

S.I. 3 of 1989

**DIPLOMATIC IMMUNITIES AND PRIVILEGES ACT 1962**  
(1962 No. 42)

**Diplomatic Immunities and Privileges (International Committee  
of the Red Cross) Order 1989**

*Commencement*

In exercise of all the powers conferred by section 11 of the Diplomatic Immunities and Privileges Act 1962, and all other powers enabling me in that behalf, I, Minister of External Affairs, hereby make the following Order :—

*Diplomatic Immunity Conferred on the Committee*

1. The International Committee of the Red Cross (hereinafter in this Order referred to as "the Committee") is hereby established in Nigeria for the purpose of its objectives as spelt out in its Headquarters Agreement.

Establishment of International Committee of the Red Cross.

2. The Committee shall have the legal capacities of a body corporate.

Legal capacity.

3.—(1) All the properties, archives and assets of the Committee shall be exempt from search, requisition and confiscation.

Exemption from search etc.

(2) Notwithstanding the provisions of subsection (1) of this section, all properties, archives and assets of the Committee shall, for the purpose of public safety and public order, be subject to the laws of Nigeria.

4.—(1) The offices and properties of the Committee shall be exempted from levies in respect of certain non-beneficial rates and taxes, that is to say property and other municipal taxes normally payable by property owners but which are not charges levied for specific services rendered.

Exemption from certain taxes, rate and customs duties.

(2) All goods which are imported or exported by the Committee and which are necessary for the proper performance of its activities shall be exempted from all customs duties and other charges, excepting payments for services rendered ; and for the sole purpose of servicing its conferences and similar programmes, the Committee shall be allowed to import, free of customs duties reasonable quantities of drinks and tobacco.

(3) The Committee shall have exemption from taxes on the importation of scientific and biological materials directly imported by the Committee for its official use in Nigeria or for exportation, or on the importation of any publication of the Committee directly imported by it, such exemption to be subject to compliance with such conditions as may be prescribed for the protection of public health, the prevention of diseases in plants and animals and otherwise in the public interest.

(4) The Committee shall have exemption from prohibition and restriction on the publication and dissemination of economic data relating to Nigeria and such exemption shall be subject to the prior approval of the Federal Ministry of Health.

Immunities  
and privi-  
leges of the  
Head of  
Delegation,  
etc.

5.—(1) The Head of Delegation of the Committee, except in so far as in any particular case the immunity is waived by the Committee, shall enjoy personal immunity for acts performed in pursuance of his duties, etc. as the chief executive of the Committee.

(2) Without prejudice to the provisions of subsection (1) of this section, where the Head of Delegation is not a citizen of Nigeria, he shall enjoy the following privileges, that is to say—

(a) exemption from import duty in respect of articles imported, including duty free purchase of a motor vehicle ;

(b) exemption from income tax in respect of emoluments received by him as an employee of the Committee ; and

(c) exemption from payment of customs duties for a limited quantity and assortment of drinks and tobacco for official entertainment.

Immunities  
of persons  
engaged.

6.—(1) Except in so far as in any particular case, any privilege or immunity is waived by the Committee, officials of the Committee shall enjoy—

(a) while exercising their functions as such and during any journey to and from the Committee, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability of all papers and documents relating to the work of the Committee ;

(b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in exercise of these functions (not being traffic offences or damages caused by motor vehicles) ;

(c) exemption from income tax in respect of emoluments received by them as officers or servants of the Committee.

(2) Each official of the Committee shall be entitled to one duty free car as part of the first arrival privilege which must be utilized within nine months of taking up his post in Nigeria.

(3) Nothing in this section shall be construed as entitling any person to enjoy such immunity or exemption if he is a Nigerian, a permanent foreign resident of Nigeria or a locally recruited staff.

Citation.

7. This Order may be cited as the Diplomatic Immunities and Privileges (International Committee of the Red Cross) Order 1989.

MADE at Lagos this 22nd day of December 1988.

MAJOR-GENERAL IKE OMAR SANDA NWACHUKWU,  
*Minister of External Affairs*

#### EXPLANATORY NOTE

*(This note does not form part of the above Order but is intended to explain its purport)*

The Order is made under the Diplomatic Immunities and Privileges Act 1962 to grant certain immunities and privileges to the International Committee of the Red Cross.