

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2012 Nr. 171

A. TITEL

*Verdrag tussen het Koninkrijk der Nederlanden en de Verenigde Naties
betreffende de zetel van het Internationaal Tribunaal voor de
vervolgving van personen verantwoordelijk voor ernstige schendingen
van het internationaal humanitair recht op het grondgebied van het
voormalig Joegoslavië sedert 1991;
New York, 29 juli 1994*

B. TEKST

De Engelse tekst van het Verdrag is geplaatst in *Trb.* 1994, 189.

D. PARLEMENT

Zie *Trb.* 1994, 189.

G. INWERKINGTREDING

Zie *Trb.* 1994, 189.

I. VOORTGEZETTE TOEPASSING

In verband met de afronding van de werkzaamheden van het Internationaal Joegoslavië Tribunaal en de oprichting van het Internationaal Restmechanisme voor Straftribunalen bij resolutie 1966 (2010) van de Veiligheidsraad van de Verenigde Naties, zijn op 29 juni 2012 en 15 augustus 2012 nota's gewisseld waarin de Verenigde Naties en het Koninkrijk der Nederlanden tot overeenstemming komen over de voortgezette toepassing van het Verdrag vanaf 1 juli 2012. De Engelse tekst van deze nota's luidt als volgt:

Nr. I

UNITED NATIONS

29 June 2012

The Office of Legal Affairs of the United Nations presents its compliments to the Ministry of Foreign Affairs of the Netherlands and has the honour to refer to the Agreement Concerning the Headquarters of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, signed on 29 July 1994 by the Government of the Netherlands and the United Nations (the "1994 ICTY Headquarters Agreement").

The Office of Legal Affairs also has the honour to refer to Security Council resolution 1966 (2010), adopted on 22 December 2010, in which the Security Council decided to establish the International Residual Mechanism for Criminal Tribunals ("the Mechanism"). Pursuant to that resolution, the branch for the International Tribunal for the former Yugoslavia ("ICTY") will commence functioning on 1 July 2013 while the branch for the International Criminal Tribunal for Rwanda ("ICTR") will commence functioning on 1 July 2012.

As the Ministry is aware, the Office of Legal Affairs and the Government of the Netherlands have been engaged in negotiations with respect to a headquarters agreement for the seat of the branch of the Mechanism that will be located in The Hague. As those negotiations are ongoing and the headquarters agreement has not yet been concluded, the Office of Legal Affairs wishes to note that pursuant to operative paragraph 4 of Security Council resolution 1966 (2010), "as of the commencement date of each branch..., the Mechanism shall continue the jurisdiction, rights and obligations and essential functions of the ICTY and the ICTR" and "all contracts and international agreements concluded by the United Nations in relation to the ICTY and the ICTR, and still in force as of the relevant commencement date, shall continue in force *mutatis mutandis* in relation to the Mechanism".

Accordingly, the Office of Legal Affairs hereby confirms to the Government of the Netherlands that the 1994 ICTY Headquarters Agreement shall apply to the Mechanism *mutatis mutandis* as of 1 July 2012 until such time as the headquarters agreement for the branch of the Mechanism in The Hague enters into force.

The Office of Legal Affairs of the United Nations avails itself of this

opportunity to renew to the Ministry of Foreign Affairs of the Netherlands the assurances of its highest consideration.

Ministry of Foreign Affairs of the Netherlands

Nr. II

MINISTRY OF FOREIGN AFFAIRS

The Hague, 15 August 2012

Treaties Division

MINBUZA-2012.17536

The Ministry of Foreign Affairs of the Kingdom of the Netherlands presents its compliments to the Office of Legal Affairs of the United Nations, and acknowledges receipt of the Note from the Office of Legal Affairs relating to the establishment of the International Residual Mechanism for Criminal Tribunals (“the Mechanism”), dated 29 June 2012.

The Ministry has the honor to inform the Office of Legal Affairs that the Kingdom of the Netherlands agrees with the contents of the above mentioned Note, and that the Agreement concerning the Headquarters of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, signed on 29 July 1994 for the Kingdom of the Netherlands and the United Nations, as amended on 24 April 1996 and 20 July 2001, shall apply to the Mechanism *mutatis mutandis* as of 1 July 2012 until such time as the headquarters agreement for the branch of the Mechanism in The Hague enters into force.

The Ministry further has the honor to inform the Office of Legal Affairs that the Exchange of Notes constituting an agreement between the Kingdom of the Netherlands and the International Criminal Tribunal for the Former Yugoslavia (ICTY) concerning the privileges and immunities of the staff of the Tribunal and their family members, done at The Hague on 22 December 2005 and the Exchange of Notes constituting an Agreement between the Kingdom of the Netherlands and the International Criminal Tribunal for the Former Yugoslavia (ICTY) concerning the position of ICTY interns in the Netherlands, done at The Hague on 19 February 2001, as amended on 14 July 2010, shall apply to the mechanism *mutatis mutandis* as of 1 July 2012 until such time as the headquarters agreement for the branch of the Mechanism in The Hague enters into force.

The Ministry of Foreign Affairs of the Kingdom of the Netherlands avails itself of this opportunity to renew to the Office of Legal Affairs of the United Nations, the assurances of its highest consideration.

*Office of Legal Affairs
United Nations
New York*

J. VERWIJZINGEN

Zie voor verwijzingen en overige verdragsgegevens *Trb.* 1994, 189 en *Trb.* 2001, 150.

Titel : Handvest van de Verenigde Naties;
San Francisco, 26 juni 1945
Laatste *Trb.* : *Trb.* 2011, 176

Titel : Statuut van het Internationaal Gerechtshof;
San Francisco, 26 juni 1945
Laatste *Trb.* : *Trb.* 2012, 128

Titel : Verdrag nopens de voorrechten en immuniteiten van de
gespecialiseerde organisaties;
New York, 21 november 1947
Laatste *Trb.* : *Trb.* 2004, 59

Titel : Resolutie 1966 (2010) van de Veiligheidsraad van de
Verenigde Naties;
New York, 22 december 2010
Tekst : *Trb.* 2011, 57 (Engels)

Uitgegeven de *zevenentwintigste* september 2012.

De Minister van Buitenlandse Zaken,

U. ROSENTHAL