



Miscellaneous No. 3 (2023)

Agreement

between the Government of the United Kingdom of Great Britain and Northern Ireland and the International Criminal Police Organization - INTERPOL on the Privileges and Immunities of INTERPOL on the Territory of the United Kingdom of Great Britain and Northern Ireland

London, 2 February and Lyon, 20 February 2023

[The Agreement is not in force]

*Presented to Parliament
by the Secretary of State for Foreign, Commonwealth and Development Affairs
by Command of His Majesty
March 2023*



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**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
INTERNATIONAL CRIMINAL POLICE ORGANIZATION -
INTERPOL ON THE PRIVILEGES AND IMMUNITIES OF INTERPOL
ON THE TERRITORY OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND**

The Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the “Host Country”), and The International Criminal Police Organization – INTERPOL (hereinafter referred to as “ICPO-INTERPOL” or the “Organization”),

CONSIDERING that ICPO-INTERPOL is an international organization governed by public international law whose aims, under the terms of its Constitution, are to ensure the promotion of the widest possible mutual assistance between all criminal police authorities within the limits of the laws existing in the different countries and in the spirit of the Universal Declaration of Human Rights, and to establish and develop all institutions likely to contribute effectively to the prevention and suppression of ordinary law crimes,

RECALLING that, under the terms of Article 3 of ICPO-INTERPOL’s Constitution, it is strictly forbidden for the Organization to undertake any intervention or activities of a political, military, religious or racial character,

RECALLING also that, under the terms of Article 31 of ICPO-INTERPOL's Constitution, the Organization needs the constant and active cooperation of its Member Countries, who should do all within their power which is compatible with the legislations of their countries to participate diligently in its activities, and that, under the terms of Article 30 of ICPO-INTERPOL's Constitution, all Member Countries of the Organization shall do their best to assist the Secretary General and the staff in the discharge of their functions,

RECALLING the ICPO-INTERPOL General Assembly Resolution AG-2006-RES-04 (Statement to reaffirm the independence and political neutrality of INTERPOL),

CONVINCED that for international police cooperation to be carried out successfully, solid guarantees are required,

CONSIDERING that under international custom, guarantees are provided for international organizations governed by public international law,

CONSIDERING that on the territory of each of its Member Countries, the Organization must enjoy the guarantees it requires to carry out its mission for the benefit of all those countries,

CONSIDERING also that the representatives of the Member Countries and the staff of the Organization's General Secretariat must enjoy the privileges and immunities they require to discharge their functions on behalf of the Organization with complete independence,

CONVINCED that granting such privileges and immunities will contribute to strengthening and developing international police cooperation,

HAVE AGREED the following:

ARTICLE 1

Purpose of the Agreement

To enable the ICPO-INTERPOL to discharge the missions defined in its Constitution, and in particular to facilitate international police cooperation and the operation of the bodies listed in Article 5 thereof, the immunities and privileges defined in the present Agreement shall be granted to it, its officials and other persons officially requested by the ICPO-INTERPOL to perform duties within the framework of its bodies on the territory of the Host Country for the unhindered and independent discharge of their functions.

ARTICLE 2

Definitions

1. For the purposes of this Agreement:
 - a. “accompanying staff” means a person who accompanies another person as part of their official staff in their official capacity;
 - b. “Agreement” means this agreement;
 - c. “the archives” of the ICPO-INTERPOL means all records, correspondence, papers, documents, manuscripts, photographs, films, recordings, computer programmes, video tapes, discs and data, including in electronic form, or held in any other media, belonging to or held by the ICPO-INTERPOL where related to its Official Activities and all information therein contained;
 - d. “FCDO Protocol” means the Protocol Directorate of the United Kingdom Foreign, Commonwealth and Development Office;
 - e. “ICPO-INTERPOL officials stationed in the Host Country” means officials of the ICPO-INTERPOL who have been appointed to a post within the Organization and are regularly performing their functions in the United

