

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 2002 Nr. 110

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A. TITEL

*Internationaal Verdrag ter bestrijding van de financiering van  
terrorisme, met Bijlage;  
New York, 9 december 1999*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 2000, 12. Voor correcties zie *Trb.* 2001, 62.

Bij proces-verbaal van 1 februari 2002 heeft de depositaris correcties aangebracht in de tekst. Dientengevolge wordt in *Trb.* 2000, 12 in artikel 9, vijfde lid:

in de Engelse tekst "... paragraph 1, subparagraph (b), or paragraph 2, subparagraph (b), ..." vervangen door "... paragraph 1, subparagraph (c), or paragraph 2, subparagraph (d), ...", en

in de Franse tekst "... à l'alinéa b) du paragraphe 1 ou à l'alinéa b) du paragraphe 2 ..." vervangen door "...à l'alinéa c) du paragraphe 1 ou à l'alinéa d) du paragraphe 2 ...".

Het Verdrag is voorts nog ondertekend voor de volgende staten:

|                        |                   |
|------------------------|-------------------|
| Albanië . . . . .      | 18 december 2001  |
| Andorra . . . . .      | 11 november 2001  |
| Armenië . . . . .      | 15 november 2001  |
| Australië . . . . .    | 15 oktober 2001   |
| Azerbeidzjan . . . . . | 4 oktober 2001    |
| Bahamas . . . . .      | 2 oktober 2001    |
| Bahrein . . . . .      | 14 november 2001  |
| Barbados . . . . .     | 13 november 2001  |
| Belarus . . . . .      | 12 november 2001  |
| België . . . . .       | 27 september 2001 |
| Belize . . . . .       | 14 november 2001  |
| Benin . . . . .        | 16 november 2001  |
| Bhutan . . . . .       | 14 november 2001  |

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| Bolivia . . . . .                        | 10 november 2001  |
| Bosnië en Herzegovina . . . . .          | 11 november 2001  |
| Brazilië <sup>1)</sup> . . . . .         | 10 november 2001  |
| Burundi . . . . .                        | 13 november 2001  |
| Cambodja . . . . .                       | 11 november 2001  |
| Centraal Afrikaanse Republiek . . . . .  | 19 december 2001  |
| Chili . . . . .                          | 2 mei 2001        |
| China . . . . .                          | 13 november 2001  |
| Colombia . . . . .                       | 30 oktober 2001   |
| Congo . . . . .                          | 14 november 2001  |
| Democratische Republiek Congo . . . . .  | 11 november 2001  |
| Cookeilanden . . . . .                   | 24 december 2001  |
| Cuba . . . . .                           | 19 oktober 2001   |
| Denemarken . . . . .                     | 25 september 2001 |
| Djibouti . . . . .                       | 15 november 2001  |
| Dominicaanse Republiek . . . . .         | 15 november 2001  |
| Federale Republiek Joegoslavië . . . . . | 12 november 2001  |
| Filipijnen . . . . .                     | 16 november 2001  |
| Ghana . . . . .                          | 12 november 2001  |
| Guatemala . . . . .                      | 23 oktober 2001   |
| Guinee . . . . .                         | 16 november 2001  |
| Guinee-Bissau . . . . .                  | 14 november 2001  |
| Honduras . . . . .                       | 11 november 2001  |
| Hongarije . . . . .                      | 30 november 2001  |
| Ierland . . . . .                        | 15 oktober 2001   |
| IJsland . . . . .                        | 1 oktober 2001    |
| Indonesië . . . . .                      | 24 september 2001 |
| Jamaica . . . . .                        | 10 november 2001  |
| Japan . . . . .                          | 30 oktober 2001   |
| Jordanië . . . . .                       | 24 september 2001 |
| Kaapverdië . . . . .                     | 13 november 2001  |
| Kenia . . . . .                          | 4 december 2001   |
| Kroatië . . . . .                        | 11 november 2001  |
| Letland . . . . .                        | 18 december 2001  |
| Libië . . . . .                          | 13 november 2001  |
| Liechtenstein . . . . .                  | 2 oktober 2001    |
| Luxemburg . . . . .                      | 20 september 2001 |
| Madagaskar . . . . .                     | 1 oktober 2001    |
| Mali . . . . .                           | 11 november 2001  |
| Marokko . . . . .                        | 12 oktober 2001   |
| Mauritius . . . . .                      | 11 november 2001  |
| Micronesië . . . . .                     | 12 november 2001  |
| Moldavië . . . . .                       | 16 november 2001  |
| Monaco . . . . .                         | 10 november 2001  |
| Mongolië . . . . .                       | 12 november 2001  |
| Mozambique . . . . .                     | 11 november 2001  |
| Myanmar <sup>2)</sup> . . . . .          | 12 november 2001  |

