

DIPLOMATIC IMMUNITY - DIPLOMATIC BAG - "BAGGAGE" -  
AFFAIR OF THE FORMER NIGERIAN MINISTER IN LONDON, UMARU DIKKO.

As a result of the finding in July 1984 of Mr. Umaru Dikko, Transport Minister in the former civilian government in a drugged condition in a crate marked for delivery to the Ministry of External Affairs, Lagos from the Nigerian High Commission in London, two Nigerian diplomats were ordered to leave the UK, and the Nigerian government advised that it did not think it appropriate that the Nigerian High Commissioner return to London. The two ordered to leave had been at Stanstead, but because the High Commission invoked diplomatic immunity, British officials had been unable to question them. The Nigerian government has denied any involvement, and has retaliated by demanding two British diplomats and the High Commission leave Lagos. In the face of the arrest of Israeli citizens alleged to be involved in the affair, and said to have connections with the Israeli security service, the Israeli government has also denied involvement.

The affair follows the more serious incident at the Libyan embassy in London: [1984] Australian I.L. News 295, which resulted in disquiet in the UK as to alleged breaches of diplomatic status.

The affair recalls one in 1964 when an Israeli was found, again in a drugged state, but also bound and gagged at the home airport in a trunk marked "diplomatic mail" being forwarded by the Egyptian mission in Italy to Cairo. The Egyptian ambassador disclaimed involvement; Italy protested and declared the first secretary persona non grata, expelling two other diplomats.

According to Article 27 of the Vienna Convention on Diplomatic Relations, 1961, the diplomatic bag shall not be opened or detained. The packages constituting the diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use.

When the crate containing Mr. Dikko arrived at Stanstead, an attaché from the Nigerian High Commission went to the customs area to negotiate its passage along with other crates. He did not, however seek to have the crate designated as a diplomatic bag, nor did he produce "an official document indicating his status" as a diplomatic courier: The Australian, 13 July 1984 at page 7.

Not being a "diplomatic bag", the crate was treated as "baggage" subject to the provisions of Article 36, which requires the receiving state to permit entry tax free articles for the official use of the mission, and articles for the personal use of diplomats and their families. Diplomatic baggage, referred to as "personal baggage of a diplomatic agent" in Article 36, is exempt from inspection, "... unless there are serious grounds for presuming that it contains articles not covered by the exemptions... or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the receiving state."

According to the Australian, the order to open the crate was given after reference to the Foreign Office. The report continues:-

"Dikko was lying unconscious in a crate, a four-foot cube, in a pool of his own vomit. He was naked to the waist. A tube led from his arm to a bottle clamped to one of the inside walls, and a rubber tube to prevent him choking protruded from his throat.

Sharing the crate - made of plywood and padded on the inside - was an Israeli. Inside the second, even smaller crate, was

another Israeli and a Nigerian. The three men were all conscious, and were immediately arrested. So, too, were the attaché, the plane's four-man crew and Nigeria Airways ground staff."

Mr. Dikko is accused by the Nigerian military government of being guilty of corruption involving very substantial sums while a minister. Prior to the affair, no extradition request had been made to the British government.

The provisions of the Vienna Convention in relation to these questions are presently under review by the International Law Commission. At its session in Geneva in July, the Commission had the opportunity to observe a dispute as to the application of the Convention between Switzerland and the USSR. The courier of one of the trucks which regularly supply the USSR embassy in Geneva refused to permit a customs examination at the border; the Swiss permitted the truck to proceed provided it was sealed by the Swiss. The seals were said to be of the type which could not be tampered with without this being apparent. At the time of writing, the sealed truck remains in the embassy compound: BBC World Service, 15 July 1984.

In a note to the Soviet authorities, the USSR authorities requesting a detailed inventory of the truck so that Swiss Customs may follow "normal practice" and so allow the removal of the seals: The Australian, 18 July 1984 at p.5.

D.F.