

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2011 Nr. 114

A. TITEL

Verdrag tussen het Koninkrijk der Nederlanden, ten behoeve van Aruba, en de Internationale Politie Organisatie inzake de privileges en immuniteiten van de Internationale Politie Organisatie tijdens de Eenentwintigste Amerikaanse Regionale Conferentie; Lyon, 20 juni 2011

B. TEKST

Agreement between the Kingdom of the Netherlands, in respect of Aruba, and the International Criminal Police Organization on the privileges and immunities of the International Criminal Police Organization during the 21st Americas Regional Conference

The Kingdom of the Netherlands, in respect of Aruba,
and

the International Criminal Police Organization (hereinafter referred to as “ICPO-Interpol” or “the Organization”),

In anticipation of the 21st Americas Regional Conference of ICPO-INTERPOL, which will be held in Aruba from 6 July to 8 July 2011, have agreed to the following:

Article 1

Entry into the host country territory

1. The competent authorities of the Kingdom of the Netherlands shall allow to enter and leave the territory of Aruba for the duration of the 21st Americas Regional Conference session:

- a) members of the Executive Committee of the ICPO-INTERPOL and their delegations;
 - b) representatives to the General Assembly of member countries and their delegations;
 - c) members of the General Secretariat staff;
 - d) members of the Commission of Control of ICPO-INTERPOL's Files and the persons carrying out official duties on its behalf;
 - e) interpreters and minute writers hired by the General Secretariat;
 - f) the Organization's Advisers;
 - g) observers and experts who have been invited to attend the sessions;
- and
- h) accompanying family members and accompanying staff of the foregoing

2. Any visas or entry or exit permits required for persons participating in the 21st Americas Regional Conference shall be issued free of charge and without delay.

3. The Organization will inform the Government of Aruba promptly of all persons officially designated to attend the Conference. The Organization will also advise such persons to apply for visas, if necessary, in good time before the opening date of the Conference.

Article 2

Privileges and immunities of the organization

1. On the occasion of the 21st Americas Regional Conference, the Kingdom of the Netherlands shall grant the same privileges and immunities normally granted to international organizations to the extent that is compatible with national laws and its obligations under international law.

2. ICPO-INTERPOL shall enjoy immunity from legal process and from execution in all types of proceedings, with the exception of the following proceedings:

- a) civil proceedings based on contractual obligations entered into by the Organization;
- b) civil proceedings related to traffic accidents caused by cars subordinated to the Organization or used for its benefit as well as resulting from violation of general rules of traffic in relation to cars subordinated to the Organization or used with the Organization's knowledge.

3. At the motivated request of the competent authorities in the Kingdom of the Netherlands, the Secretary General may expressly waive the Organization's immunity from legal process on a case-by-case basis.

Article 3

Inviolability of archives and correspondence of the Organization

1. All documents belonging to the ICPO-INTERPOL or held by it in whatever form and, inter alia, its archives and accounts, shall be inviolable wherever they are located.

2. The inviolability of the ICPO-INTERPOL's official correspondence shall be guaranteed. Its official communications shall not be subject to censorship and it may make use of codes.

Article 4

Foreign exchange

The ICPO-INTERPOL may, with regard to the Conference, without being subject to any financial controls, regulations or moratoria:

- a) receive and hold funds and foreign exchange of all kinds, and operate accounts in all currencies on the territory of Aruba;
- b) freely transfer its funds and foreign exchange within the territory of Aruba, and from its Headquarters or one of its Sub-Regional Bureaus to Aruba and vice versa.

Article 5

Exemption from customs duties

Administrative, technical and scientific material provided by the ICPO-INTERPOL for the 21st Americas Regional Conference, as well as publications of the ICPO-INTERPOL and other official documents required for its work, and the usual gifts presented by or to the Secretary General and officials of the Organization during the 21st Americas Regional Conference, shall be exempt from payment of import duties and taxes. The ICPO-INTERPOL undertakes to re-export all such material, publications and gifts that remain unused or undistributed at the end of the 21st Americas Regional Conference.

Article 6

Privileges and immunities of participants

The Kingdom of the Netherlands shall grant to the participants the privileges and immunities as detailed below, during their stay on the territory of Aruba and during their journeys to and from the said territory,

such privileges and immunities being granted for acts and missions accomplished with regard to the Conference. These privileges and immunities are the following:

- a) immunity from personal arrest and detention and seizure of personal baggage except if caught in the act of committing an offence within the conditions defined by the law;
- b) immunity from legal process for acts performed in the exercise of their official functions;
- c) inviolability of all official papers and documents;
- d) the same facilities with regard to foreign exchange as are granted to diplomatic agents.

Article 7

Diplomatic privileges

In addition to the privileges and immunities granted by Article 6 above, the Secretary General, the members of the Executive Committee and their spouses and minor children shall be accorded the privileges, immunities, and facilities as are granted, in accordance with international law, to diplomatic agents.

Article 8

Use of immunities

1. The privileges and immunities provided for in the present Agreement are granted to those concerned not for their personal benefit but in the interest of the smooth functioning of the institutions of ICPO-INTERPOL.

2. ICPO-INTERPOL exercises the right and duty of waiving the immunity of those who enjoy it whenever such immunity would impede the course of justice and when the immunity can be waived without prejudice to the interests of the Organization. The waiver of the Secretary General's immunity is a matter falling under the competence of Members of the Executive Committee.

Article 9

Settlement of Disputes

Unless the Parties decide otherwise, any dispute concerning the interpretation or application of the present Agreement which cannot be settled by negotiation shall be submitted to arbitration by a tribunal composed of a single arbitrator appointed by the Secretary General of the Permanent Court of Arbitration in accordance with the relevant Optional

Rules for Arbitration involving international organizations and States. Such arbitration shall be final and binding. Each Party may however request the Secretary General of the Permanent Court of Arbitration to immediately appoint such an arbitrator to examine a request for provisional measures to protect its rights under the present Agreement. The place of arbitration shall be in The Hague (the Netherlands) and the language to be used in the proceedings of the tribunal shall be English.

Article 10

Entry into Force

The present Agreement shall enter into force on the date of signature and shall remain in force for the duration of the Conference and for such additional period as is necessary for its preparation and winding up, the total duration of this Agreement, however, not to exceed one year.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have concluded this Agreement.

DONE at Oranjestad, this 7th day of June 2011, and at Lyon, this 20th day of June 2011, in duplicate, in the English language.

For the Kingdom of the Netherlands, in respect of Aruba

ARTHUR L. DOWERS

For the International Criminal Police Organization,

JEAN-MICHEL LOUBOUTIN
Directeur Executif

p/o

Ronald K. Noble
Secretary General

D. PARLEMENT

Het Verdrag behoeft ingevolge artikel 7, onderdeel c, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal.

G. INWERKINGTREDING

De bepalingen van het Verdrag zijn ingevolge artikel 10 van het Verdrag in werking getreden op 20 juni 2011.

Het Verdrag zal ingevolge hetzelfde artikel niet langer dan één jaar van kracht zijn.

Wat betreft het Koninkrijk der Nederlanden, geldt het Verdrag voor Aruba.

J. VERWIJZINGEN

Titel	: Verdrag inzake de zetel van het Permanente Hof van Arbitrage; 's-Gravenhage, 30 maart 1999
Tekst	: <i>Trb.</i> 1999, 68 (Engels)
Laatste <i>Trb.</i>	: <i>Trb.</i> 2000, 90

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat het Verdrag zal zijn bekendgemaakt in Aruba op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *vierentwintigste* juni 2011.

De Minister van Buitenlandse Zaken,

U. ROSENTHAL