



## ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟΝ

### ΤΗΣ ΕΠΙΣΗΜΟΥ ΕΦΗΜΕΡΙΔΟΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ

ὕπ' Ἀρ. 1185 τῆς 1ης ΜΑΪΟΥ 1975

### ΝΟΜΟΘΕΣΙΑ

Ὁ περί τῆς Συμφωνίας μεταξύ τῆς Κυπριακῆς Δημοκρατίας καὶ τῆς Διεθνούς Ἐπιτροπῆς Ἐρυθροῦ Σταυροῦ (Κυρωτικὸς) Νόμος τοῦ 1975 ἐκδίδεται διὰ δημοσιεύσεως εἰς τὴν ἐπίσημον ἐφημερίδα τῆς Κυπριακῆς Δημοκρατίας συμφῶνως τῷ Ἀρθρῷ 52 τοῦ Συντάγματος.

Ἀριθμὸς 18 τοῦ 1975

#### ΝΟΜΟΣ ΚΥΡΩΝ ΤΗΝ ΣΥΜΦΩΝΙΑΝ ΜΕΤΑΞΥ ΤΗΣ ΚΥΠΡΙΑΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ ΚΑΙ ΤΗΣ ΔΙΕΘΝΟΥΣ ΕΠΙΤΡΟΠΗΣ ΕΡΥΘΡΟΥ ΣΤΑΥΡΟΥ

Ἡ Βουλὴ τῶν Ἀντιπροσώπων ψηφίζει ὡς ἀκολούθως :

1. Ὁ παρὼν Νόμος θὰ ἀναφέρηται ὡς ὁ περί τῆς Συμφωνίας μεταξύ τῆς Κυπριακῆς Δημοκρατίας καὶ τῆς Διεθνούς Ἐπιτροπῆς Ἐρυθροῦ Σταυροῦ (Κυρωτικὸς) Νόμος τοῦ 1975. Συνοπτικὸς  
τίτλος.

2. Ἐν τῷ παρόντι Νόμῳ, ἐκτὸς ἐὰν ἐκ τοῦ κειμένου προκύπτῃ διάφορος ἐννοία— Ἐρμηνεία.

«Συμφωνία» σημαίνει τὴν Συμφωνίαν μεταξύ τῆς Κυπριακῆς Δημοκρατίας καὶ τῆς Διεθνούς Ἐπιτροπῆς Ἐρυθροῦ Σταυροῦ, τῆς ὁποίας τὸ κείμενον ἐν τῷ ἀγγλικῷ πρωτοτύπῳ ἐκτίθεται εἰς τὸ Πρῶτον Μέρος τοῦ Πίνακος καὶ ἐν μεταφράσει εἰς τὴν ἐλληνικὴν εἰς τὸ Δεύτερον Μέρος τοῦ Πίνακος :

Πίναξ.  
Πρῶτον  
Μέρος.  
Δεύτερον  
Μέρος.

Νοεῖται ὅτι ἐν περιπτώσει ἀντιθέσεως μεταξύ τῶν δύο κειμένων, ὑπερισχῶναι τὸ εἰς τὸ Πρῶτον Μέρος τοῦ Πίνακος ἐκτιθέμενον κείμενον.

3. Ἡ Συμφωνία, τὴν ὁποίαν ἡ Κυπριακὴ Δημοκρατία ὑπέγραψε τὴν 28ην Μαρτίου 1975, δυνάμει τῆς ὑπ' ἀριθμὸν 13.756 καὶ ἡμερομηνίαν 30ὴν Ἰανουαρίου 1975 Ἀποφάσεως τοῦ Ὑπουργικοῦ Συμβουλίου, διὰ τοῦ παρόντος Νόμου κυροῦται. Κύρωσις  
Συμβάσεως.

ΠΙΝΑΞ  
 ("Αρθρον 2)  
 ΜΕΡΟΣ ΠΡΩΤΟΝ  
 AGREEMENT  
 BETWEEN  
 THE REPUBLIC OF CYPRUS  
 AND

THE INTERNATIONAL COMMITTEE OF THE RED CROSS

THE REPUBLIC OF CYPRUS, designated hereafter as "the Cyprus Government", of the one part, and

THE INTERNATIONAL COMMITTEE OF THE RED CROSS, designated hereafter by the initials "ICRC", of the other part,

CONSIDERING that the ICRC in a letter dated the 9th October, 1974, requested that the ICRC Delegation in Cyprus be granted a special status and the Government of the Republic of Cyprus acceded to this request;

DESIRING to determine by the present agreement the measures concerning the establishment of the headquarters of the delegation of the ICRC in Cyprus and to define its status and make appropriate provisions for the effective operation of the delegation;

HAVE AGREED AS FOLLOWS :

ARTICLE I

PROPERTY AND OTHER ASSETS

*Section 1.* The headquarters of the ICRC and other ICRC offices as well as the Tracing Agency shall be inviolable.

*Section 2.* The archives and documents of the ICRC which are on its premises shall likewise be inviolable. No service of legal process against possessions of the ICRC shall be carried out by the agents or officials of the Cyprus Government within the premises of the ICRC except with the consent or at the request of the head of the delegation or his deputy.

*Section 3.* The ICRC shall not permit its premises to serve as a refuge for any person who may be sought for the execution of a repressive judicial process or pursued in flagrant delicto or against whom an arrest warrant shall have been issued or against whom an order of expulsion shall have been issued by appropriate Cyprus Republic authorities.

*Section 4.* Without being restricted by financial controls, regulations or moratoria, the ICRC—

(a) may hold funds in the national currency and maintain bank accounts in any currency;

(b) may transfer its funds and currency and convert any currency it holds into any other currency,

in conformity with regulations governing such transactions.

