

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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**JAARGANG 2008 Nr. 160**

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A. TITEL

*Verdrag betreffende de privileges en immuniteiten van het  
Internationaal Strafhof;  
New York, 9 september 2002*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 2003, 170.

C. VERTALING

Zie *Trb.* 2004, 55.

D. PARLEMENT

Bij brieven van 13 november 2007 (Kamerstukken II 2007/2008, 31 282 (R 1840), nr. 1) is het Verdrag in overeenstemming met artikel 2, eerste en tweede lid, en artikel 5, eerste en tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen overgelegd aan de Eerste en de Tweede Kamer der Staten-Generaal, de Staten van de Nederlandse Antillen en de Staten van Aruba.

De toelichtende nota die de brieven vergezelde, is ondertekend door de Minister van Buitenlandse Zaken M. J. M. VERHAGEN en de Minister van Justitie E. M. H. HIRSCH BALLIN.

De goedkeuring door de Staten-Generaal is verleend op 21 december 2007.

## E. PARTIJGEGEVENS

Zie *Trb.* 2003, 170.

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Albanië		02-08-06	T	01-09-06		
Andorra	21-06-04	11-02-05	R	13-03-05		
Argentinië	07-10-02	01-02-07	R	03-03-07		
Bahama's	30-06-04					
België	11-09-02	28-03-05	R	27-04-05		
Belize	26-09-03	14-09-05	R	14-10-05		
Benin	10-09-02	24-01-06	R	23-02-06		
Bolivia	23-03-04	20-01-06	R	19-02-06		
Brazilië	17-05-04					
Bulgarije	02-05-03	28-07-06	R	27-08-06		
Burkina Faso	07-05-04	10-10-05	R	09-11-05		
Canada	30-04-04	22-06-04	R	22-07-04		
Centraal Afri- kaanse Republiek		06-10-06	T	05-11-06		
Colombia	18-12-03					
Congo, Demo- cratische Repu- bliek		03-07-07	T	02-08-07		
Costa Rica	16-09-02					
Cyprus	10-06-03	18-08-05	R	17-09-05		
Denemarken	13-09-02	03-06-05	R	03-07-05		
Duitsland	14-07-03	02-09-04	R	02-10-04		
Ecuador	26-09-02	19-04-06	R	19-05-06		
Estland	27-06-03	13-09-04	R	13-10-04		
Finland	10-09-02	08-12-04	R	07-01-05		
Frankrijk	10-09-02	17-02-04	R	22-07-04		

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Ghana	12-09-03					
Griekenland	25-09-03	06-07-07	R	05-08-07		
Guinee	01-04-04					
Guyana		16-11-05	T	16-12-05		
Honduras		01-04-08	T	01-05-08		
Hongarije	10-09-02	22-03-06	R	21-04-06		
Ierland	09-09-03	20-11-06	R	20-12-06		
IJsland	10-09-02	01-12-03	R	22-07-04		
Italië	10-09-02	20-11-06	R	20-12-06		
Jamaica	30-06-04					
Jordanië	28-06-04					
Kroatië	23-09-03	17-12-04	R	16-01-05		
Lesotho		16-09-05	T	16-10-05		
Letland	29-06-04	23-12-04	R	22-01-05		
Liberia		16-09-05	T	16-10-05		
Liechtenstein		21-09-04	T	21-10-04		
Litouwen	25-05-04	30-12-04	R	29-01-05		
Luxemburg	10-09-02	20-01-06	R	19-02-06		
Macedonië, Voormalige Joe- goslavische Republiek		19-10-05	T	18-11-05		
Madagascar	12-09-02					
Mali	20-09-02	08-07-04	R	07-08-04		
Mexico		26-09-07	T	26-10-07		
Mongolië	04-02-03					
Montenegro		23-10-06	VG	03-06-06		
Namibië	10-09-02	29-01-04	R	22-07-04		

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
<b>Nederlanden, het Koninkrijk der</b> – Nederland – Ned. Antillen – Aruba	11-09-03	24-07-08 24-07-08 24-07-08	R R R	23-08-08 23-08-08 23-08-08		
Nieuw-Zeeland	22-10-02	14-04-04	R	22-07-04		
Noorwegen	10-09-02	10-09-02	R	22-07-04		
Oekraïne		29-01-07	T	28-02-07		
Oostenrijk	10-09-02	17-12-03	R	22-07-04		
Panama	14-04-03	16-08-04	R	15-09-04		
Paraguay	11-02-04	19-07-05	R	18-08-05		
Peru	10-09-02					
Polen	30-06-04					
Portugal	10-12-02	03-10-07	R	02-11-07		
Roemenië	30-06-04	17-11-05	R	17-12-05		
Senegal	19-09-02					
Servië	18-07-03	07-05-04	R	22-07-04		
Sierra Leone	26-09-03					
Slovenië	25-09-03	23-09-04	R	23-10-04		
Slowakije	19-12-03	26-05-04	R	22-07-04		
Spanje	21-04-03					
Tanzania	27-01-04					
Trinidad en Tobago	10-09-02	06-02-03	R	22-07-04		
Uganda	07-04-04					
Uruguay	30-06-04	03-11-06	R	03-12-06		
Venezuela	16-07-03					
Verenigd Koninkrijk, het	10-09-02					
Zuid-Korea	28-06-04	18-10-06	R	17-11-06		

