

5 (2001) Nr. 1

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2001 Nr. 56

A. TITEL

Notawisseling houdende een verdrag tussen het Koninkrijk der Nederlanden en het Internationaal Joegoslavië Tribunaal (ICTY) inzake de positie van ICTY-stagiairs in Nederland; 's-Gravenhage, 15 / 19 februari 2001

B. TEKST

Nr. I

Ministerie van Buitenlandse Zaken

Treaties Division
DJZ/VE-166/01

The Hague, 15 February 2001

The Ministry of Foreign Affairs presents its compliments to the International Criminal Tribunal for the Former Yugoslavia and has the honour to draw the attention of the International Criminal Tribunal for the Former Yugoslavia to the following.

Bearing in mind that on 29 July 1994 an Agreement has been concluded between the Kingdom of the Netherlands and the United Nations 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 (hereinafter the Headquarters Agreement), which forms the basis for the contacts and cooperation between the Kingdom and the International Criminal Tribunal for the Former Yugoslavia (hereinafter referred to as the UN-ICTY);

Realising that the Headquarters Agreement contains no provisions concerning the registration of interns who have been accepted by the UN-ICTY into the internship programme of the UN-ICTY in the Netherlands;

Taking note of the need of UN-ICTY for an efficient and time effective system to register such interns in the Netherlands;

Noting the wish of the UN-ICTY to come to an exchange of notes, in which the registration of interns at the UN-ICTY in the Netherlands is settled;

Proposes to come to the following agreement:

1. For the purpose of this Agreement, the following definition of an intern shall apply: A graduate or postgraduate student who has been accepted by the UN-ICTY into the internship programme of the UN-ICTY and who, on that basis, performs certain tasks for the UN-ICTY without receiving emoluments from the UN-ICTY by reason of his work with the UN-ICTY and who has signed the declaration "Acceptance and Undertaking", a copy of which is attached as Annex, provided by the UN-ICTY. An intern shall not be considered in any respect to fall under one of the categories of persons as described in Article I of the Headquarters Agreement.

2. For the purpose of their internship with the UN-ICTY the Ministry of Foreign Affairs shall register the intern in the Netherlands for a period of maximum six (6) months under the following conditions:

- a) that the intern entered into the Netherlands in accordance with the applicable immigration procedures;
- b) that he is not allowed to work in the Netherlands during his internship other than as an intern at the UN-ICTY;
- c) that he will leave the Netherlands within 14 days after termination of his internship with the UN-ICTY, the duration of which shall not exceed six (6) months;
- d) that the intern shall have sufficient medical insurance as well as sufficient financial means for repatriation and that he shall not be a charge to the Netherlands public means.

The intern is obliged to demonstrate to the satisfaction of the UN-ICTY the fulfillment of these conditions and shall sign the declaration to this effect referred to in Article 1 above. The UN-ICTY shall not be held liable should it turn out that, while in the Netherlands during the duration of the internship, the intern does not fulfil the required conditions.

3. The intern does not enjoy any privileges or immunities in the Netherlands.

4. The UN-ICTY shall notify the Ministry of Foreign Affairs within eight (8) days after first arrival of the intern in the Netherlands and request an identity card for the intern.

5. Upon request of the UN-ICTY the Ministry of Foreign Affairs shall issue the intern an identity card bearing the code ZF.

6. The UN-ICTY shall, within eight (8) days, notify the Ministry of Foreign Affairs of the final departure of the intern from the Netherlands and at the same time return the identity card of the intern.

7. This Agreement may be amended by mutual consent at any time at the request of either of the Parties.

8. Any dispute between the Parties concerning the interpretation or application of this Agreement, which cannot be settled amicably, shall be settled by way of the procedure set out in Article XXVIII, paragraph 2, of the Headquarters Agreement.

9. This Agreement is concluded for an indefinite period of time. At any time, either Party may terminate the Agreement giving three (3) months advance notice in writing to the other Party.

If the above proposal is acceptable to the UN-ICTY the Ministry has the honour to propose that this Note and the affirmative Note in reply of the UN-ICTY shall constitute an agreement between the Kingdom of the Netherlands and the UN-ICTY. The Agreement shall enter into force on the day after both Parties have notified each other in writing that the legal requirements for entry into force have been complied with.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the International Criminal Tribunal for the Former Yugoslavia the assurances of its highest consideration.