Kingdom as per their letter of approval of secondment or their letter of appointment, who have been notified to FCDO Protocol prior to taking up their appointment, and who will be physically resident in the United Kingdom for 183 days or more in a tax year;

f. “ICPO-INTERPOL statutory meeting(s)” means the ICPO-INTERPOL General Assembly and Executive Committee sessions, Regional Conferences, Heads of National Central Bureau Conferences and any other meetings of a body or subsidiary body of the ICPO-INTERPOL held in accordance with the Constitution of the ICPO-INTERPOL;

g. “Official Activities” of the ICPO-INTERPOL includes all activities undertaken pursuant to the Constitution of the Organization and all activities appropriate to fulfil its aims under Article 2 of that Constitution;

h. “officials of the ICPO-INTERPOL” means the Secretary General, persons seconded to the Organization by the administration of a Member Country, and persons under contract employed by the Organization;

i. “the premises of the ICPO-INTERPOL” means the land, building(s) and parts of building(s) in the United Kingdom used by the Organization on a permanent or temporary basis in order to carry out its Official Activities;

j. “representatives of Member Countries” means persons who are representatives of Member Countries to the Organization;

k. “representatives of a Requesting Country” means representatives of the government of a country which has submitted a request for membership of the ICPO-INTERPOL to the Secretary General pursuant to Article 4 of the Constitution of the Organization when such request has been added to the provisional agenda of the General Assembly by the Executive Committee.

2. For the purposes of this Agreement, the following terms have the meaning given to them in the Constitution of the Organization:

a. “General Assembly”;

b. “Member Countries”;

c. “Executive Committee”;

d. “General Secretariat”;

e. “Secretary General”;

f. “Advisers”; and

g. “Commission for the Control of Files”.

ARTICLE 3

Legal personality and capacity

1. The ICPO-INTERPOL shall have a legal personality on the territory of the United Kingdom.
2. The ICPO-INTERPOL shall have the capacity to conclude contracts, to acquire and dispose of movable and immovable property, and to institute and be a party to legal proceedings.

ARTICLE 4

Immunity from legal process and other actions

1. Within the scope of its Official Activities, the ICPO-INTERPOL shall enjoy immunity from suit and legal process, and from execution of legal process in civil, administrative and criminal matters, except in the case of a civil claim for damages arising from an accident caused by a motor vehicle belonging to the Organization or used on its behalf, or from a violation of road traffic regulations involving a motor vehicle belonging to the Organization or used on its behalf.
2. The ICPO-INTERPOL's property, funds and assets, wherever located in the United Kingdom and by whomsoever held, shall be immune from any form of seizure, confiscation, requisition, expropriation, and any other form of interference, whether by executive, administrative, judicial or legislative action.

ARTICLE 5

The archives, and the official correspondence and communications of the ICPO-INTERPOL

1. The archives of the ICPO-INTERPOL shall be inviolable at any time.
2. All of the ICPO-INTERPOL's official correspondence and communications even when dispatched and received by courier or in sealed bags shall be immune from censorship and any other form of interception or interference. The ICPO-INTERPOL may make use of codes and encryption for its official communications.

ARTICLE 6

Foreign Exchange

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 on the territory of the Host Country;
- b. freely transfer its funds and foreign exchange within the territory of the Host Country, and from its Headquarters or one of its office to the Host Country and vice versa, subject to any sanctions administered or enforced by the Host Country, including but not limited to sanctions and other measures pursuant to the Sanctions and Anti-Money Laundering Act 2018, the Terrorism Act 2000 and the Anti-Terrorism Crime and Security Act 2001.

