and the Secretary General of the International Federation, shall be accorded in respect to themselves, their spouse and minor children, the immunities, facilities, exemptions and privileges accorded to diplomatic personnel.

#### **Article 14**

##### **Inviolability of premises, assets and archives**

1. The International Federation, its property and assets, including its vehicles, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process (including search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action) except insofar as in any particular case the Secretary General has expressly waived this immunity.

2. The premises and archives of the Federation, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

#### **Article 17**

##### **Status of the members of the Delegation**

1. The Head of Delegation and the Delegates shall enjoy, regardless of their nationality :

- (a) personal inviolability :
- (b) immunity from legal process in respect of all acts performed by them in their official capacity (including words spoken or written), even after the end of their mission ; this immunity from jurisdiction will include the exemption to testify on facts that they might have learned due to the exercise of their functions ;
- (c) exemption from taxation in respect of the salaries and emoluments paid to them by the International Federation :

- (d) immunity, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration : the Government will provide them free of charge and as quickly as possible the appropriate documents including, visas and necessary certificates :
- (e) the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions :
- (f) together with their spouse and relatives dependent on them, the same repatriation facilities in time of national or international crisis as officials comparable rank of diplomatic missions :
- (g) freedom of movement and travel :
- (h) the right to import free of duty their furniture and effects at the time of first taking up their post in the country :
- (i) exemption from national service obligations.

2. The locally employed staff shall enjoy, during the exercise of their functions :

- (a) immunity from legal process in respect of all acts performed by them in their official capacity (including words spoken or written), even after the end of their mission : this immunity from jurisdiction will include the exemption to testify on facts that they might have learned due to the exercise of their functions :
- (b) exemption from taxation in respect of the salaries and emoluments paid to them by the International Federation :
- (c) freedom of movement and travel, when assume their official functions.

3. These immunities, facilities exemptions and privileges are accorded not for the personal benefit of the individuals themselves, but in order to safeguard the effective exercise of their humanitarian mission in strict compliance with the Fundamental Principles of the International Red Cross and Red Crescent Movement Therefore the Secretary General or any Official acting on his/her behalf during his/her absence from duty, shall have the right and the duty to waive the immunity of any member of the Delegation in any case where, in the opinion of the Secretary, General the immunity would impede the course of justice and can be waived without prejudice to the interests of the International Federation.

4. The Government may call upon the International Federation to waive the immunity of any delegate or staff locally employed in cases where in its opinion the immunity would impede the course of justice and can be waived without prejudice to the interests of the International Federation. The International Federation shall accede to such a request unless such waiver would for good reasons, prejudice the interests of the International Federation.

5. The International Federation shall co-operate at all times with the appropriate authorities of the Government of Sri Lanka to facilitate the proper administration of justice secure the observance of police regulations and prevent the occurrence of any abuses in connection with the privileges, immunities and facilities accorded to the International Federation, its Delegates and staff locally employed.

6. The International Federation offices shall not be used in any manner incompatible with the exercise of its official functions.