

14 (2003) Nr. 1

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2003 Nr. 72

A. TITEL

*Notawisseling houdende een verdrag tussen het Koninkrijk der
Nederlanden en het Sierra Leone Tribunaal ten behoeve van een in
Nederland verblijvende getuige voor het Speciale Gerechtshof voor
Sierra Leone;
Londen, 16 april 2003 / Freetown, 25 april 2003*

B. TEKST

Nr. I

Royal Netherlands Embassy
38 Hyde Park Gate
London SWW7 5DP

London, 16 April 2003

Ref. YD/2003/04/16

The Ministry of Foreign Affairs of the Netherlands presents its compliments to the Special Court for Sierra Leone (hereinafter referred to as “the Special Court”) and has the honour to refer to the request of the Prosecutor dated 10 January 2003 seeking the assistance of the Government of the Netherlands regarding the stay in the Netherlands for reasons of safety of the individuals collectively known as TP119.

The Ministry is pleased to inform the Registrar that this request for assistance is acceptable under the conditions set out below.

1. The Ministry confirms that TP119 shall not be prosecuted, detained or subjected to any other restriction of liberty by the authorities of the Netherlands in respect of acts or convictions prior to its entry into the territory of the Netherlands.
2. The immunity provided in paragraph 1 shall cease to apply when TP119, at the first opportunity for leaving the Netherlands after the date when its presence in the Netherlands is no longer required for

he hearing of its evidence by the Special Court, has nevertheless remained in the territory of the Netherlands or, having left it, has returned.

3. It is the duty of TP119 to respect the laws and regulations of the Netherlands and to refrain from interfering in the internal affairs of the Netherlands.
4. The competent authorities of the Netherlands shall take effective and adequate action required to ensure the appropriate security, safety and protection of TP119, free from interference of any kind.
5. The Registrar of the Special Court shall be the direct point of contact for the competent authorities of the Netherlands with regard to the issue of witness protection.
6. As to the application of paragraph 4, the competent authorities of the Netherlands will, for the duration of this Agreement and in accordance with the normal practice in the Netherlands, provide TP119 with:
 - a. a place on the Dutch Witness Protection Programme;
 - b. such facilities as safe accommodation, food and, as appropriate, medical care;
 - c. the opportunity to prepare to give evidence free from interference.

The competent authorities of the Netherlands shall furthermore allow the Special Court to communicate with TP119 and hear its evidence outside the jurisdiction of the Netherlands without interference.
7. For the duration of this Agreement, TP119 shall abide by the rules of the Dutch Witness Protection Programme. TP119 shall only enjoy protection to the extent that it follows the instructions of the police officers assigned to it.
8. Unless otherwise agreed upon by the competent authorities of the Netherlands, TP119 shall not be permitted to receive visitors, with the exception of representatives of the Special Court as necessary for the preparation of its evidence.
9. All protection extended by the competent authorities of the Netherlands will cease in the event that TP119 does not avail itself of the first opportunity for leaving the territory of the Netherlands after the date when its presence in the Netherlands is no longer required for the hearing of its evidence by the Special Court.
10. The responsibility of the competent authorities of the Netherlands for any claims by TP119, the Special Court, or any third party does not extend beyond the usual responsibility for witnesses under the Dutch Witness Protection Programme.
11. The Special Court shall:
 - a. endeavour to ensure that the evidence of TP119 is heard before the expiry of this Agreement;
 - b. ensure the prompt relocation of TP119 outside the territory of the Netherlands on or before the expiry of this Agreement;

- c. on a monthly basis inform the competent authorities of the Netherlands of the progress made in securing relocation for TP119;
 - d. inform TP119 of its duty to comply with the conditions specified in this Agreement.
12. The Special Court shall ensure that the costs incurred in the implementation of this Agreement, as detailed by the competent authorities of the Netherlands, are reimbursed by 29 April 2003. In the case of an extension as referred to in paragraph 13, reimbursement shall take place by 29 July 2003.
 13. This Agreement shall have retroactive effect as of 29 January 2003 and will remain in force for three months as of that date. This Agreement may be extended on an application from the Registrar, for one period of three months if it has been established that:
 - a. the hearing of the evidence of TP119 is still required; and
 - b. the reimbursement as specified in the first sentence of paragraph 12 has taken place; and
 - c. relocation of TP119 has been sufficiently secured.
 14. In case of an extension of this Agreement, the extension of the visa of TP119 shall be bound to the conditions set out in this Agreement.
 15. Notwithstanding paragraphs 13 and 14, this Agreement will expire after the date when the presence of TP119 in the Netherlands is no longer required for the hearing of its evidence by the Special Court or TP119 has left the territory of the Netherlands.
 16. Upon expiry of this Agreement, TP119 shall be obliged to leave the Netherlands. Refusal to leave the Netherlands will constitute a violation of the Dutch law on immigration.
 17. Expiry of this Agreement does not constitute an end of the Court's obligation to secure relocation of TP119.
 18. This Agreement shall only apply to the Kingdom of the Netherlands in Europe.