ARTICLE 7

Exemption from taxation

1. Within the scope of its Official Activities, the ICPO-INTERPOL shall be exempt from all direct taxation on its assets, property, income, gains, operations and transactions.
2. The ICPO-INTERPOL shall have relief under arrangements made by the Host Country by way of a refund of car tax paid on any vehicles which are used for the Official Activities of the Organization, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.
3. The ICPO-INTERPOL shall have relief under arrangements made by the Host Country by way of a refund of Value Added Tax paid on the purchase of any goods or services which are of substantial value and which are used for the Official Activities of the Organization, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.
4. The ICPO-INTERPOL shall have relief under arrangements made by the Host Country by way of a refund of insurance premium tax paid in the course of activities which are necessary for the exercise of its Official Activities, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.
5. The ICPO-INTERPOL shall have relief under arrangements made by the Host Country, by way of a refund of customs duty or Value Added Tax paid on the importation of any hydrocarbon oil (within the meaning of the Hydrocarbon Oil Duties Act 1979) which is purchased in the United Kingdom and which is used for

the Official Activities of the Organization, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

6. The ICPO-INTERPOL shall not be liable for the collection or payment of any tax, due, duty or rates except for the proportion of any rates being charged for specific public services rendered.

ARTICLE 8

Customs Provisions

1. Articles imported by the ICPO-INTERPOL for its official use, and publications of the ICPO-INTERPOL, shall be exempt from payment of import duties and taxes.

2. Articles imported or exported by the ICPO-INTERPOL for its official use, and publications of the ICPO-INTERPOL, shall not be subject to any import or export prohibitions or restrictions. Subject to applicable fees, the Host Country shall grant the ICPO-INTERPOL all necessary licenses and permits for the importation and exportation of such articles and publications.

3. This Article shall not apply in respect of firearms.

ARTICLE 9

Entry into the Host Country territory

1. The competent government authorities of the Host Country shall allow to enter and leave their territory for the duration of their functions or mission in the Host Country, including for the purpose of attending an ICPO-INTERPOL statutory meeting:

- a. representatives of Member Countries;
- b. representatives of a Requesting Country;
- c. members of the Executive Committee;
- d. officials of the ICPO-INTERPOL;
- e. members of the Commission for the Control of Files and the persons carrying out official duties on its behalf;
- f. interpreters and minute writers hired by the ICPO-INTERPOL General Secretariat;

- g. Advisers;
 - h. observers, experts, and other persons who have been invited to attend sessions of the Organization's bodies, conferences or meetings convened by the Organization or officially requested by the ICPO-INTERPOL to perform duties within the framework of its bodies;
 - i. accompanying family members and accompanying staff of the foregoing.
2. Any visas or entry or exit permits required for persons referred to in the preceding paragraph, shall be issued free of charge and without delay.
3. For the purposes of this Article a family member is considered to be accompanying a person where the family member is travelling together with that person.

ARTICLE 10

Members of the ICPO-INTERPOL bodies

Members of the Executive Committee, members of the Commission for the Control of Files and Advisers shall enjoy within and with respect to the Host Country the following privileges and immunities while carrying out Official Activities and throughout their journey to or from the place where a meeting is held by the Organization:

- a. immunity from inspection or seizure of their official baggage, and their personal baggage shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles other than those for the official use of the Organization or their personal use, or articles the import or export of which is prohibited by the law of the United Kingdom or controlled by its quarantine regulations;
- b. immunity from suit and legal process in the United Kingdom, even if they no longer hold the status referred to above, in respect of words spoken or written and all acts performed by them in their official capacity. Such immunity shall not apply in the case of an offence against the regulations on motor-vehicle traffic committed by one of the above-designated persons, or in the case of damage caused by a motor-vehicle belonging to or driven by such a person;
- c. inviolability of all official papers and documents.

ARTICLE 11

Representatives of Member Countries and representatives of a Requesting Country

1. Representatives of Member Countries and representatives of a Requesting Country who have been notified to FCDO Protocol shall enjoy within and with respect to the Host Country the following privileges and immunities while participating in Official Activities and throughout their journey to or from the place where a meeting is held by the Organization:

a. immunity from inspection or seizure of their official baggage, and their personal baggage shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles other than those for the official use of the Organization or their personal use, or articles the import or export of which is prohibited by the law of the United Kingdom or controlled by its quarantine regulations;

b. immunity from suit and legal process in the United Kingdom, even if they no longer hold the status referred to above, in respect of words spoken or written and all acts performed by them in their official capacity. Such immunity shall not apply in the case of an offence against the regulations on motor-vehicle traffic committed by one of the above-designated persons, or in the case of damage caused by a motor-vehicle belonging to or driven by such a person;

c. inviolability of all official papers and documents.

