

AMENDMENT TO THE
AGREEMENT BETWEEN THE UNITED NATIONS AND THE KINGDOM OF THE
NETHERLANDS 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
YUGOSLAVIA SINCE 1991

The Hague, 20 July 2001

The Ministry of Foreign Affairs of the Kingdom of the Netherlands presents its compliments to the International Criminal Tribunal for the former Yugoslavia (hereinafter the International Tribunal) and, with reference to the discussions between the Ministry and the International Tribunal regarding employment opportunities of members of the families forming part of the household of the officials of the International Tribunal, has the honour to propose that a new Article XV *bis* be inserted after Article XV 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 Yugoslavia since 1991, New York, 29 July 1994, reading as follows:

Article XV *bis*
Employment of Family Members of Officials

1. Members of the family forming part of the household of the officials of the Tribunal shall be authorised to engage in gainful employment in the Netherlands for the duration of the term of office of the officials concerned.
2. The following persons are members of the family forming part of the household in the sense of paragraph 1:
 - a) the spouses or registered partners of the officials of the Tribunal;
 - b) children of the officials of the Tribunal who are under the age of 18;
 - c) children of the officials of the Tribunal 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 Netherlands and still form part of this household, and that they are unmarried, financially dependent on the Tribunal official concerned and are attending education in the Netherlands.
3. Persons mentioned in paragraph 2 of this Article who obtain gainful employment shall have no immunity from criminal, civil or administrative jurisdiction with respect to matters arising in the course of or in connection with such employment, provided that measures of execution are taken without infringing the inviolability of their person or of their residence, if they are entitled to such inviolability.
4. In case of the insolvency of a person aged under 18 with respect to a claim arising out of gainful employment of that person under this Article, the immunity of the official of whose family the person concerned is a member shall be waived by the Tribunal for the purpose of settlement of the claim, in accordance with the provisions of the applicable international legal instrument regarding waiver, in particular with Article V, section 20 of the Convention on the Privileges and Immunities of the United Nations and Article XV, paragraph 5 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 Yugoslavia

since 1991.

5. The employment referred to in paragraph 1 of this Article shall be in accordance with Netherlands legislation, including fiscal and social security legislation.”