

No. 32588

**UNITED NATIONS
and
BOSNIA AND HERZEGOVINA**

**Exchange of letters constituting an agreement on the status of
the Liaison Office of the Prosecutor of the International
Tribunal and its personnel. New York, 30 January and
16 February 1996**

Authentic text: English.

Registered ex officio on 16 February 1996.

**ORGANISATION DES NATIONS UNIES
et
BOSNIE-HERZÉGOVINE**

**Échange de lettres constituant un accord relatif au statut du
Bureau de liaison du Procureur du Tribunal interna-
tional et de son personnel. New York, 30 janvier et 16 fé-
vrier 1996**

Texte authentique : anglais.

Enregistré d'office le 16 février 1996.

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED NATIONS AND BOSNIA AND HERZEGOVINA ON THE STATUS OF THE LIAISON OFFICE OF THE PROSECUTOR OF THE INTERNATIONAL TRIBUNAL AND ITS PERSONAL

I

THE SECRETARY-GENERAL

30 January 1996

Dear Mr. Ambassador,

I have the honour to refer to resolution 827 (1993) of 25 May 1993² by which the Security Council decided to establish an international tribunal for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1 January 1991 (hereinafter referred to as the "International Tribunal").

I further have the honour to refer to the Memorandum of Understanding Regarding Cooperation between the Government of the Republic of Bosnia and Herzegovina and the Prosecutor of the International Tribunal of 3 December 1994, by which the Government of the Republic of Bosnia and Herzegovina agreed to assist the International Tribunal to establish a liaison office in suitable secure accommodation to be used by investigators of the Prosecutor's Office as a base for their operations in the territory of the Republic of Bosnia and Herzegovina.

Accordingly, and in order to facilitate the fulfilment of the purposes of the Liaison Office, I propose that your Government, in implementation of its obligation under Article 105 of the Charter of the United Nations, extend to the Liaison Office, as an

¹ Came into force on 16 February 1996 by the exchange of the said letters.

² United Nations, *Official Records of the Security Council, Forty-eighth Year, Resolutions and Decisions of the Security Council 1993 (S/INF/49)*, p. 29.

organ of the United Nations, its property, funds, assets and personnel, the privileges and immunities provided in the Convention on the Privileges and Immunities of the United Nations¹ (the Convention) to which the Republic of Bosnia and Herzegovina is a party.

In view of the importance of the functions which the Liaison Office will perform in the Republic of Bosnia and Herzegovina, I propose that your Government extend to:

- the Liaison Officer, the privileges and immunities, exemptions and facilities which are enjoyed by diplomatic envoys in accordance with international law;
- the officials of the Prosecutor's Office assigned to serve with the Liaison Office, the privileges and immunities provided under Article V and VII of the Convention;
- other persons assigned to serve with the Liaison Office whose names will be communicated to the Government for that purpose, the privileges and immunities accorded to experts on mission for the United Nations under Article VI of the Convention.

The privileges and immunities necessary for the fulfilment of the functions of the Liaison Office also include the following rights and facilities:

- (i) the unrestricted freedom of entry and exit without delay or hindrance of its personnel, property, supplies, equipment and means of transport;
- (ii) the unrestricted freedom of movement throughout the country of personnel, property, equipment and means of transport;
- (iii) access to all documentary material relevant for the effective operation of the Liaison Office;

¹ United Nations, *Treaty Series*, vol. 1, p. 15, and vol. 90, p. 327 (corrigendum to vol. 1, p. 18).

- (iv) the right to have direct contact with central and local authorities, Government agencies including the armed forces, inter-governmental and non-governmental organizations, private institutions and individuals;
- (v) the right to question victims and witnesses, to collect evidence and any useful information, and to conduct on-site investigations;
- (vi) the right to have access to all prisons, detention centres and places of interrogation, in coordination with the Ministry of Justice of the Republic of Bosnia and Herzegovina. Members of the Liaison Office shall have the possibility to speak in private with any person detained or present in such places;
- (vii) the right to make arrangements through its own facilities for the transfer of all data-base and all information collected;
- (viii) the exemption from all direct taxes, import and export duties, registration fees and charges;
- (ix) the right to fly the United Nations flag on its premises and vehicles;
- (x) the right to unrestricted communication by radio, satellite or other forms of communication with United Nations headquarters and between various offices and to connect with the United Nations radio and satellite network on the registered waves for the United Nations and others assigned by the Government of the Republic of Bosnia and Herzegovina, as well as by the telephone, telegraph or by other means; and
- (xi) the right to make arrangements through its own facilities for the processing and transport of private mail addressed to or emanating from members of the Liaison

Office. The Government of the Republic of Bosnia and Herzegovina shall be informed of the nature of such arrangements and shall not interfere with or apply censorship to the mail of the Liaison Office and its members.

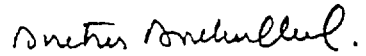
Furthermore, in accordance with the provisions of Article II of the Convention, the property, funds and assets of the Liaison Office, wherever located and by whomsoever held, shall be immune from search, seizure, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action. The archives of the Liaison Office, and in general, all documents belonging to, used or held by it, wherever located in the Republic of Bosnia and Herzegovina and whomsoever held, shall be inviolable.

It is understood that the Government of the Republic of Bosnia and Herzegovina shall, to the extent possible, provide the Liaison Office such premises as may be required for conducting the official and administrative activities of the Liaison office throughout the territory of the Republic of Bosnia and Herzegovina. All premises used by the Liaison Office and its members shall be inviolable and subject to the exclusive control and authority of the Liaison Officer.

It is further understood that, upon the request of the Liaison Officer, the Government of the Republic of Bosnia and Herzegovina shall take all the effective and adequate measures to ensure the appropriate security, safety and protection of the Liaison Office, its members, premises and property.

If the above provisions meet with your approval, I would propose that this letter and your reply thereto constitute an agreement between the United Nations and the Republic of Bosnia and Herzegovina on the status of the Liaison Office of the Prosecutor of the International Tribunal and its personnel with immediate effect.

Please accept, Mr. Ambassador, the assurances of my highest consideration.



BOUTROS BOUTROS-GHALI

His Excellency
Mr. Ivan Ždravko Misić
Chargé d'Affaires
Permanent Mission
of Bosnia and Herzegovina
to the United Nations
New York

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STALNA MISIJA REPUBLIKE BOSNE I HERCEGOVINE PRI UN
NJUJORK
PERMANENT MISSION OF THE REPUBLIC
OF BOSNIA AND HERZEGOVINA TO THE UN
NEW YORK

16 February, 1996


Excellency,

Pursuant to your later dated 30 January, 1996, in which you refer to the establishment of the Liaison Office of the Prosecutor of the International Tribunal and in particular the provisions dealing with privileges and immunities of this Office and its personnel, as proposed in your letter, I have the honor to inform you, that the Government of the Republic of Bosnia and Herzegovina fully agrees to the above mentioned provisions.

The Government of the Republic of Bosnia and Herzegovina agrees that your letter of 30 January, 1996 and this reply thereto, constitute an agreement between the United Nations and the Republic of Bosnia and Herzegovina on the status of the Liaison Office of the Prosecutor of the International Tribunal and its personnel with immediate effect.

Please accept, Excellency, the assurances of my highest consideration.

Sincerely,



IVAN Z. MISIC
Chargé d'Affaires, a.i.

H. E. Dr Boutros Boutros-Ghali
Secretary-General
United Nations
New York
