

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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**JAARGANG 2012 Nr. 70**

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A. TITEL

*Tweede Facultatieve Protocol bij het Internationaal Verdrag inzake burgerrechten en politieke rechten, gericht op de afschaffing van de doodstraf;  
New York, 15 december 1989*

B. TEKST

De Engelse en de Franse tekst van het Protocol zijn geplaatst in *Trb.* 1990, 125.

C. VERTALING

Zie *Trb.* 1990, 125.

D. PARLEMENT

Zie *Trb.* 1991, 124.

E. PARTIJGEGEVENS

Zie rubriek E van *Trb.* 1990, 125 en rubriek F van *Trb.* 1991, 124.

Partij	Onder-tekening	Ratificatie	Type <sup>*</sup>	In werking	Opzeg-ging	Buiten werking
Albanië		17-10-07	T	17-01-08		
Andorra	05-08-02	22-09-06	R	22-12-06		
Argentinië	20-12-06	02-09-08	R	02-12-08		
Australië		02-10-90	T	11-07-91		
Azerbeidzjan		22-01-99	T	22-04-99		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
België	12-07-90	08-12-98	R	08-03-99		
Bosnië en Herzegovina	07-09-00	16-03-01	R	16-06-01		
Brazilië		25-09-09	T	25-12-09		
Bulgarije	11-03-99	10-08-99	R	10-11-99		
Canada		25-11-05	T	25-02-06		
Chili	15-11-01	26-09-08	R	26-12-08		
Colombia		05-08-97	T	05-11-97		
Costa Rica	14-02-90	05-06-98	R	05-09-98		
Cyprus		10-09-99	T	10-12-99		
Denemarken	13-02-90	24-02-94	R	24-05-94		
Djibouti		05-11-02	T	05-02-03		
Duitsland	13-02-90	18-08-92	R	18-11-92		
Ecuador		23-02-93	T	23-05-93		
Estland		30-01-04	T	30-04-04		
Filipijnen	20-09-06	20-11-07	R	20-02-08		
Finland	13-02-90	04-04-91	R	11-07-91		
Frankrijk		02-10-07	T	02-01-08		
Georgië		22-03-99	T	22-06-99		
Griekenland		05-05-97	T	05-08-97		
Guinee-Bissau	12-09-00					
Honduras	10-05-90	01-04-08	R	01-07-08		
Hongarije		24-02-94	T	24-05-94		
Ierland		18-06-93	T	18-09-93		
IJsland	30-01-91	02-04-91	R	11-07-91		
Italië	13-02-90	14-02-95	R	14-05-95		
Kaapverdië		19-05-00	T	19-08-00		
Kirgistan		06-12-10	T	06-03-11		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Kroatië		12-10-95	T	12-01-96		
Liberia		16-09-05	T	16-12-05		
Liechtenstein		10-12-98	T	10-03-99		
Litouwen	08-09-00	27-03-02	R	27-06-02		
Luxemburg	13-02-90	12-02-92	R	12-05-92		
Macedonië, de voormalige Joegoslavische Republiek		26-01-95	T	26-04-95		
Malta		29-12-94	T	29-03-95		
Mexico		26-09-07	T	26-12-07		
Moldavië		20-09-06	T	20-12-06		
Monaco		28-03-00	T	28-06-00		
Mongolië		13-03-12	T	13-06-12		
Montenegro		23-10-06	VG	03-06-06		
Mozambique		21-07-93	T	21-10-93		
Namibië		28-11-94	T	28-02-95		
<b>Nederlanden, het Koninkrijk der</b> – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	09-08-90	26-03-91 – – – 26-03-91 – –	R    R	11-07-91 10-10-10 10-10-10 10-10-10 11-07-91 10-10-10 10-10-10		
Nepal		04-03-98	T	04-06-98		
Nicaragua	21-02-90	25-02-09	R	25-05-09		
Nieuw-Zeeland	22-02-90	22-02-90	R	11-07-91		
Noorwegen	13-02-90	05-09-91	R	05-12-91		
Oekraïne		25-07-07	T	25-10-07		
Oezbekistan		23-12-08	T	23-03-09		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Oost-Timor		18-09-03	T	18-12-03		
Oostenrijk	08-04-91	02-03-93	R	02-06-93		
Panama		21-01-93	T	21-04-93		
Paraguay		18-08-03	T	18-11-03		
Polen	21-03-00					
Portugal	13-02-90	17-10-90	R	11-07-91		
Roemenië	15-03-90	27-02-91	R	11-07-91		
Rwanda		15-12-08	T	15-03-09		
San Marino	26-09-03	17-08-04	R	17-11-04		
Sao Tomé en Principe	06-09-00					
Servië		06-09-01	T	06-12-01		
Seychellen		15-12-94	T	15-03-95		
Slovenië	14-09-93	10-03-94	R	10-06-94		
Slowakije	22-09-98	22-06-99	R	22-09-99		
Spanje	23-02-90	11-04-91	R	11-07-91		
Tsjechië		15-06-04	T	15-09-04		
Turkije	06-04-04	02-03-06	R	02-06-06		
Turkmenistan		11-01-00	T	11-04-00		
Uruguay	13-02-90	21-01-93	R	21-04-93		
Venezuela	07-06-90	22-02-93	R	22-05-93		
Verenigd Koninkrijk	31-03-99	10-12-99	R	10-03-00		
Zuid-Afrika		28-08-02	T	28-11-02		
Zweden	13-02-90	11-05-90	R	11-07-91		
Zwitserland		16-06-94	T	16-09-94		

\* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R=Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

## Verklaringen, voorbehouden en bezwaren

Azerbeidzjan, 22 januari 1999

The Republic of Azerbaijan, adopting the [said Protocol], in exceptional cases, adopting the special law, allows the application of death penalty for the grave crimes, committed during the war or in condition of the threat of war.

Bezwaar door Duitsland, 3 maart 2000

The reservation allows the application of the death penalty for grave crimes committed during war 'or in condition of the threat of war'. Thus the reservation is partly in contradiction of article 2 of the Protocol since it does not limit the application of the death penalty to the most serious crimes of a military nature committed during the time of war.

The Government of the Federal Republic of Germany therefore objects to the reservation by the Government of Azerbaijan. This objection does not preclude the entry into force of the Protocol between Azerbaijan and Germany.

Bezwaar door Finland, 17 maart 2000

The Government of Finland notes that, according to Article 2 of the Second Optional Protocol, a reservation other than the kind referred to in the same Article is not acceptable. The reservation made by the Government of Azerbaijan is partly in contradiction with Article 2 as it does not limit the application of death penalty to the most serious crimes of a military nature committed during the time of war.

The Government of Finland therefore objects to the reservation made by the Government of Azerbaijan to the said Protocol.

This objection does not preclude the entry into force of the Second Optional Protocol between Azerbaijan and Finland. The Optional Protocol will thus become operative between the two states without Azerbaijan benefitting from the reservation.

Bezwaar door Frankrijk, 8 februari 2000

The Government of the French Republic has taken note of the reservation made by Azerbaijan to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, which was adopted on 15 December 1989. This reservation, in allowing the application of the death penalty for grave crimes committed during war or 'in condition of the threat of war', exceeds the scope of the reservations permitted under article 2, paragraph 1, of the Protocol. Under this article, only a reservation made 'at the time of ratification or accession that provides for the application of the death penalty in time of war pursuant to a conviction for a most seri-

ous crime of a military nature committed during wartime' is admissible. Consequently, the Government of the French Republic expresses its objection to this reservation, without prejudice to the entry into force of the Protocol between Azerbaijan and France.

Bezwaar door **Nederlanden, het Koninkrijk der**, 17 juli 2000  
The Government of the Kingdom of the Netherlands notes that, according to Article 2 of the Second Optional Protocol, a reservation other than the kind referred to in the same Article is not acceptable. The reservation made by the Government of Azerbaijan is in contradiction with Article 2 as it does not limit the application of death penalty to the most serious crimes of a military nature committed during the time of war.

The Government of the Kingdom of the Netherlands therefore objects to the aforesaid reservation made by the Government of Azerbaijan.

This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Azerbaijan.

Bezwaar door Zweden, 27 april 2000

The Government of Sweden recalls that reservations other than the kind referred to in Article 2 of the Protocol are not permitted. The reservation made by the Government of Azerbaijan goes beyond the limit of Article 2 of the Protocol, as it does not limit the application of the death penalty to the most serious crimes of a military nature committed during the time of war.

The Government of Sweden therefore objects to the aforesaid reservation made by the Government of Azerbaijan to the Second Optional Protocol to the International Covenant on Civil and Political Rights.

This shall not preclude the entry into force of the Second Optional Protocol to the International Covenant on Civil and Political Rights between the Republic of Azerbaijan and the Kingdom of Sweden, without Azerbaijan benefiting from the reservation.

