

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2010 Nr. 228

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, 19 februari 2001*

B. TEKST

De Engelse tekst van het in nota's vervatte verdrag is geplaatst in *Trb.* 2001, 56.

Op 14 juli 2010 is te 's-Gravenhage een notawisseling tot stand gekomen houdende een verdrag tot wijziging van het Verdrag tussen het Koninkrijk der Nederlanden en het Internationaal Joegoslavië Tribunaal (ICTY) inzake de positie van ICTY-stagiairs in Nederland. De Engelse tekst van de notawisseling luidt als volgt:

Nr. I

MINISTERIE VAN BUITENLANDSE ZAKEN

The Hague, 14 July 2010

Treaties Division

DJZ/VE-571/10

The Ministry of Foreign Affairs of the Kingdom of the Netherlands 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 19 February 2001 an Agreement has been concluded between the Kingdom of the Netherlands and the International Criminal Tribunal for the Former Yugoslavia (hereinafter the UN-ICTY) concerning the registration of interns at the UN-ICTY in the Netherlands (hereinafter the Interns Agreement);

Noting Article 7 of the Interns Agreement, under which that Agreement may be amended by mutual consent at any time at the request of either of the Parties thereto;

Noting the wish of the UN-ICTY to formally extend the maximum period of registration of interns under the Interns Agreement, and noting that under the Interns Agreement interns do not enjoy privileges and immunities, but that it is desirable to formally agree on certain limited exceptions in this respect;

Therefore, the Ministry proposes to amend the Interns Agreement as follows:

1. With reference to Article 2 of the Interns Agreement, “six (6) months” shall be replaced by “one (1) year, which in exceptional circumstances may be extended once by a maximum period of one (1) year”.
2. With reference to Article 3 of the Intern Agreement, the following shall be added at the end of the sentence: “, except:
 - a) immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity for the UN-ICTY, which immunity shall continue to be accorded even after termination of the internship with the UN-ICTY for activities carried out on its behalf;

b) inviolability of all papers, documents in whatever form and materials relating to the performance of their functions for the UN-ICTY.

The privileges and immunities are granted in the interest of the Tribunal and not for the personal benefit of the individuals themselves. The President of the Tribunal has the right and duty to waive these privileges and immunities in any particular case where they would impede the course of justice and can be waived without prejudice to the purpose for which they were accorded.”.

If the abovementioned 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 amendment to the Interns Agreement, that shall be provisionally applied as from the date of receipt of the affirmative Note in reply, and 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 of the Kingdom of the Netherlands 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*

Nr. II

UNITED NATIONS
INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER
YUGOSLAVIA

The Hague, 14 July 2010

The International Criminal Tribunal for the Former Yugoslavia (“UN-ICTY”) presents its compliments to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and has the honour to refer to the Ministry’s note nr. DJZ/VE-571/10 of 14 July 2010, which reads as follows:

(zoals in Nr. I)

The UN-ICTY has further the honour to inform the Ministry that the proposals set forth in the Ministry's note are acceptable to the UN-ICTY and to confirm that the Ministry's note and this note shall constitute an amendment to the Interns Agreement, that shall be provisionally applied as from the date of receipt of this affirmative Note in reply, and 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 of the Netherlands the assurances of its highest consideration.

*Ministry of Foreign Affairs
The Hague*

C. VERTALING

Zie *Trb.* 2001, 84.

D. PARLEMENT

Zie *Trb.* 2001, 139.

Het in de nota's vervatte verdrag van 14 juli 2010 behoeft ingevolge artikel 91 van de Grondwet de goedkeuring van de Staten-Generaal, alvorens het Koninkrijk aan het verdrag kan worden gebonden.

F. VOORLOPIGE TOEPASSING

Het in de nota's vervatte verdrag van 14 juli 2010 wordt ingevolge het gestelde in de op één na laatste alinea van nota Nr. I en nota Nr. II vanaf 15 juli 2010 voorlopig toegepast door het Koninkrijk der Nederlanden.

Wat betreft het Koninkrijk der Nederlanden, geldt de voorlopige toepassing alleen voor Nederland.

G. INWERKINGTREDING

Zie *Trb.* 2001, 139.

De bepalingen van het in de nota's vervatte verdrag van 14 juli 2010 zullen ingevolge het gestelde in de op één na laatste alinea van nota Nr. I en nota Nr. II in werking treden op de dag nadat beide partijen elkaar schriftelijk hebben medegedeeld dat de wettelijke vereisten voor inwerkingtreding zijn voltooid.

J. VERWIJZINGEN

Zie *Trb.* 2001, 56.

Titel : Verdrag tussen het Koninkrijk der Nederlanden 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;
New York, 29 juli 1994

Laatste *Trb.* : *Trb.* 2001, 150

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat het in de nota's vervatte verdrag van 14 juli 2010 zal zijn bekendgemaakt in Nederland op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *negende* september 2010.

De Minister van Buitenlandse Zaken,

M. J. M. VERHAGEN