2. This Article does not apply to representatives of the Host Country.

ARTICLE 12

Officials

1. Officials of the ICPO-INTERPOL shall enjoy within and with respect to the Host Country the following privileges and immunities while carrying out Official Activities and throughout their journey to or from the place where a meeting is held by the Organization:

a. immunity from suit and legal process of every kind, including immunity from arrest and detention, in respect of words spoken or written and all acts performed by them in their official capacity, such immunity to continue to apply even after they have left the service of the ICPO-INTERPOL. Such immunity shall not apply in the case of an offence against the regulations on motor-vehicle traffic committed by an official of the ICPO-INTERPOL, or in the case of damage caused by a motor vehicle belonging to or driven by such a person;

- b. inviolability of their official papers and documents, including data and information, in whatever form;
- c. exemption from aliens registration with respect to themselves and members of their family forming part of their household;
- d. the same repatriation facilities with respect to themselves and members of their family forming part of their household as are accorded, in time of international crises, to officials of comparable rank of diplomatic missions to the Host Country;
- e. exemption from taxation in respect of the salaries, emoluments and indemnities paid to them by the ICPO-INTERPOL. This exemption shall not apply to pensions and annuities paid by the ICPO-INTERPOL.

2. In addition, and without prejudice to the privileges and immunities set forth in the preceding paragraph, ICPO-INTERPOL officials stationed in the Host Country shall have:

- a. the right to import duty-free their furniture and personal effects (including one motor vehicle each acquired either in the country of their last residence or in the country of which they are national) at the time of first taking up their post (within the first six months) and the right on the termination of their functions to export free of duty their furniture and personal effects, subject in both cases to the conditions governing the disposal of goods imported into the United Kingdom duty-free and to the general restrictions applied in the United Kingdom to imports and exports;
- b. access to the labour market in the Host Country, with respect to members of their family forming part of their household;
- c. access to all the public services provided by the Host Country, including medical services and schooling services, with respect to themselves and the members of their family forming part of their household.

3. The competent government authorities of the Host Country shall allow officials of the ICPO-INTERPOL stationed in the Host Country and members of their family forming part of their household to enter and leave the United Kingdom. Any visas or entry or exit permits required for such persons shall be issued free of charge and without delay.

4. The ICPO-INTERPOL shall inform the FCDO Protocol whenever an official of the ICPO-INTERPOL stationed in the Host Country takes up or relinquishes their duties or there is a change of circumstances. It shall at least once a year send to the competent Host Country authorities a list of all such officials and the members of their family forming part of their household.

5. The Host Country authorities will issue such officials and the members of their family forming part of their household a special personal identity card stating the holder's name, designation and the Organization's name. These are not issued to citizens of the United Kingdom and Overseas Territories or permanent residents of the United Kingdom.

6.

a. ICPO-INTERPOL shall be exempt from any social security legislation and from all compulsory contributions to domestic social security bodies applicable in the Host Country.

b. Officials of the ICPO-INTERPOL, other than Host Country Secondees, shall be exempt, with respect to their employment with the Organization, from all compulsory contributions to domestic social security bodies in the Host Country; and for so long as they enjoy such exemption, they shall also not be entitled to the corresponding benefits paid by domestic social security bodies.

c. ICPO-INTERPOL shall ensure that all officials of the Organization, other than Host Country Secondees, are covered by adequate social security protection. The Host Country shall ensure that Host Country Secondees are covered by adequate social security protection.

d. For the purposes of this paragraph, "Host Country Secondees" means officials of the ICPO-INTERPOL who have been seconded to the Organization by the Host Country.

7. In addition, and without prejudice to the privileges and immunities set forth in the preceding paragraphs, the Secretary General shall enjoy within and with respect to the Host Country:

a. the like immunity from suit and legal process, the like inviolability of residence, and the like exemption or relief from taxes and rates, other than duties (whether of customs or excise) and taxes on the importation of goods, as are accorded to or in respect of the head of a diplomatic mission;

b. the like exemption and privileges in respect of their personal baggage as in accordance with paragraph 2 of Article 36 of the Vienna Convention on Diplomatic Relations are accorded to a diplomatic agent.