If this proposal is acceptable to the Court the Ministry proposes that this note and the affirmative note of the Special Court shall constitute an Agreement between the Kingdom of the Netherlands and the Special Court.

Special Court for Sierra Leone
Freetown
Sierra Leone

Nr. II

SPECIAL COURT FOR SIERRA LEONE
Jomo Kenyatta Road - Freetown - Sierra Leone

25 April 2003

Our Ref: REG/116/03
Your Ref: YD/2003/04/16

The Special Court for Sierra Leone presents its compliments to the Royal Netherlands Embassy and has the honour to acknowledge receipt of the Embassy's Note YD/2003/04/16 of 16 april 2003, which reads as follows:

(Zoals in Nr. I)

The Special Court for Sierra Leone has the honour to inform the Royal Netherlands Embassy that the proposal is acceptable to the Special Court for Sierra Leone. The Special Court for Sierra Leone accordingly agrees that the Embassy's Note and this reply shall constitute an Agreement between the Special Court for Sierra Leone and the Kingdom of the Netherlands.

The Special Court for Sierra Leone avails itself of this opportunity to renew to the Royal Netherlands Embassy the assurances of its highest consideration.

The Royal Netherlands Embassy, London

D. PARLEMENT

Het in de nota's vervatte 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 in de nota's vervatte verdrag zijn ingevolge punt 13 van de nota's met terugwerkende kracht op 29 januari 2003 in werking getreden.

Wat het Koninkrijk der Nederlanden betreft, geldt het verdrag ingevolge punt 18 van de nota's alleen voor Nederland.

J. GEGEVENS

Op 29 april 2003 zijn nota's gewisseld tussen de regering van het Koninkrijk der Nederlanden en het Sierra Leone Tribunaal waarin het verdrag dat in de notawisseling van 16 en 25 april is vervat, met drie maanden wordt verlengd. De tekst van de nota's luidt als volgt:

Nr. III

Royal Netherlands Embassy
38 Hyde Park Gate
London SWW7 5DP

London, 29 April 2003

Ref. YD/2003/04/29

The Royal Netherlands Embassy presents its compliments to the Special Court for Sierra Leone and, with reference to the exchange of notes between the Kingdom of the Netherlands and the Special Court for Sierra Leone regarding the stay in the Netherlands for reasons of safety of the individuals collectively known as TP119, the Embassy has the honour to propose that the duration of the said Agreement, laid down in its Article 13, be extended with a three-month period so that the Agreement eventually will expire on 29 July 2003.

If this proposal is acceptable to the Special Court for Sierra Leone, the Embassy proposes that this Note and the affirmative reply to it shall together constitute an agreement between the Kingdom of the Netherlands and the Special Court for Sierra Leone, which will enter into force on the date of the reply of the Special Court for Sierra Leone. If this date is later than 29 April 2003, this Agreement will have retroactive effect as from the latter date.

The Royal Netherlands Embassy avails itself of this opportunity to renew to the Special Court for Sierra Leone the assurances of its highest consideration.

Special Court for Sierra Leone
Freetown
Sierra Leone

Nr. IV

SPECIAL COURT FOR SIERRA LEONE
Jomo Kenyatta Road – Freetown – Sierra Leone

29 April 2003

Our Ref: REG/119/03
Your Ref: YD/2003/04/29

The Special Court presents its compliments to the Government of the Netherlands and has the pleasure to acknowledge receipt of the Note Verbale dated 29 April 2003 from the Royal Netherlands Embassy, London.

The Special Court gratefully accepts the continued assistance of the Government of the Netherlands in the matter of TP119. The extension of the agreement for a three-month period from the 29 April 2003 is acceptable to the Special Court, as indicated by the special Court's request of the 25th April 2003.

The Special Court for Sierra Leone avails itself of the opportunity to renew to the Government of the Netherlands London the assurances of its highest consideration.

The Royal Netherlands Embassy, London

Het in nota's III en IV vervatte verdrag behoeft ingevolge artikel 7, onderdeel c, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal.

De bepalingen van het in deze nota's vervatte verdrag zijn ingevolge het gestelde in de tweede alinea van nota IV op 29 april 2003 in werking getreden.

Wat het Koninkrijk der Nederlanden betreft, geldt de verlenging ingevolge punt 18 van nota I alleen voor Nederland.

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

Uitgegeven de zevenentwintigste mei 2003.

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's-Gravenhage 2003

De Minister van Buitenlandse Zaken,

J. G. DE HOOP SCHEFFER