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| Namibië . . . . .                        | 10 november 2001  |
| Nauru . . . . .                          | 12 november 2001  |
| Nicaragua . . . . .                      | 17 oktober 2001   |
| Noord-Korea <sup>3)</sup> . . . . .      | 12 november 2001  |
| Noorwegen . . . . .                      | 1 oktober 2001    |
| Oeganda . . . . .                        | 13 november 2001  |
| Oostenrijk . . . . .                     | 24 september 2001 |
| Panama . . . . .                         | 12 november 2001  |
| Paraguay . . . . .                       | 12 oktober 2001   |
| Polen . . . . .                          | 4 oktober 2001    |
| Rwanda . . . . .                         | 4 december 2001   |
| Saint Kitts en Nevis . . . . .           | 12 november 2001  |
| Saint Vincent en de Grenadines . . . . . | 3 december 2001   |
| Samoa . . . . .                          | 13 november 2001  |
| Saoedi-Arabië . . . . .                  | 29 november 2001  |
| Seychellen . . . . .                     | 15 november 2001  |
| Sierra Leone . . . . .                   | 27 november 2001  |
| Singapore <sup>4)</sup> . . . . .        | 18 december 2001  |
| Slovenië . . . . .                       | 10 november 2001  |
| Somalië . . . . .                        | 19 december 2001  |
| Tadzjikistan . . . . .                   | 6 november 2001   |
| Thailand . . . . .                       | 18 december 2001  |
| Togo . . . . .                           | 15 november 2001  |
| Tunesië . . . . .                        | 2 november 2001   |
| Turkije . . . . .                        | 27 september 2001 |
| Uruguay . . . . .                        | 25 oktober 2001   |
| Venezuela . . . . .                      | 16 november 2001  |
| Zuid-Afrika . . . . .                    | 10 november 2001  |
| Zuid-Korea . . . . .                     | 9 oktober 2001    |
| Zweden . . . . .                         | 15 oktober 2001   |
| Zwitserland . . . . .                    | 13 juni 2001      |

<sup>1)</sup> Onder de volgende interpretatieve verklaringen:

“1. As concerns Article 2 of the said Convention, three of the legal instruments listed in the Annex to the Convention have not come into force in Brazil. These are the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation; Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf; and the International Convention for the Suppression of Terrorist Bombings.

2. As concerns Article 24, paragraph 2 of the said Convention, Brazil does not consider itself obligated by paragraph 1 of the said Article, given that it has not recognized the mandatory jurisdiction clause of the International Court of Justice.”.

<sup>2)</sup> Onder het volgende voorbehoud:

“The Government of the Union of Myanmar declares in pursuance of Article 24, paragraph (2) of the International Convention for the Suppression of the Financing of Terrorism that it does not consider itself bound by the provisions of Article 24, Paragraph (1).”.

<sup>3)</sup> Onder de volgende voorbehouden:

“1. The Democratic People’s Republic of Korea does not consider itself bound by the provisions of article 2, paragraph 1, sub-paragraph (a) of the Convention.

2. The Democratic People’s Republic of Korea does not consider itself bound by the provisions of article 14 of the Convention.

3. The Democratic People’s Republic of Korea does not consider itself bound by the provisions of article 24, paragraph 1 of the Convention.”.

<sup>4)</sup> Onder de volgende voorbehouden:

“i) The Republic of Singapore declares, in pursuance of Article 2, paragraph 2 (a) of the Convention that in the application of this Convention, the treaty shall be deemed not to include the treaties listed in the annex of this Convention which the Republic of Singapore is not a party to.

ii) The Republic of Singapore declares, in pursuance of Article 24, paragraph 2 of the Convention that it will not be bound by the provisions of Article 24 paragraph 1 of the Convention.”.

#### C. VERTALING

Zie *Trb.* 2001, 62.

In dat Tractatenblad wordt in artikel 9, vijfde lid: “ ... 7, eerste lid, onderdeel b., of tweede lid, onderdeel b., ...” vervangen door: “ ... artikel 7, eerste lid, onderdeel c, of tweede lid, onderdeel d, ...”.

#### D. PARLEMENT

Artikel 1 van de Rijkswet van 20 december 2001 (*Stb.* 674) luidt als volgt:

#### “Artikel 1

Het op 9 december 1999 te New York totstandgekomen Internationaal Verdrag ter bestrijding van de financiering van terrorisme, waarvan de Engelse en de Franse tekst zijn geplaatst in Tractatenblad 2000, 12, en de vertaling in het Nederlands in Tractatenblad 2001, 62, wordt goedgekeurd voor het gehele Koninkrijk.”.

