

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2005 Nr. 199

A. TITEL

Notawisseling houdende een verdrag tussen het Koninkrijk der Nederlanden en het Internationaal Strafrechtelijk Tribunaal voor Rwanda ten behoeve van een in Nederland verblijvende verdachte voor het Internationaal Strafrechtelijk Tribunaal voor Rwanda; Dar es Salaam/Arusha, 15/25 augustus 2005

B. TEKST

Nr. I

Ambassade van het
Koninkrijk der Nederlanden

Dar es Salaam, 15 August 2005

DAR/AR-073/2005

The Royal Netherlands Embassy presents its compliments to the International Criminal Tribunal for Rwanda, and has the honour to refer to the Confidential Request for Assistance by the Prosecutor of 21 July 2005 regarding the temporary custody of a high profile detainee in the Netherlands which was received by Confidential Note from the Registrar of the International Criminal Tribunal for Rwanda.

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

The Embassy refers to the *Exchange of Letters of 22 and 24 April 1996 between the Kingdom of the Netherlands and the United Nations constituting an Agreement regarding the applicability of the Agreement 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 Yugosla-*

via since 1991 to the activities and proceedings of the International Tribunal for Rwanda in the Kingdom of the Netherlands.

1. The Netherlands permits the detention on its territory of Mr. Michel Bagaragaza (hereinafter referred to as “the detainee”) in the United Nations Detention Unit of the ICTY (hereinafter referred to as “UNDU”) in The Hague.

2. The transport of the detainee from the point of arrival in the Netherlands to the UNDU, from the UNDU to the point of departure from the Netherlands as well as any transport of the detainee in the Netherlands outside the UNDU shall be carried out by the competent authorities of the Netherlands.

3. The Netherlands shall not exercise its jurisdiction over the detainee or proceed with a request for assistance or extradition from another State with regard to the detainee for acts, omissions or convictions prior to his arrival in the Netherlands.

4. The International Criminal Tribunal for Rwanda (hereinafter referred to as “ICTR”) will ensure that the stay of the detainee in the Netherlands will be as short as possible. In particular, the ICTR guarantees that the transfer of the detainee to another State for the execution of his sentence within one year of his arrival in the Netherlands has been arranged.

5. The costs as a result of the detention of this ICTR detainee at the UNDU will be borne by the ICTR in the same manner as the costs resulting from the detention of ICTY detainees at the UNDU are borne by the ICTY, including transportation. The modalities for reimbursement of these costs will be resolved between the ICTY and ICTR.

If this proposal is acceptable to the ICTR, the Embassy proposes that this note and the affirmative note of the ICTR will constitute an Agreement between the Kingdom of the Netherlands and the ICTR which will enter into force on the date of receipt of the ICTR’s reply by the Embassy and will not exceed the duration of one year. If this date is later than 16 August 2005 this Agreement will have retroactive effect as from 16 August 2005.

The Royal Netherlands Embassy avails itself of this opportunity to renew to the ICTR the assurances of its highest consideration.

*To the International Criminal Tribunal for Rwanda
Arusha*

Nr. II

INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Arusha, 25 August 2005

ICTR/RO/08//05/353

The International Criminal Tribunal for Rwanda presents its compliments to the Royal Netherlands Embassy, and has the honour to confirm receipt of the Embassy's Note of 15 August 2005, which reads as follows:

(Zoals in Nr. I)

The ICTR would like to thank the Ministry of Foreign Affairs of the Kingdom of the Netherlands for accepting the request under the conditions set out above and confirms that the terms and conditions as set out in the Note are agreeable and that the Embassy's Note and this Note will constitute an Agreement between the Kingdom of the Netherlands and the ICTR which will enter into force on the date of receipt of this Note by the Embassy and which will have retroactive effect as from 16 August 2005.

The Registrar of the ICTR avails himself of this opportunity to renew to the Royal Netherlands Embassy the assurances of his highest consideration.

*The Royal Netherlands Embassy
Dar es Salaam*

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 het gestelde in de één na laatste alinea van beide nota's in werking getreden op 29 augustus 2005.

Ingevolge dezelfde alinea heeft het verdrag terugwerkende kracht tot 16 augustus 2005 en zal het uiterlijk 25 augustus 2006 buiten werking treden.

J. VERWIJZINGEN

- Titel** : Verdrag tussen het Koninkrijk der Nederlanden en de Verenigde Naties betreffende de zetel van het International Tribunaal voor de vervolging van personen verantwoordelijk voor ernstige schendingen van het internationaal humanitair recht op het grondgebied van het voormalig Joegoslavië sedert 1991; New York, 29 juli 1994
- Tekst** : *Trb.* 1994, 189 (Engels)
- Laatste *Trb.*** : *Trb.* 2001, 150
- Titel** : Briefwisseling tussen de Regering van het Koninkrijk der Nederlanden en de Verenigde Naties houdende een verdrag inzake de toepassing van het tussen Partijen gesloten Verdrag betreffende de zetel van het Internationaal Tribunaal voor het voormalige Joegoslavië, op de werkzaamheden en handelingen van het Internationaal Tribunaal voor Rwanda; New York, 24 april 1996
- Tekst** : *Trb.* 1996, 143

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

Uitgegeven de *twaalfde* september 2005.

De Minister van Buitenlandse Zaken,

B. R. BOT