Partij	Ondertekening	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Zweden	19-02-04	13-01-05	R	12-02-05		
Zwitserland	10-09-02					

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

### Verklaringen, voorbehouden en bezwaren

Argentinië, 1 februari 2007

With reference to the provisions of article 23 of the Agreement, the Republic of Argentina declares that:

- I. Without prejudice to paragraph 6 of article 15 and paragraph 1 (d) of article 16, a person referred to in articles 15, 16, 18, 19 and 21 shall, in the territory of the Republic of Argentina of which he or she is a national or permanent resident, enjoy only, the following privileges and immunities to the extent necessary for the independent performance of his or her functions or his or her appearance or testimony before the Court:
  - a) Immunity from personal arrest and detention;
  - b) Immunity from legal process of every kind in respect of words spoken or written and all acts performed by that person in the performance of his or her functions for the Court or in the course of his or her appearance or testimony, which immunity shall continue to be accorded even after the person has ceased to exercise his or her functions for the Court or his or her appearance or testimony before it;
  - c) Inviolability of papers and documents in whatever form and materials relating to the exercise of his or her functions for the Court or his or her appearance or testimony before it;
  - d) For the purposes of their communications with the Court and for a person referred to in article 19, with his or her counsel in connection with his or her testimony, the right to receive and send papers in whatever form.
- II. A person referred to in articles 20 and 22 shall, in the territory of the Republic of Argentina of which he or she is a national or permanent resident, enjoy only the following privileges and immunities to the extent necessary for his or her appearance before the Court:
  - a) Immunity from personal arrest and detention;
  - b) Immunity from legal process in respect of words spoken or written and all acts performed by that person in the course of her appearance before the Court, which immunity shall continue to be accorded even after his or her appearance before the Court.

Bolivia, 20 januari 2006

The Republic of Bolivia declares that persons referred to in articles 15, 16, 18, 19 and 21 of this Agreement who are nationals or permanent residents of the Republic of Bolivia, and while staying in Bolivia territory, shall enjoy only the privileges and immunities referred to in paragraph (a) of article 23.

The persons referred to in articles 20 and 22 who are either nationals or permanent residents shall be subject to the application of paragraph (b) of article 23 of this Agreement.

Canada, 22 juni 2004

In accordance with Article 23 of the Agreement on the Privileges and Immunities of the International Criminal Court, Canada declares that persons referred to in articles 15, 16, 18, 19 and 21 of the Agreement who are nationals or permanent residents of Canada enjoy, while in Canada, only the privileges and immunities as required for the independent performance of his or her functions, or his or her appearance or testimony before the International Criminal Court, as laid down in Article 23.

Denemarken, 3 juni 2005

...until further notice the agreement shall not apply to the Faroe Islands.

Duitsland, 2 september 2004

Germany declares according to Art. 23 of the Agreement that persons referred to in articles 15, 16, 18, 19 and 21 who are either nationals or permanent residents of the Federal Republic of Germany enjoy, while staying in German territory, only the privileges and immunities to the extent necessary for the independent performance of his or her functions or his or her appearance or testimony before the Court as laid down in the respective Article.

Griekenland, 6 juli 2007

In accordance with article 23 of the Agreement on the Privileges and Immunities of the International Criminal Court, the Hellenic Republic declares that persons referred to in this Article who are either nationals or permanent residents of the Hellenic Republic shall, in the territory of the Hellenic Republic enjoy only the privileges and immunities referred to in this Article.

Italië, 20 november 2006

Pursuant to article 15, paragraph 6 of the Agreement on the Privileges and Immunities of the International Criminal Court, Italy declares that tax exemption for salaries, emoluments and allowances only applies to sum paid by the International Criminal Court to eligible persons under article 15, paragraph 6; and

In accordance with article 23 of the Agreement on the Privileges and Immunities of the International Criminal Court, Italy declares that persons referred to in articles 15, 16, 18, 19 and 21 of the Agreement who are nationals or residents of Italy enjoy, while in Italy, only the privileges and immunities as required for the independent performance of his or her functions, or his or her appearance or testimony before the International Criminal Court, as laid down in article 23.

Kroatië, 17 december 2004

The Republic of Croatia, pursuant to Article 23 of the Agreement on the Privileges and Immunities of the International Criminal Court, declares that the persons referred to in that Article, who are nationals of the Republic of Croatia, or who are permanent residents of the Republic of Croatia, in the territory of the Republic of Croatia enjoy only the privileges and immunities referred to in that Article.

Letland, 28 november 2006

In accordance with article 23 of the Agreement on the Privileges and Immunities of the International Criminal Court, adopted at Geneva on the 9th day of September, 2002, the Republic of Latvia declares that the persons mentioned in the article 23, that are citizens or permanent residents of the Republic of Latvia, in the territory of the Republic of Latvia enjoy only the privileges and immunities mentioned in the article 23.