ARTICLE 13

ICPO-INTERPOL statutory meetings

1. This Article applies solely where an ICPO-INTERPOL statutory meeting is held in the Host Country.

2. In addition and without prejudice to the privileges and immunities granted in accordance with Articles 10 and 11, members of the Executive Committee, members of the Commission for the Control of Files, Advisers, and representatives of Member Countries and representatives of a Requesting Country who have been notified to FCDO Protocol shall enjoy within and with respect to the Host Country, while carrying out Official Activities and throughout their journey to or from the place where the ICPO-INTERPOL statutory meeting is held, immunity from personal arrest and detention, except when found committing, attempting to commit or just having committed an offence.

3. Other servants of the Organization or other persons serving under the Organization as experts or as persons engaged on missions for the Organization who have been notified to FCDO Protocol shall enjoy within and with respect to the Host Country the following privileges and immunities while carrying out Official Activities and throughout their journey to or from the place where the ICPO-INTERPOL statutory meeting is held:

- a. immunity from suit and legal process in respect of words spoken or written and all acts performed by them in their official capacity in connection with Official Activities, such immunity to continue to apply even after the ICPO-INTERPOL statutory meeting has ended. Such immunity shall not apply in the case of an offence against the regulations on motor-vehicle traffic committed by such a person, or in the case of damage caused by a motor vehicle belonging to or driven by such a person;
- b. inviolability of all official papers and documents.

ARTICLE 14

Nationals and permanent residents of the Host Country

1. The privileges and immunities set out in the following provisions shall not apply to nationals or permanent residents of the United Kingdom:

- a. sub-paragraphs (d) and (e) of paragraph 1 of Article 12;
- b. sub-paragraph (a) of paragraph 2 of Article 12;
- c. paragraph 7 of Article 12;
- d. paragraph 2 of Article 13.

2. The Host Country shall acknowledge the international nature of the functions exercised by the persons mentioned in Articles 10 and 12 and undertake not to interfere in the execution of the said functions.

ARTICLE 15

The premises of the ICPO-INTERPOL

1. The premises of the ICPO-INTERPOL shall be inviolable and shall be under the control and authority of the ICPO-INTERPOL, which may establish any regulations necessary for the exercise of its functions therein.
2. The Host Country shall take all appropriate steps to protect the premises of the ICPO-INTERPOL against any intrusion or damage and to prevent any disturbance of the peace of the Organization.
3. Authorities, agents or officials of the Host Country, or other person exercising any public authority within the Host Country, shall not enter the premises of the ICPO-INTERPOL to perform any duties, except with the express consent of, and under conditions approved by, the Secretary General or other designated person acting on behalf of the Secretary General. However, the consent of the Secretary General may be assumed in the case of an uncontrolled fire or other similar disaster that immediately threatens the public safety and requires prompt protective action, for the limited purpose of taking such protective action as may be necessary to remove the immediate threat to public safety.

ARTICLE 16

Waiver and use of immunities

1. The privileges and immunities provided for in this Agreement are conferred in the interest of the smooth functioning of the bodies of the ICPO-INTERPOL and not for the personal benefit of any individual.
2. Without prejudice to the privileges and immunities conferred by this Agreement, it is the duty of the ICPO-INTERPOL and all persons enjoying such privileges and immunities to respect the laws and regulations in force in the United Kingdom.
3. The privileges and immunities provided for in this Agreement, except those granted to representatives of Member Countries and representatives of a Requesting Country under Articles 11 and 13, may be waived by the ICPO-INTERPOL upon request from the relevant Host Country authorities. Requests will be transmitted by FCDO Protocol to the ICPO-INTERPOL and the ICPO-INTERPOL shall process such requests without undue delay. Waiver must always be express. Likewise, the privileges and immunities granted to representatives of Member Countries and representatives of a Requesting Country under Articles 11 and 13 may be waived by the Member Country or Requesting Country as the case may be.
4. The ICPO-INTERPOL, in accordance with its regulations and rules, may and should waive such immunities granted under Articles 10, 12 and 13 whenever the

latter would impede the course of justice and when the immunity can be waived without prejudice to the interests of the Organization.