Deze Rijkswet is gecontrasigneerd door de Minister van Justitie A. H. KORTHALS en de Minister van Buitenlandse Zaken J. J. VAN AARTSEN.

Voor de behandeling in de Staten-Generaal zie: Kamerstukken II 2001/2002, 28 030 (R 1701); Handelingen II 2001/2002, blz. 1932–1938; 1946; 1947; Kamerstukken I 2001/2002, 28 030 (R 1701) nrs. 137a en 137b; Handelingen I 2001/2001, zie vergadering d.d. 17 december 2001.

## E. BEKRACHTIGING

Zie *Trb.* 2001, 62.

Behalve de aldaar genoemde staten hebben nog de volgende staten in over eenstemming met artikel 25, tweede lid, van het Verdrag een akte van bekrachtiging, aanvaarding of goedkeuring bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

|   |                  |
|---|------------------|
| Albanië . . . . .                                       | 10 april 2002    |
| Algerije <sup>1)</sup> . . . . .                        | 8 november 2001  |
| Azerbeidzjan . . . . .                                  | 26 oktober 2001  |
| Bolivia <sup>2)</sup> . . . . .                         | 7 januari 2002   |
| Bulgarije . . . . .                                     | 15 april 2002    |
| Canada . . . . .  | 19 februari 2002 |
| Chili <sup>3)</sup> . . . . .                           | 10 november 2001 |
| Cuba <sup>4)</sup> . . . . .                            | 15 november 2001 |
| Cyprus <sup>5)</sup> . . . . .                          | 30 november 2001 |
| Estland <sup>6)</sup> . . . . .                         | 22 mei 2002      |
| Frankrijk <sup>7)</sup> . . . . .                       | 7 januari 2002   |
| Guatemala . . . . .                                     | 12 februari 2002 |
| IJsland <sup>8)</sup> . . . . .                         | 15 april 2002    |
| Japan . . . . .   | 11 juni 2002     |
| Kaapverdië . . . . .                                    | 10 mei 2002      |
| Lesotho . . . . .                                       | 12 november 2001 |
| Mali . . . . .  | 28 maart 2002    |
| Malta . . . . .   | 11 november 2001 |
| Monaco <sup>9)</sup> . . . . .                          | 10 november 2001 |
| het Koninkrijk der Nederlanden <sup>10)</sup> . . . . . | 7 februari 2002  |
| (voor Nederland)  |                  |
| Oostenrijk . . . . .                                    | 15 april 2002    |
| Oezbekistan <sup>11)</sup> . . . . .                    | 9 juli 2001      |
| Peru . . . . .  | 10 november 2001 |
| Rwanda . . . . .  | 13 mei 2002      |
| Saint Kitts en Nevis . . . . .                          | 16 november 2001 |
| Saint Vincent en de Grenadines <sup>12)</sup> . . . . . | 28 maart 2002    |
| San Marino . . . . .                                    | 12 maart 2002    |
| Spanje <sup>13)</sup> . . . . .                         | 9 april 2002     |
| Zweden . . . . .  | 6 juni 2002      |

<sup>1)</sup> Onder de volgende voorbehouden:

“ The Government of the People’s Democratic Republic of Algeria does not consider itself bound by the provisions of article 24, paragraph 1, of the International Convention for the Suppression of the Financing of Terrorism.

The Government of the People’s Democratic Republic of Algeria declares that in order for a dispute to be submitted to arbitration or to the International Court of Justice, the agreement of all parties to the dispute shall be required in each case.”.

2) Onder de volgende mededeling:

“... by virtue of the provisions of article 7, paragraph 3, of the International Convention for the Suppression of the Financing of Terrorism, the Republic of Bolivia states that it establishes its jurisdiction in accordance with its domestic law in respect of offences committed in the situations and conditions provided for under article 7, paragraph 2, of the Convention.”.

3) Onder de volgende mededeling:

“In accordance with article 7, paragraph 3, of the International Convention for the Suppression of the Financing of Terrorism, the Government of Chile declares that, in accordance with article 6, paragraph 8, of the Courts Organization Code of the Republic of Chile, crimes and ordinary offenses committed outside the territory of the Republic which are covered in treaties concluded with other Powers remain under Chilean jurisdiction.”.