Azerbeidzjan, 5 oktober 2001

It is provided for the application of the death penalty in time of war pursuant to a conviction of a person for a most serious crime of a military nature committed during wartime.

Brazilië, 25 september 2009

[...] with an express reservation to article 2.

Bezwaar door Finland, 27 september 2010

The Government of Finland welcomes the accession of Brazil to the Second Optional Protocol to the International Covenant on

Civil and Political Rights, and has taken note of the reservation made by Brazil to Article 2 thereof upon accession.

The Government of Finland recalls that it is the object and purpose of the Second Optional Protocol to abolish the death penalty in all circumstances and reservations are, as a main rule, not admissible. This object of aiming at the complete abolition of the death penalty enjoys the full support of Finland. However, the Government observes that, in the light of the wording of Article 2(1), a reservation to the Protocol is allowed to the extent it concerns the application of the death penalty in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime. The acceptability of such a reservation requires that the State Party making the reservation communicates, at the time of ratification or accession, to the Secretary-General of the United Nations the relevant provisions of its national legislation applicable during wartime.

Accordingly, the Government of Finland would find the reservation made by Brazil acceptable, provided it meets the requirements set out in Article 2(1) and (2). According to information available to the Government, the applicable provisions of the national legislation of Brazil were not communicated to the Secretary-General at the time of accession. Therefore, the Government of Finland objects to the reservation. Should, to the contrary, Brazil have communicated the provisions to the Secretary-General pursuant to Article 2(2), this objection may be considered null and void.

This objection shall not preclude the entry into force of the Protocol between Brazil and Finland. The Protocol will thus become operative between the two states without Brazil benefiting from its reservation.

Chili, 26 september 2008

The State of Chile formulates the reservation authorised under article 2, paragraph 1, of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and may in consequence apply the death penalty in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime.

Cyprus, 10 september 1999

The Republic of Cyprus in accordance with article 2.1 of the [...] Protocol reserves the right to apply the Death Penalty in time of war pursuant to a conviction of a most serious crime of a military nature committed during wartime.

Cyprus, 20 juni 2003

The Government of Cyprus informed the Secretary-General that it had decided to withdraw its reservation made upon accession to the Optional Protocol.

Griekenland, 5 mei 1997

Subject to article 2 for the application of the death penalty in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime.

Malta, 29 december 1994

Pursuant to Article 2, Malta reserves the right to apply the death penalty to persons subject to the Malta Armed Forces Act (Chapter 220 of the revised edition of the Laws of Malta), which Act provides that the death penalty may be awarded in exceptional and serious cases defined therein, but only in times of war.

Malta, 15 juni 2000

The Government of Malta informed the Secretary-General that it had decided to withdraw its reservation made upon accession.

Moldavië, 20 september 2006

Until the full re-establishment of the territorial integrity of the Republic of Moldova, the provisions of the Convention shall be applied only on the territory controlled effectively by the authorities of the Republic of Moldova.

Spanje, 11 april 1991

Pursuant to article 2, Spain reserves the right to apply the death penalty in the exceptional and extremely serious cases provided for in Fundamental Act No. 13/1985 of 9 December 1985 regulating the Military Criminal Code, in wartime as defined in article 25 of that Act.

Spanje, 13 januari 1998

The Government of Spain notified the Secretary-General that it had decided to withdraw its reservation made upon ratification.

#### G. INWERKINGTREDING

Zie *Trb.* 1991, 124.

Wat betreft het Koninkrijk der Nederlanden, geldt het Protocol, dat vanaf 11 juli 1991 voor Nederland (het Europese deel), de Nederlandse Antillen en Aruba gold, vanaf 10 oktober 2010 voor Nederland (het Europese en het Caribische deel), Aruba, Curaçao en Sint Maarten.



J. VERWIJZINGEN

Zie *Trb.* 1990, 125 en *Trb.* 1995, 20.

**Verbanden**

Het Protocol strekt tot aanvulling van:

Titel : Internationaal Verdrag inzake burgerrechten en politieke rechten<sup>1)</sup>;  
New York, 16 december 1966  
Laatste *Trb.* : *Trb.* 2012, 69

Uitgegeven de *achttiende* april 2012.

*De Minister van Buitenlandse Zaken,*

U. ROSENTHAL

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<sup>1)</sup> Ten onrechte is in eerdere Tractatenbladen 19 december 1966 als datum van totstandkoming genoemd.