*Section 5.* The ICRC, its funds, income and other assets shall be exempt from all taxes, except for indirect taxes and other taxes which correspond in fact to charges for services.

The import or export of articles by the ICRC shall be in conformity with Cyprus Republic legislation with regard to hygiene, security and trade.

With regard to customs and import charges, shipments consigned to the ICRC and delivered with a bill of lading established in the name of the ICRC, consisting of essential supplies which may be distributed in Cyprus, may be placed in unbonded warehouses pending their eventual distribution.

Upon withdrawal from the warehouse, goods to be delivered to the Cyprus Red Cross Society or other officially recognized authorities or institutions shall be duly declared for entry, free of customs duties and charges, in conformity with relevant regulations.

## ARTICLE II COMMUNICATIONS FACILITIES

*Section 6.* At the request of the ICRC, and to the extent of its capacities, the Cyprus Government shall give its assistance to the ICRC in assuring the effectiveness of its official communications.

## ARTICLE III (1) OFFICIALS OF THE ICRC

*Section 7.* A delegate of the ICRC shall—

- (a) be immune from legal process in respect to all acts performed by him in his official capacity, including spoken or written words;
- (b) be immune from personal arrest or detention and from seizure of his personal baggage;
- (c) be immune, together with his spouse and the members of his family dependent upon him, with regard to all immigration and emigration restrictions, formalities for the registration of foreigners and shall be exempt from national service obligations:

Provided that notwithstanding the immunities from which he may benefit under the terms of this Section and of Section 8, a delegate of the ICRC may, during the period of his functions, be required to leave the territory of the Republic of Cyprus in the event that he shall have abused the facilities accorded to him in conducting any activity which is unrelated to his duties.

The delegates of the ICRC approved by the Ministry of Foreign Affairs of the Republic of Cyprus shall benefit from the provisions of this Section and of Section 8.

## (2) OTHER FACILITIES ACCORDED TO ICRC OFFICIALS

*Section 8.* In addition, delegates of the ICRC shall—

- (a) be exempt, together with members of their families dependent upon them, on the condition that they shall not engage in personally lucrative activities in Cyprus, from taxation on the salaries and emoluments paid to them by the ICRC, except in the case of Cyprus citizens;
- (b) have the right to import free of duty their furniture and personal effects within the 6 months after the time of first taking up their post, on the condition that the utility of such articles is apparent;
- (c) have the right to temporary importation of their personal automobiles, with the suspension of import duties, under the cover of deposit-free certificate:

Provided that furniture and personal effects and personal automobiles imported free of duty by delegates of the ICRC shall not be sold or otherwise disposed of on the territory of Cyprus except in conformity with relevant Cyprus Republic customs regulations.

*Section 9.* The ICRC shall cooperate fully with the appropriate Cyprus Republic authorities to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the immunities and facilities mentioned in this article.

The facilities and immunities provided under Article III are granted to delegates of the ICRC only in the interests of the ICRC and not for the personal benefit of the individuals.

The Cyprus Government may, after prior notice to the delegate of the ICRC concerned, remove such immunities in any case in which they serve to obstruct or when they are abused.

*Section 10.* For the purpose of application of this agreement, the Cyprus Government will provide to the head of the ICRC delegation and to other delegates of the ICRC international organization identity cards, or any other official documents, during the period of their official presence in Cyprus.

#### ARTICLE IV SETTLEMENT OF DISPUTES

*Section 11.* Disputes or claims of a private law character shall be settled in accordance with the following provisions :

- (a) The ICRC shall make provision for the appropriate modes of settlement of disputes or claims arising out of contract or other disputes or claims of a private law character to which the ICRC is a party, other than those covered in sub-paragraphs (b) and (c) following.
- (b) Any claims made by—
  - (i) a Cypriot citizen in respect of any damage alleged to result from an act or omission of a delegate of the ICRC relating to the official duties ;
  - (ii) the Cyprus Government against a delegate of the ICRC ; or
  - (iii) the ICRC or the Cyprus Government against one another, that is not covered by paragraph 12 of these arrangements,
 shall be determined by a Commission established by the Cyprus Government for that purpose. An award made by this Commission against the ICRC or a delegate thereof or against the Cyprus Government, as the case may be, shall be notified to the head of the ICRC delegation or the Cyprus Government, respectively, to make satisfaction thereof.
- (c) Disputes concerning the terms of employment and conditions of service of locally recruited personnel shall be settled by administrative procedure to be established by the head of the ICRC delegation.

*Section 12.* All disputes between the ICRC and the Cyprus Government concerning the interpretation or application of these arrangements which are not settled by negotiation or other agreed mode of settlement shall be referred for final settlement to a Tribunal consisting of two arbitrators, one to be named by the ICRC and one by the Cyprus Government, and of an umpire to be chosen jointly by the ICRC and the Cyprus Government. If the two parties fail to agree on the appointment of the umpire within one month of the proposal of arbitration by one of the parties, the President of the International Court of Justice shall be asked by either party to appoint the umpire. Should a vacancy occur for any reason, the vacancy shall be filled within thirty days by the method laid down in this Section for the original appointment. The Tribunal shall come into existence upon the appointment of the umpire and at least one of the other members of the Tribunal. Two members of the Tribunal shall constitute a quorum for the performance of its functions, and for all deliberations and decisions of the Tribunal a favourable vote of two members shall be sufficient.

#### ARTICLE V DURATION OF THE AGREEMENT

*Section 13.* This agreement shall remain in effect until the ninetieth day following the date on which the Cyprus Government shall have notified the head of the ICRC delegation responsible at that time of its intention to terminate the agreement.

Done at Nicosia this 28th day of March, 1975.