4) Onder het volgende voorbehoud:

“The Republic of Cuba declares, pursuant to article 24, paragraph 2, that it does not consider itself bound by paragraph 1 of the said article, concerning the settlement of disputes arising between States Parties, inasmuch as it considers that such disputes must be settled through amicable negotiation. In consequence, it declares that it does not recognize the compulsory jurisdiction of the International Court of Justice.”.

5) Onder de volgende mededeling:

“In accordance with paragraph 3 of Article 7, the Republic of Cyprus declares that by section 7.1 of the International Convention for the Suppression of the Financing of Terrorism (Ratification and other Provisions) Law No. 29 (III) of 2001, it has established jurisdiction over the offences set forth in Article 2 in all circumstances described in paragraph 2 of Article 7.”.

6) Onder de volgende verklaring:

“Pursuant to article 7, paragraph 3 of the Convention, the Republic of Estonia declares that in its domestic law it shall apply the jurisdiction set forth in article 7 paragraph 2 over offences set forth in article 2.”.

7) Onder de volgende verklaring en mededeling:

“Declaration pursuant to article 2, paragraph 2 (a):

In accordance with article 2, paragraph 2 (a) of this Convention, France declares that in the application of the Convention to France, the Convention of 14 December 1973 on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, shall be deemed not to be included in the annex referred to in article 2, paragraph 1, subparagraph (a), since France is not a party thereto.

Declaration under article 7, paragraph 3:

In accordance with article 7, paragraph 3, of the Convention, France states that it has established its jurisdiction over the offences set forth in article 2 in all cases referred to in article 7, paragraphs 1 and 2.”.

8) Onder de volgende verklaring:

“Pursuant to article 7, paragraph 3, of the International Convention for the Suppression of the Financing of Terrorism, Iceland declares that it has established its jurisdiction over the offences set forth in article 2 of the Convention in all the cases provided for in article 7, paragraph 2, of the Convention.”.

9) Onder de volgende mededeling:

“The Principality of Monaco reports, pursuant to article 7, paragraph 3, of the

International Convention for the Suppression of the Financing of Terrorism adopted in New York on 9 December 1999, that it exercises very broad jurisdiction over the offences referred to in that Convention.

The jurisdiction of the Principality is thus established pursuant to article 7, paragraph 1, over:

(a) Offences committed in its territory: this is the case in Monaco in application of the general principle of territoriality of the law;

(b) Offences committed on board a vessel flying the Monegasque flag: this is the case in Monaco in application of article L.633-1 et seq. of the Maritime Code;

Offences committed on board an aircraft registered under Monegasque law: the Tokyo Convention of 14 September 1963, rendered enforceable in Monaco by Sovereign Order No. 7 963 of 24 April 1984, specifies that the courts and tribunals of the State of registration of the aircraft are competent to exercise jurisdiction over offences and acts committed on board it;

(c) Offences committed by a Monegasque national: the Code of Criminal Procedure states in articles 5 and 6 that any Monegasque committing abroad an act qualified as a crime or offence by the law in force in the Principality may be charged and brought to trial there.

The jurisdiction of the Principality is also established pursuant to article 7, paragraph 2 when:

(a) The offence was directed towards or resulted in the carrying out of a terrorist offence in its territory or against one of its nationals: articles 42 to 43 of the Criminal Code permit the Monegasque courts, in general terms, to punish accomplices of a perpetrator charged in Monaco with offences referred to in article 2 of the Convention;

(b) The offence was directed towards or resulted in the carrying out of a terrorist offence against a State or government facility, including diplomatic or consular premises: attacks aimed at bringing about devastation, massacres and pillage in Monegasque territory are punishable under article 65 of the Criminal Code; in addition, article 7 of the Code of Criminal Procedure provides for the charging and trial in Monaco of foreigners who, outside the territory of the Principality, have committed a crime prejudicial to the security of the State or a crime or offence against Monegasque diplomatic or consular agents or premises;

(c) The offence was directed towards or resulted in a terrorist offence committed in an attempt to compel the State to do or abstain from doing any act: the crimes and offences in question normally correspond to one of those referred to above, directly or through complicity;

(d) The offence was committed by a stateless person who had his or her habitual residence in Monegasque territory: application of the general principle of territoriality of the law permits the charging of stateless persons having their habitual residence in Monaco;

(e) The offence was committed on board an aircraft operated by the Monegasque Government: if the Monegasque Government directly operated an aircraft or an airline, its aircraft would have to be registered in Monaco, and the Tokyo Convention of 14 September 1963 referred to above would then apply.”.

