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**United Nations
and
United Republic of Tanzania**

Agreement between the United Nations and the Government of the United Republic of Tanzania concerning the headquarters of the International residual mechanism for criminal tribunals. Dar es Salaam, 26 November 2013

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Authentic text: *English*

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**Organisation des Nations Unies
et
République-Unie de Tanzanie**

Accord entre l'Organisation des Nations Unies et le Gouvernement de la République-Unie de Tanzanie relatif au siège du mécanisme international appelé à exercer les fonctions résiduelles des tribunaux pénaux. Dar es-Salaam, 26 novembre 2013

Entrée en vigueur : *provisoirement le 26 novembre 2013 par signature, conformément à l'article 48*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT

BETWEEN

THE UNITED NATIONS

AND

THE UNITED REPUBLIC OF TANZANIA

**CONCERNING THE HEADQUARTERS OF
THE INTERNATIONAL RESIDUAL
MECHANISM FOR CRIMINAL TRIBUNALS**

Agreement between the United Nations and the United Republic of Tanzania concerning the Headquarters of the International Residual Mechanism for Criminal Tribunals

WHEREAS the Security Council of the United Nations acting under Chapter VII of the Charter of the United Nations decided by its resolution 1966 (2010) adopted on 22 December 2010 to establish the International Residual Mechanism for Criminal Tribunals with two branches, one for the International Criminal Tribunal for Rwanda (ICTR) and the other for the International Tribunal for the former Yugoslavia (ICTY);

WHEREAS the International Residual Mechanism for Criminal Tribunals is established as a subsidiary organ within the terms of Article 29 of the Charter of the United Nations;

WHEREAS Article 3 of the Statute of the International Residual Mechanism for Criminal Tribunals, Annex I to Security Council resolution 1966 (2010), provides that the branch for the ICTR shall have its seat in Arusha and the branch for the ICTY shall have its seat in The Hague;

WHEREAS the Security Council, by resolution 1966 (2010), decided that the determination of the seats of the branches of the Mechanism is subject to the conclusion of appropriate arrangements between the United Nations and the host countries of the branches of the Mechanism acceptable to the Security Council;

WHEREAS the United Nations and the United Republic of Tanzania wish to conclude an agreement to facilitate the smooth and efficient functioning of the International Residual Mechanism for Criminal Tribunals in the United Republic of Tanzania;

The United Nations and the United Republic of Tanzania have agreed as follows:

PART I. GENERAL PROVISIONS

Article 1. Use of terms

For the purpose of this Agreement:

- a) “Statute” means the Statute of the International Residual Mechanism for Criminal Tribunals, as annexed to Security Council resolution 1966 (2010);
- b) “Mechanism” means the International Residual Mechanism for Criminal Tribunals, established by the Security Council pursuant to its resolution 1966

(2010), which is also known as the Mechanism for International Criminal Tribunals or the MICT;

- c) “Secretary-General” means the Secretary-General of the United Nations;
- d) “host State” means the United Republic of Tanzania;
- e) “Parties” means the United Nations and the host State;
- f) “judges” means the judges of the Mechanism elected by the General Assembly in accordance with Article 10, paragraph 1 of the Statute or appointed by the Secretary-General in accordance with Article 10, paragraphs 2 and 4 of the Statute;
- g) “President” means the President of the Mechanism appointed by the Secretary-General in accordance with Article 11, paragraph 1 of the Statute;
- h) “Prosecutor” means the Prosecutor of the Mechanism appointed by the Security Council in accordance with Article 14, paragraph 4 of the Statute;
- i) “Registrar” means the Registrar of the Mechanism appointed by the Secretary-General in accordance with Article 15, paragraph 3 of the Statute;
- j) “staff of the Mechanism” means the staff of the Registry as referred to in Article 15, paragraph 4 of the Statute and the staff of the Office of the Prosecutor as referred to in Article 14, paragraph 5 of the Statute;
- k) “officials of the Mechanism” means the President, the judges, the Prosecutor, the Registrar and the staff of the Mechanism;
- l) “experts on mission for the Mechanism” means those persons, other than officials of the Mechanism, who perform missions for the Mechanism in the investigation or the prosecution of persons covered by Article 1 of the Statute or in the judicial or appellate proceedings;
- m) “interns” means persons who, not being staff of the Mechanism, have been accepted by the Mechanism into the internship or fellowship programme of the Mechanism for the purpose of performing certain tasks for the Mechanism without receiving a salary from the Mechanism;
- n) “witnesses” means persons designated as such by the Mechanism;
- o) “defence counsel” means a person admitted as counsel by the Mechanism;

- p) “suspect” means a person referred to as such in the Statute;
- q) “accused” means a person referred to as such in the Statute;
- r) “members of their family forming part of the household” shall be understood to include spouses of the officials of the Mechanism; children of the officials of the Mechanism who are under the age of 18; and children of the officials of the Mechanism aged 18 or over, but not older than 27, provided that they formed part of the official’s household prior to their first entry into the host State and still form part of this household, and that they are unmarried, financially dependent on the official of the Mechanism concerned and are attending education in the host State;
- s) “premises” means buildings, parts of buildings and areas, including land, installations and facilities made available to, maintained, occupied or used by the Mechanism in the host State in connection with its functions and purposes, including detention of a person;
- t) “Ministry of Foreign Affairs” means the Ministry of Foreign Affairs and International Co-operation of the host State;
- u) “competent authorities” means national, provincial, municipal and other competent authorities under the laws, regulations and customs of the host State;
- v) “Vienna Convention” means the Vienna Convention on Diplomatic Relations done at Vienna on 18 April 1961, to which the United Republic of Tanzania acceded on 5 November 1962;
- w) “General Convention” means the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946, to which the United Republic of Tanzania acceded on 29 October 1962;
- x) “Resolution 1966” means Security Council resolution 1966 (2010) adopted on 22 December 2010, which established the Mechanism;
- y) “Rules of Procedure and Evidence” means the Rules of Procedure and Evidence of the Mechanism adopted in accordance with Article 13 of the Statute;