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**DEPARTMENT OF INTERNATIONAL RELATIONS AND COOPERATIONS**

**NO. 5651** **11 December 2024**

# MINUTE

## Recognition of the Immunities and Privileges of the International Criminal Court Mission

In accordance with the powers vested in me by section 7(2) of the Diplomatic Immunities and Privileges Act, 2001 (Act 37 of 2001) and pursuant to section 4(2) of the Diplomatic Immunities and Privileges Act, 2001 (Act 37 of 2001), I hereby recognise the immunities and privileges of representatives of the International Criminal Court as set out in the attached notice.

**Mr Ronald Ozzy Lamola, MP**
**Minister of International Relations and Cooperation**

## NOTICE

It is hereby published for general information that the Minister of International Relations and Cooperation has, in terms of section 4(2) read with section 7(2) of the Diplomatic Immunities and Privileges Act, 2001 (Act 37 of 2001), recognises the following immunities and privileges of representatives of the International Criminal Court ("ICC") to the extent necessary for the independent exercise of their functions during their presence in the territory of the Republic:

1. The ICC shall enjoy the following privileges and immunities as are necessary for the fulfilment of its purposes:

   a) The ICC, its property, funds and assets, wherever located and by whomsoever held, shall be immune from every form of legal process, except insofar as in any particular case the ICC has expressly waived its immunity; and

   b) The archives of the ICC, and all papers and documents in whatever form, and materials being sent to or from the ICC, held by the ICC or belonging to it, wherever located and by whomsoever held, shall be inviolable. The termination or absence of such inviolability shall not affect protective measures that the ICC may order pursuant to the Statute and the Rules of Procedure and Evidence with regard to documents and materials made to use or be used by the ICC.

2. Members of the ICC mission shall enjoy the following privileges and immunities:

   a) Immunity from personal arrest or detention;

   b) Immunity from seizure of their personal baggage unless there are serious ground for believing that the baggage contains articles the import

or export of which is prohibited by law or controlled by the quarantine regulations of South Africa;

c) Immunity from legal process of every kind in respect of words spoken or written and all acts performed by them in their official capacity, which immunity shall continue to be accorded even after termination of their employment with the ICC; and

d) Exemption from immigration restrictions or alien registration.

3. Members of the ICC mission who enjoy the privileges, immunities and facilities referred to in paragraphs a) to d) of section 2 shall be provided by the ICC with a document certifying that they are performing functions for the ICC and specifying a time period for which their functions will last.

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