

The International Criminal Tribunal for the Former Yugoslavia presents its compliments to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and has the honour to acknowledge receipt of the Ministry's Note DJZ/VE-1041/05 dated 22 November 2005, which reads as follows:

"The Ministry of Foreign Affairs of the Kingdom of the Netherlands presents its compliments to the International Criminal Tribunal for the Former Yugoslavia and, with reference to the Agreement between the Kingdom of the Netherlands and the International Criminal Tribunal for the Former Yugoslavia of 29 July 1994 and to the Cabinet Decision of 22 April 2005 on the Government Policy Framework of the Netherlands on Attracting and Hosting International Organisations, has the honour to propose the following in respect of the privileges and immunities of the staff of the International Criminal Tribunal for the Former Yugoslavia:

1. Use of terms

For the purpose of this Agreement:

- a. "the parties" means the International Criminal Tribunal for the Former Yugoslavia and the host State;
- b. "the Organisation" means the International Criminal Tribunal for the Former Yugoslavia
- c. "the host State" means the Kingdom of the Netherlands;
- d. "the Vienna Convention" means the Vienna Convention on Diplomatic Relations of 18 April 1961.

2. Privileges and immunities

- a. The Head of the Organisation, together with members of his family forming part of his household, shall enjoy the same privileges and immunities as the host State accords to heads of diplomatic missions accredited to the host State in accordance with the Vienna Convention.
- b. The highest ranking staff of the Organisation, together with members of their family forming part of their household, shall enjoy the same privileges and immunities as the host State accords to diplomatic agents of the diplomatic missions established in the host State in accordance with the Vienna Convention.
- c. Administrative and technical staff of the Organisation, together with members of their family forming part of their household, shall enjoy the same privileges and immunities as the host State accords to administrative and technical staff of the diplomatic missions established in the host State in accordance with the Vienna Convention, provided that the immunity from criminal jurisdiction and personal inviolability shall not extend to acts performed outside the course of their official duties.

- d. Service staff of the Organisation, together with members of their family forming part of their household, shall enjoy the same privileges and immunities as the host State accords to service staff of the diplomatic missions established in the host State in accordance with the Vienna Convention.

3. Determination of categories

The host State shall, in consultation with the Organisation, determine which categories of personnel will be covered by each of the four groups as laid down in paragraph 2 of this Agreement.

4. Scope of the Agreement

- a. This Agreement does not apply to persons who are nationals or permanent residents of the host State.
- b. This Agreement shall not detract from any existing arrangements in the Headquarters Agreement or other bilateral or multilateral agreements.
- c. This agreement shall not extent to issues concerning admission and residence.

If this proposal is acceptable to the International Criminal Tribunal for the Former Yugoslavia, the Ministry suggests that this Note and the International Criminal Tribunal for the Former Yugoslavia's affirmative reply to it shall together constitute an Agreement between the Kingdom of the Netherlands and the International Criminal Tribunal for the Former Yugoslavia. This Agreement, the French and English texts of which are equally authentic, shall enter into force on 1 January 2006.

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 International Criminal Tribunal for the Former Yugoslavia has the honour to inform the Ministry of Foreign Affairs that the proposal is acceptable to the International Criminal Tribunal for the Former Yugoslavia. The International Criminal Tribunal for the Former Yugoslavia accordingly agrees that the Ministry's Note and this reply shall constitute an Agreement between the International Criminal Tribunal for the Former Yugoslavia and the Kingdom of the Netherlands on the new Policy Framework, which shall enter into force on 1 January 2006. The letter of the Registrar to the Ministry of Foreign Affairs dated 22 December 2005 refers.

The International Criminal Tribunal for the Former Yugoslavia avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Kingdom of the Netherlands the assurances of its highest consideration.