Litouwen, 30 december 2004

...in accordance with Article 23 of the Agreement, the Republic of Lithuania declares that persons referred to in this article who are nationals or permanent residents of the Republic of Lithuania shall, in the territory of the Republic of Lithuania, enjoy only the privileges and immunities referred to in this article.

Mexico, 26 september 2007

The United Mexican States declares that persons referred to in articles 15, 16, 18, 19 and 21 and persons referred to in articles 20 and 22 who are nationals or permanent residents of Mexico shall enjoy the privileges and immunities provided for in article 23 while they are in Mexican territory.

In accordance with the regime established by the Constitution of the United Mexican States, the International Criminal Court and its organs shall not acquire real estate in Mexican territory.

Nieuw-Zeeland, 14 april 2004

...in accordance with Article 23 of the Agreement, that persons referred to in Articles 15, 16, 18, 19 and 21 of the Agreement who are nationals or permanent residents of New Zealand enjoy, in the territory of New Zealand, only the privileges and immunities to the extent necessary for

the independent performance of his or her functions or his or her appearance or testimony before the Court as laid down in Article 23.

...consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, this ratification shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory.

Oekraïne, 29 januari 2007

In accordance with the Article 23 of the Agreement Ukraine declares that in the territory of the Ukraine citizens of Ukraine and other persons who permanently reside in Ukraine enjoy only those privileges and immunities which are determined in this Article.

Oostenrijk, 17 december 2003

In accordance with Article 23 of the Agreement, the Republic of Austria declares that persons referred to in this article who are Austrian nationals or permanent residents of Austria shall, in the territory of the Republic of Austria, enjoy only the privileges and immunities referred to in this article.

Portugal, 3 oktober 2007

With regard to the Agreement on the Privileges and Immunities of the International Criminal Court, Portugal declares that the persons referred to in article 23 that the Portuguese nationals or have permanent residence in Portugal enjoy in Portuguese territory only the privileges and immunities referred to in this article.

Roemenië, 17 november 2005

In accordance with Article 23 of the Agreement on the Privileges and Immunities of the International Criminal Court, Romania declares that the persons referred to in Articles 15, 16, 18, 19 and 21, who are Romanian nationals or permanent residents of Romania shall, on the territory of Romania, enjoy only the privileges and immunities necessary for the independent performance of their functions or appearance or testimony before the Court stipulated in Article 23 paragraph a). The persons referred to in Articles 20 and 22, who are Romanian nationals or permanent residents of Romania shall, on the territory of Romania, enjoy only the privileges and immunities necessary for their appearance before the Court stipulated in Article 23 paragraph b).

Slowakije, 26 mei 2004

The Slovak Republic declares that persons referred to in Article 15, 16, 18, 19 and 21 of this Agreement who are either nationals or permanent residents of the Slovak Republic shall, in the territory of the Slovak



Republic, enjoy only the privileges and immunities referred to in Article 23 paragraph a) of this Agreement. Persons referred to in Articles 20 and 22 of this Agreement, who are either nationals or permanent residents of the Slovak Republic shall, in the territory of the Slovak Republic, enjoy only the privileges and immunities referred to in Article 23 paragraph b) of this Agreement.

Zuid-Korea, 18 oktober 2006

The Republic of Korea, in accordance with Article 23 of the Agreement, declares that persons referred to in Article 15, 16, 18, 19 and 21 who are Korean nationals or permanent residents of Korea shall, in the Korean territory, enjoy only the privileges and immunities to the extent necessary for the independent performance of his/her functions, or his/her appearance or testimony before the Court as laid down in Article 23 paragraph (a), and persons referred to in Article 20 and 22 who are Korean nationals or permanent residents of Korea shall, in the Korean territory, enjoy only the privileges and immunities to the extent necessary for his/her appearance before the Court as laid down in Article 23 paragraph (b).

#### G. INWERKINGTREDING

De bepalingen van het Verdrag zijn ingevolge artikel 35, eerste lid, op 22 juli 2004 in werking getreden.

Voor de staten die na 22 juli 2004 hun akte van bekrachtiging, aanvaarding, goedkeuring of toetreding nederleggen, treedt het Verdrag ingevolge artikel 35, tweede lid, in werking op de dertigste dag volgend op de nederlegging van de akte.

Het Verdrag is ingevolge artikel 35, tweede lid, voor het Koninkrijk der Nederlanden op 23 augustus 2008 in werking getreden.

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

#### J. VERWIJZINGEN

Zie *Trb.* 2003, 170.

Titel : Statuut van Rome inzake het Internationaal Strafhof;  
Rome, 17 juli 1998  
Laatste *Trb.* : *Trb.* 2004, 258

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Titel : Handvest van de Verenigde Naties;  
San Francisco, 26 juni 1945  
Laatste *Trb.* : *Trb.* 2008, 13

Uitgegeven de *zevenentwintigste* augustus 2008.

*De Minister van Buitenlandse Zaken,*

M. J. M. VERHAGEN