

No. 49014

**Netherlands (for the European part of the Netherlands)
and
Rwanda**

Agreement between the Kingdom of the Netherlands and the Republic of Rwanda concerning the status of military and civilian personnel of their Ministry of Defence present in each other's territory for activities related to bilateral military cooperation. Kigali, 13 May 2009

Entry into force: *1 December 2010 by notification, in accordance with article 11*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *Netherlands, 6 October 2011*

**Pays-Bas (pour la partie européenne des Pays-Bas)
et
Rwanda**

Accord entre le Royaume des Pays-Bas et la République du Rwanda concernant le statut du personnel militaire et civil des Ministères de la défense présent sur leurs territoires respectifs pour des activités liées à la coopération militaire bilatérale. Kigali, 13 mai 2009

Entrée en vigueur : *1^{er} décembre 2010 par notification, conformément à l'article 11*

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[ENGLISH TEXT – TEXTE ANGLAIS]

Agreement between the Kingdom of the Netherlands and the Republic of Rwanda concerning the status of military and civilian personnel of their Ministry of Defence present in each other's territory for activities related to bilateral military cooperation

Preamble

The Kingdom of the Netherlands

and

the Republic of Rwanda (hereinafter jointly referred to as “the Parties” and in the singular as “a Party”);

Considering that the Minister of Defence of the Kingdom of the Netherlands and the Minister of Defence of the Republic of Rwanda have concluded a Memorandum of Understanding on bilateral military cooperation dated 14 June 2005;

Considering that military and civilian personnel of the Ministry of Defence of the Parties will be present in each other's territory for activities related to this military cooperation;

Desiring to define the status of the military and civilian personnel;

Have agreed as follows:

Article 1

Definitions

In this Agreement, unless the context indicates otherwise:

“Personnel” means the military and civilian personnel of the Ministry of Defence of the Parties;

“Military Personnel” means the military personnel of the Ministry of Defence of the Sending State, including foreign military personnel forming an integral part of military units of the Sending State on the basis of an exchange programme;

“Dependent” means the spouse of a member of the Personnel of the Sending State or a child of such member depending on him or her for support;

“Spouse” for the purpose of this Agreement spouse shall also mean persons having an equivalent relationship to marriage with a member of the Personnel of the Sending State as recognised by the domestic law in force in the territory of the Sending State.

Article 2

Entry and exit requirements

The authorities of the Receiving State shall allow the Personnel of the Sending State and their Dependents entry into and exit from the territory of the Receiving State in accordance with the national laws and international treaty obligations of the Receiving State.

Article 3

Discipline and jurisdiction

1. Disciplinary jurisdiction shall remain a prerogative of the competent authorities of the Sending State.

2. The Personnel of the Sending State and their Dependents shall respect and are subject to the domestic law in force in the territory of the Receiving State.

3. The Personnel of the Sending State shall enjoy immunity for any offence and any act committed during their stay in the Receiving State in the exercise of their official duties pursuant to this Agreement. In addition, the Personnel of the Sending State shall be immune from legal process of any kind, including any request for extradition from Third States, for offences committed prior to their entry in the Receiving State.

4. The Government of the Receiving State may request the Government of the Sending State to waive the immunity of a member of the Personnel of the Sending State in cases of particular importance for the Receiving State. In such an event, the Parties shall consult with a view to safeguard each other's legitimate interests.

5. In the event that the authorities of the Receiving State take into custody any member of the Personnel of the Sending State for offences or acts for which he or she enjoys immunity pursuant to paragraph 3, they shall hand over such custody to the officer in command of the Personnel of the Sending State forthwith and shall send a written report on the matter to the said officer without delay.

6. The appropriate authorities of the Sending State shall inform the appropriate authorities of the Receiving State of their decision to institute legal action against the member of the Personnel of the Sending State and of the outcome of the procedures that have been initiated in the Sending State.

Article 4

Importation, exportation and taxes

1. In respect of equipment, materials, supplies and other property imported into or exported from the Receiving State by the Sending State in connection with the implementation of this Agreement and in respect of baggage, personal effects, products and other property for the personal use of the Personnel of the Sending State and of their Dependents imported into or exported from the territory of the Receiving State in connection with this Agreement, the domestic law in force in the territory of the Receiving State and, if applicable, the European Community laws on importation, exportation and transfer of goods shall apply.

2. A Sending State may import into the territory of the Receiving State in conformity with the national law in force in the territory of the Receiving State and, if applicable, the European Community laws, free of duty the equipment for the Personnel of the Sending State and reasonable quantities of provisions, supplies and other goods for the exclusive use of such Personnel.

3. The goods that have been imported duty-free under paragraph 2, may be re-exported freely in conformity with the domestic law and, if applicable, the European Community laws, on exportation of goods and shall not be disposed of in the Receiving State by way of either sale or gift. However, in particular cases such disposal may be authorised on conditions imposed by the authorities concerned of the Receiving State.

4. Imports made by the authorities of the Sending State, the Personnel of the Sending State and their Dependents, other than for the exclusive use of the Sending State, the Personnel of the Sending State and their Dependents, shall not be entitled to any exemption from duty or other conditions.

5. Goods purchased in the Receiving State shall be exported there from only in accordance with the domestic law in force in the territory of the Receiving State and, if applicable, the European Community laws on exportation.

6. Military vehicles of a Sending State shall, to the extent provided for in the domestic law in force in the territory of the Receiving State, be exempt from any tax payable in respect of the use of vehicles on the roads.

7. Special arrangements shall be made between the Sending State and Receiving State in conformity with the domestic law and, if applicable, the European Community laws, so that fuel, oil and lubricants for use of military vehicles, aircraft and vessels may be delivered free of all duties and taxes.

8. Special arrangements for crossing frontiers shall be granted by the customs authorities of the Receiving State in conformity with the domestic law and, if applicable, the European Community laws, to regularly constituted units and formations, provided that the customs authorities concerned have been duly notified in advance.

Article 5

Arms and uniforms

1. The Military Personnel participating in military exercises may possess and carry arms on the condition that they are authorised to do so by their orders.

2. The Military Personnel may use arms and ammunition only for training purposes on locations specifically intended for such use by the Receiving State. These locations shall be further agreed upon between the appropriate authorities of the Receiving and Sending State.

3. The arms and ammunition shall be stored and guarded in accordance with the domestic law in force in the territory of the Receiving State.

4. The Military Personnel may wear their national military uniform while performing official duties.