

**No. 41714. United Nations
(International Criminal Tribunal
for the former Yugoslavia) and
Netherlands**

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA CONCERNING THE POSITION OF ICTY TRAINEES IN THE NETHERLANDS. THE HAGUE, 15 FEBRUARY 2001 AND 19 FEBRUARY 2001 [*United Nations, Treaty Series*, vol. 2328, I-41714.]

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT AMENDING THE AGREEMENT BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA CONCERNING THE POSITION OF ICTY TRAINEES IN THE NETHERLANDS. THE HAGUE, 14 JULY 2010

Entry into force: provisionally on 15 July 2010, in accordance with the provisions of the said notes

Authentic text: English

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**N° 41714. Organisation des Nations
Unies (Tribunal pénal international
pour l'ex-Yougoslavie) et
Pays-Bas**

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD ENTRE LE ROYAUME DES PAYS-BAS ET LE TRIBUNAL PÉNAL INTERNATIONAL POUR L'EX-YOUGOSLAVIE RELATIF À LA POSITION DES STAGIAIRES DU TRIBUNAL AUX PAYS-BAS. LA HAYE, 15 FÉVRIER 2001 ET 19 FÉVRIER 2001 [*Nations Unies, Recueil des Traités*, vol. 2328, I-41714.]

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD MODIFIANT L'ACCORD ENTRE LE ROYAUME DES PAYS-BAS ET LE TRIBUNAL PÉNAL INTERNATIONAL POUR L'EX-YOUGOSLAVIE RELATIF À LA POSITION DES STAGIAIRES DU TRIBUNAL AUX PAYS-BAS. LA HAYE, 14 JUILLET 2010

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[ENGLISH TEXT – TEXTE ANGLAIS]

I

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.

The Hague, 14 July 2010

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