5. Where a serious offence or repeated minor offences are alleged to have been committed by a person enjoying immunity under this Agreement, and immunity has not been waived in accordance with this Article within a reasonable period of time, the Host Country may notify the Secretary General that the person concerned is no longer acceptable. In any such case involving an official of the ICPO-INTERPOL, the ICPO-INTERPOL shall, as appropriate, either recall the person concerned or terminate their functions within the United Kingdom. In any other such case, the ICPO-INTERPOL shall use its best endeavours to procure the departure from the United Kingdom of the person concerned.

6. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgment, for which a separate waiver shall be necessary.

ARTICLE 17

Cooperation with Host Country Authorities

1. The Secretary General of the ICPO-INTERPOL shall cooperate at all times with the appropriate authorities of the Host Country in order to facilitate the proper administration of justice, the observance of police regulations, and to prevent any abuse of the privileges, immunities, exonerations and facilities listed herein.

2. For the purpose of the implementation of this Agreement, administrative arrangements shall be made where necessary between the Host Country and the ICPO-INTERPOL in the form of a memorandum of administrative arrangements or otherwise.

ARTICLE 18

Security of the Host Country

The provisions of this Agreement shall not in any way affect the right of the Host Country to take measures it considers useful to safeguard national security or maintain law and order.

ARTICLE 19

Independence of the ICPO-INTERPOL

Nothing in the present Agreement shall be interpreted as allowing any interference with the assets and activities necessary for the Organization's functioning.

ARTICLE 20

Settlement of Disputes

1. Any dispute between the ICPO-INTERPOL and the Host Country arising out of the interpretation or application of the present Agreement shall be settled by negotiation.
2. In the event the dispute is not settled by negotiation, it may be submitted, by the ICPO-INTERPOL or the Host Country, to an arbitral tribunal composed of three members in accordance with the Permanent Court of Arbitration Optional Rules for Arbitration Involving International Organizations and States.
3. The appointing authority shall be the Secretary-General of the Permanent Court of Arbitration.
4. The language to be used in the arbitral proceedings shall be English.
5. The decisions of the arbitral tribunal shall be final and binding on the ICPO-INTERPOL and the Host Country.
6. The arbitration proceedings, including the existence of the arbitration, all oral and written submissions and all decisions and awards of the arbitral tribunal, shall be confidential, except where such information must be disclosed pursuant to a statutory or other legal obligation placed upon the Organization or Host Country. In such a case, the party required to disclose the information shall consult the other party prior to disclosure.

ARTICLE 21

Amendment

1. At the request of either the Host Country or the ICPO-INTERPOL, consultations may take place regarding the amendment of this Agreement.
2. Any amendment shall be agreed in writing between the Host Country and the ICPO-INTERPOL, including the date that any such amendment shall enter into force.

ARTICLE 22

Termination

1. Each of the Host Country and the ICPO-INTERPOL may terminate this Agreement by notifying the other party in writing.

2. This Agreement shall cease to apply one year after the date of such notification, or on any other date as agreed in writing between the Host Country and the ICPO-INTERPOL.

ARTICLE 23

Entry into force

The Protocol Directorate of the Foreign, Commonwealth and Development Office shall notify the Organization when the Host Country's internal requirements for the entry into force of this Agreement have been complied with. The present Agreement shall enter into force on the date that the Host Country makes this notification.

IN WITNESS WHEREOF the undersigned, duly authorised to this effect, have signed this Agreement.

DONE in two originals at London on the second day of February and at Lyon on the twentieth day of February 2023.

**The Government of the United
Kingdom of Great Britain and
Northern Ireland:**

DAVID RUTLEY

**The International Criminal Police
Organization-INTERPOL:**

JÜRGEN STOCK

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