<sup>10)</sup> Onder de volgende verklaring:

“ The Kingdom of the Netherlands understands Article 10, paragraph 1, of the International Convention for the Suppression of the Financing of Terrorism to include the right of the competent judicial authorities to decide not to prosecute a person alleged to have committed such an offence, if, in the opinion of the competent judicial authorities grave considerations of procedural law indicate that effective prosecution will be impossible.”.

Op 1 mei 2002 heeft het Koninkrijk der Nederlanden bezwaar gemaakt tegen de bij ondertekening door Noord-Korea gemaakte voorbehouden. De tekst van het bezwaar luidt als volgt:

“The Government of the Kingdom of the Netherlands has examined the reservations made by the Government of the Democratic People’s Republic of Korea regarding article 2, paragraph 1 (a), and article 14 of the International Convention for the suppression of the financing of terrorism made at the time of its signature of the said Convention.

The Government of the Kingdom of the Netherlands considers that the reservations made by the Democratic People’s Republic of Korea regarding article 2, paragraph 1 (a), and article 14 of the Convention are reservations incompatible with the object and purpose of the Convention.

The Government of the Kingdom of the Netherlands recalls that, according to Article 19 (c) of the Vienna Convention on the law of treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of the Kingdom of the Netherlands therefore objects to the aforesaid reservations made by the Government of the Democratic People’s Republic of Korea to the International Convention for the suppression of the financing of terrorism.

This object shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and the Democratic People’s Republic of Korea.”.

<sup>11)</sup> Onder de volgende verklaring en het volgende voorbehoud:

“In accordance with Article 2 paragraph 2(a) of the said Convention, however, the Government of Saint Vincent and the Grenadines declares that in the application of this Convention to Saint Vincent and the Grenadines the following treaties shall be deemed not to be included in the Annex referred to in its Article 2 paragraph 1(a):

1. Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 3 march 1980.

2. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997.

Further, in accordance with Article 24 paragraph 2 of the said Convention, the Government of Saint Vincent and the Grenadines declares that it does not consider itself bound by paragraph 1 of Article 24. The Government of Saint Vincent and the Grenadines considers that any dispute may be referred to the International Court of Justice only with the consent of all the parties to the dispute.”.

<sup>12)</sup> Onder de volgende mededeling:

“ Republic of Uzbekistan establishes its jurisdiction over offences referred to in article 2 of the Convention in all cases stipulated in article 7, paragraph 2 of the Convention.”.

<sup>13)</sup> Onder de volgende mededeling:

“ In accordance with the provisions of article 7, paragraph 3, the Kingdom of Spain gives notification that its courts have international jurisdiction over the offences referred to in paragraphs 1 and 2, pursuant to article 23 of the Organization of Justice Act No. 6/1985 of 1 July 1985.”.

F. TOETREDING

De volgende staten hebben in over eenstemming met artikel 25, derde lid, van het Verdrag een akte van toetreding bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

|                              |                  |
|------------------------------|------------------|
| Antigua en Barbuda . . . . . | 11 maart 2002    |
| Grenada . . . . .            | 13 december 2001 |
| Ivoorkust . . . . .          | 13 maart 2002    |
| Palau . . . . .              | 14 november 2001 |

G. INWERKINGTREDING

De bepalingen van het Verdrag zijn ingevolge artikel 26, eerste lid, op 10 april 2002 in werking getreden.

Ten aanzien van iedere staat die het Verdrag bekrachtigt, aanvaardt, goedkeurt of ertoe toetreedt na 10 april 2002, treedt het ingevolge artikel 26, tweede lid, in werking op de dertigste dag na de datum van nederlegging door de betreffende staat van de akte van bekrachtiging, aanvaarding, goedkeuring of toetreding.

Het Verdrag is ingevolge artikel 26, eerste lid, voor het *Koninkrijk der Nederlanden* op 10 april 2002 in werking getreden.

Wat het *Koninkrijk der Nederlanden* betreft, geldt het Verdrag alleen voor Nederland.

J. GEGEVENS

Zie *Trb.* 2000, 12 en *Trb.* 2001, 62.

**Verwijzingen**

|                       |   |
|-----------------------|---|
| Titel                 | : Handvest der Verenigde Naties; San Francisco, 26 juni 1945                                |
| Laatste <i>Trb.</i> . | : <i>Trb.</i> 2001, 179   |
| Titel                 | : Verdrag inzake de bestrijding van terroristische bomaanslagen; New York, 14 december 1997 |
| Laatste <i>Trb.</i> . | : <i>Trb.</i> 2002, 62  |

Uitgegeven de vierentwintigste juni 2002.

*De Minister van Buitenlandse Zaken,*

J. J. VAN AARTSEN