*United Nations-ICTY
Churchillplein 1
2517 JW Den Haag*

Annex to note no. DJZ/VE-166/01

Acceptance and Undertaking

1. I accept the Internship which has been awarded to me by the International Criminal Tribunal for the former Yugoslavia (hereinafter: "ICTY") and am aware of the following:

a) that the ICTY will not pay me for my Internship and that all the expenses connected with it must be borne by me or by my sponsoring Government or institution. My signature under this document can be considered proof that I have sufficient financial means for repatriation and living expenses in connection with my Internship and shall not, during the duration of my internship, be a charge to the Netherlands public means;

b) that the ICTY accepts no responsibility for costs arising from accidents and/or illness incurred during my Internship. My signature under this document can be considered proof that I have adequate third-party liability insurance and am enrolled in a comprehensive health insurance plan;

- c) that I am personally responsible for arranging my travel to the seat of the ICTY in The Netherlands and must enter the country in accordance with applicable immigration procedures;
- d) that, during the duration of my Internship, I am not entitled to bring any family members to reside with me in The Netherlands other than through the regular applicable immigration procedures;
- e) that I do not enjoy any of the privileges and immunities accorded to ICTY officials under the provisions of the agreement signed between the United Nations and the Government of the Kingdom of The Netherlands concerning the headquarters of the ICTY;
- f) that, other than providing services to the ICTY, I am not entitled to seek gainful employment in The Netherlands;
- g) that there is no expectancy of employment by the United Nations at the end of my Internship and that I cannot apply for a paid position in the ICTY during the period of my Internship and for the six months immediately following the expiration date thereof;
- h) that I will be required to leave The Netherlands within fourteen days after the conclusion of my Internship.

2. I undertake the following obligations with respect to the ICTY Internship Programme:

- a) to observe all applicable rules, regulations, instructions, procedures and directives of the Organisation;
- b) to refrain from any conduct that would adversely reflect on the United Nations or the ICTY, and to not engage in any activity, which is incompatible with the aims, objectives and interests of the United Nations;
- c) to respect the impartiality and independence required of the United Nations and of the ICTY and the obligation not to seek or accept instructions regarding the services performed from any Government or from any authority external to the Organisation;
- d) to keep confidential any and all unpublished information made known to me by the ICTY or any personnel therein during the course of my internship that I know or ought to have known has not been made public, and except with the explicit authorisation of the Registrar of the ICTY not to publish any reports or papers on the basis of information obtained during my participation in the programme, both during and after the completion of my internship;
- e) to provide the ICTY with a copy of all materials prepared during my internship;
- f) to provide immediate written notice in case of illness or other circumstances which might prevent me from completing the internship;
- g) to complete an Internship Report at the end of the Internship and to submit it to the Co-ordinator of the Internship Programme;
- h) to comply with all required departure procedures at the end of the Internship.

3. I have read the attached terms of reference of my internship and I accept to abide by them.

Date	Full Name of Intern (in block letters)	Signature
------	---	-----------

Date	Internship Coordinator Human Resources Section	Signature
------	---	-----------

Nr. II

United Nations
International Criminal Tribunal for the Former Yugoslavia

The Hague, 19 February 2001

The International Criminal Tribunal for the Former Yugoslavia presents its compliments to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and has the honour to acknowledge receipt of the latter's Note of 15 February 2001 (ref. No. DJZ/VE- 166/01) which reads as follows:

(zoals in Nr. I)

The International Criminal Tribunal for the Former Yugoslavia has further the honour to confirm that the foregoing is acceptable and that the Ministry's Note and this reply shall constitute an agreement between the UN-ICTY and the Kingdom of the Netherlands on this matter which shall enter into force on the day after both Parties have notified each other in writing that the legal requirements for entry into force have been complied with.

The International Criminal Tribunal for the Former Yugoslavia avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

*To the Ministry of Foreign Affairs
Government of the Kingdom of the Netherlands
The Hague*

Annex to note of 19 February 2001

(zoals in Nr. I)

D. PARLEMENT

Het in de nota's vervatte verdrag behoeft ingevolge artikel 91 van de Grondwet de goedkeuring van de Staten-Generaal.

G. INWERKINGTREDING

De bepalingen van het in de nota's vervatte verdrag zullen ingevolge het in de op één na laatste alinea van brief II gestelde in werking treden op de dag nadat beide Partijen elkaar schriftelijk hebben medegedeeld dat de wettelijke vereisten voor inwerkingtreding zijn voltooid.

J. GEGEVENS

Van het op 29 juli 1994 tot stand gekomen Verdrag tussen het Koninkrijk der Nederlande en de Verenigde Naties betreffende de zetel van het Internationaal Tribunaal voor de vervolging van personen verantwoordelijk voor ernstige schendingen van het internationaal humanitair recht op het grondgebied van het voormalig Joegoslavië sedert 1991, waarnaar onder meer in de preambule verwezen wordt, is de tekst geplaatst in *Trb.* 1994, 189.

Uitgegeven de zesde april 2001.

De Minister van Buitenlandse Zaken,

J. J. VAN AARTSEN