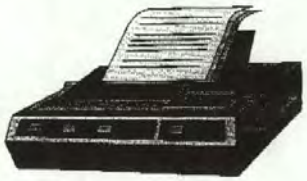


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Brigadier Tauno Nieminen and Mr Andrew Sens
IICD
Dublin Castle
Block M
Ship Street
DUBLIN 2 - **BY FAX**

1 June 2000

Dear Tauno & Andy,

As discussed, I attach for the Commission's consideration draft letters designed to secure the immunities of the Arms Inspectors under the appropriate legislation in both jurisdictions. These have been agreed by the two Governments. The formal tone of the drafts has been adopted on advice in order to take account of the relevant legal requirements.

A copy of this letter and attachments goes to Ken O'Leary (Department of Justice, Equality and Law Reform).

Yours, etc.

Stephen Leach.

S J LEACH

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DRAFT LETTERS FROM IICD TO FCO PROTOCOL DEPARTMENT/DEPARTMENT OF JUSTICE, EQUALITY AND LAW REFORM

Kathryn Colvin
Head of Protocol Department
Foreign and Commonwealth Office
Whitehall
LONDON SW1A 2AH

The Secretary General
Department of Justice, Equality
and Law Reform
72-76 St Stephen's Green
DUBLIN 2

1 June 2000

On behalf of the Independent International Commission on Decommissioning ("the IICD"), we are writing to inform you that, with effect from 1 June 2000, President Martti Ahtisaari of Finland and Mr Cyril Ramaphosa of South Africa ("the Inspectors") are assigned by the IICD to perform the functions of

(1) inspecting the contents of locations which the Inspectors have reason to believe have been identified by the Irish Republican Army as arms dumps;

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(2) satisfying themselves as to whether any firearms, ammunition or explosives in each location are, or in respect of subsequent inspections remain, secure;

(3) reporting on each such inspection, including their conclusions in relation to subparagraph (2) above, to the IICD; and

(4) holding on behalf of the IICD until disposed of any documents or other materials arising from or connected with a function in subparagraph (1), (2) or (3) above which is in the possession of one or both of the Inspectors.

2. The IICD has assigned these functions to these Inspectors in the knowledge that

(1) in respect of the United Kingdom of Great Britain and Northern Ireland, under the terms of Article 9 of the Northern Ireland Arms Decommissioning Act 1997 (Immunities and Privileges) Order 1997, persons performing functions assigned to them by the IICD enjoy immunity from suit and legal process in respect

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of things done or omitted to be done by them in the course of the performance of their official duties (except in so far as the IICD waives any privilege or immunity and subject to sections 5 and 6 of the Northern Ireland Arms Decommissioning Act 1997); and

(2) in respect of Ireland, under the terms of the Decommissioning Act, 1997 (Independent International Commission on Decommissioning) (Privileges and Immunities) Order, 1997, a person performing functions assigned to him or her by the IICD shall not be liable to any form of arrest or detention and shall enjoy immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of functions or duties assigned to him or her by the IICD (except in so far as the IICD waives any inviolability, exemption, facility, immunity, privilege or right conferred by the Order and subject to sections 5(4) and 6 of the Decommissioning Act, 1997).

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3. We are writing in the same terms to the [Department of Justice, Equality and Law Reform/Foreign and Commonwealth Office].

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DRAFT LETTERS FROM IICD TO PRESIDENT AHTISAARI AND MR RAMAPHOSA

1 June 2000

Further to the discussions which the Independent International Commission on Decommissioning ("the IICD") had with you and [Mr Ramaphosa/President Ahtisaari] on 15 May, we are writing on behalf of the IICD to record that, with effect from 1 June 2000, the IICD has assigned to you and [Mr Ramaphosa/President Ahtisaari] ("the Inspectors") the following functions:

(1) inspecting the contents of locations which you both have reason to believe have been identified by the Irish Republican Army as arms dumps;

(2) satisfying yourselves as to whether any firearms, ammunition or explosives in each location are, or in respect of subsequent inspections remain, secure;

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(3) reporting on each such inspection, including your conclusions in relation to subparagraph (2) above, to the IICD; and

(4) holding on behalf of the IICD until disposed of any documents or other materials arising from or connected with a function in subparagraph (1), (2) or (3) above which is in the possession of one or both of you.

You will have joint control over any documents or other materials which fall into the category described in subparagraph (4) above. Please let us know in advance if, in fulfilling the functions in subparagraphs (1) – (4), you will be assisted by any aides, technical assistants, etc, to whom it may be appropriate to assign functions.

We would also draw your attention to the Agreement between the Government of the United Kingdom and the Government of Ireland establishing the IICD, and in particular Article 8.

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