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## GENERAL NOTICE

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### NOTICE 864 OF 2008

In accordance with the powers vested in me by section 5(3) of the Diplomatic Immunities and Privileges Act, 2001 (Act No. 37 of 2001) ("the Act"), I hereby recognise the Cape Town Component of the International Centre for Genetic Engineering and Biotechnology (ICGEB) and in terms of section 7(2) of the Act I do hereby confer on the Cape Town Component of the ICGEB and its officials the following immunities and privileges, which shall continue until such time as a Headquarters Agreement is concluded with the ICGEB:

1. Legal personality

The Government recognises the juridical personality of the ICGEB and in particular its capacity:

- a. to contract;
- b. to acquire and dispose of immovable and movable property; and
- c. to institute juridical proceedings.

2. Inviolability of the premises and archives of the ICGEB

2.1. The premises of the ICGEB are inviolable provided that they are not used in any manner incompatible with the mandate of the ICGEB.

2.2. The property and assets of the ICGEB, wherever located and by whosoever held, shall enjoy immunity from every form of legal process, except insofar as in any particular case immunity shall have expressly been waived by the Director of the ICGEB Cape Town Component. Waiver of immunity from legal process shall not be held to imply waiver of immunity in respect of any measure of execution, for which a separate waiver shall be necessary.

2.3. The archives of the ICGEB belonging to, or held by, it shall be inviolable.

3. Exemption from Taxation

3.1. With respect to all official activities, the ICGEB, its assets, income and property shall be exempt from all forms of direct taxation; however, the ICGEB shall not claim exemption from taxes which are no more than charges for public utility services.

3.2. The ICGEB shall be exempt from customs duties, prohibitions and restrictions on goods imported or exported for its official purposes, including publications; it is understood, however, that articles imported under such exemption will not be sold in the Republic of South Africa except under conditions agreed to with the Government.

#### 4. Officials of the ICGEB

##### 4.1 The Government shall accord to:

- a. Officials of the ICGEB who are not nationals or permanent residents of the Republic of South Africa, the following privileges and immunities:
  - (i) immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
  - (ii) exemption from taxation on the salaries and emoluments paid to them by organisation;
  - (iii) immunity, together with members of their family, from immigration restrictions and alien registration;
  - (iv) the same privileges in respect of exchange facilities as are accorded to the officials of comparative ranks forming part of diplomatic missions to the Government;
  - (v) together with members of their families, the same repatriation facilities in time of international crisis as diplomatic envoys;
  - (vi) the right to import free of duty their furniture and effects at the time of first taking up their post in the Republic of South Africa.
- b. Officials of ICGEB who are nationals of, or permanently resident in, the Republic of the South Africa immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity.

4.2 Privileges and immunities are granted to officials in the interests of the ICGEB only and not for the personal benefit of the individuals themselves. The Head of the Cape Town Component of the ICGEB shall have the right and the duty to waive the immunity of any official in any case where, in his or her opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the ICGEB.

4.3 The ICGEB shall co-operate at all times with the appropriate authorities of the Government 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 mentioned in this Notice.

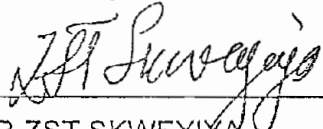
#### 5. Experts on Missions for the ICGEB

5.1 Experts, other than officials, performing missions for the ICGEB shall be accorded the privileges and immunities as set out below:

- a. immunity from arrest or detention and from seizure of their personal baggage;
- b. in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind.
- c. inviolability of papers and documents;
- d. for the purpose of their communications with the ICGEB the right to use codes and to receive papers or correspondence by courier or in sealed bags;

- e. the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
- f. the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

5.2 Privileges and immunities are granted to experts in the interests of the ICGEB and not for the personal benefit of the individuals themselves. The Head of the Cape Town Component of the ICGEB shall have the right and the duty to waive the immunity of any expert in any case where, in his or her opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the organisation.

  
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DR ZST SKWEYIYA  
Acting Minister of Foreign Affairs