

No. 50125. United Nations and Sierra Leone

AGREEMENT BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF SIERRA LEONE ON THE ESTABLISHMENT OF A RESIDUAL SPECIAL COURT FOR SIERRA LEONE. NEW YORK, 29 JULY 2010, AND FREETOWN, 11 AUGUST 2010 [*United Nations, Treaty Series*, vol. 2871, I-50125.]

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF SIERRA LEONE REGARDING THE INTERPRETATION AND APPLICATION OF ARTICLE 6 OF THE AGREEMENT BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF SIERRA LEONE ON THE ESTABLISHMENT OF A RESIDUAL SPECIAL COURT FOR SIERRA LEONE. NEW YORK, 10 DECEMBER 2013, AND FREETOWN, 12 DECEMBER 2013*

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N° 50125. Organisation des Nations Unies et Sierra Leone

ACCORD ENTRE L'ORGANISATION DES NATIONS UNIES ET LE GOUVERNEMENT DE LA SIERRA LEONE RELATIF À L'ÉTABLISSEMENT D'UN TRIBUNAL SPÉCIAL RÉSIDUEL POUR LA SIERRA LEONE. NEW YORK, 29 JUILLET 2010, ET FREETOWN, 11 AOÛT 2010 [*Nations Unies, Recueil des Traités*, vol. 2871, I-50125.]

ÉCHANGE DE LETTRES CONSTITUANT UN ACCORD ENTRE L'ORGANISATION DES NATIONS UNIES ET LE GOUVERNEMENT DE SIERRA LEONE CONCERNANT L'INTERPRÉTATION ET L'APPLICATION DE L'ARTICLE 6 DE L'ACCORD ENTRE L'ORGANISATION DES NATIONS UNIES ET LE GOUVERNEMENT DE SIERRA LEONE RELATIF À L'ÉTABLISSEMENT D'UN TRIBUNAL RÉSIDUEL SPÉCIAL POUR LA SIERRA LEONE. NEW YORK, 10 DÉCEMBRE 2013, ET FREETOWN, 12 DÉCEMBRE 2013*

Entrée en vigueur : 12 décembre 2013 par l'échange desdites lettres

Texte authentique : anglais

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[ENGLISH TEXT – TEXTE ANGLAIS]

I

REFERENCE: 2013-OLC-000330

10 December 2013

Excellency,

I have the honour to refer to the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Residual Special Court for Sierra Leone (RSCSL), as well as the Headquarters Agreement between the Republic of Sierra Leone and the RSCSL. Under Article 6 of the Agreement establishing the RSCSL, the RSCSL has a principal seat in Sierra Leone, and shall carry out its functions at an interim seat in The Netherlands, until the Parties agree otherwise. The RSCSL may also meet away from its seat if it considers it necessary for the efficient exercise of its functions.

As your Government's representative on the Management Committee of the Special Court for Sierra Leone (SCSL) may have conveyed, the Government of The Netherlands has recently advised that Committee that it will not be in a position to enter into a comprehensive Headquarters Agreement with the RSCSL for a period of at least 6 months, given the need for formal Parliamentary ratification of the instrument. It has indicated however that, in the interim, it will be able to conclude promptly and give provisional effect to all provisions of a comprehensive Headquarters Agreement except insofar as they relate to the detention in The Netherlands of any individual under the authority of the RSCSL, or to the physical presence at and appearance before the RSCSL of any person accused or convicted by the RSCSL.

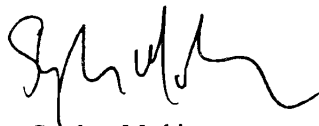
In order that the SCSL may be closed in orderly fashion and to allow the RSCSL to commence operations promptly, while maintaining the necessary comprehensive coverage of a Headquarters Agreement in respect of the RSCSL's operations, I would wish to propose that, pursuant to Article 6 of the Agreement, the Parties agree to specify the RSCSL's seat in Sierra Leone as the venue for any detention of an individual under the authority of the RSCSL, or to the physical presence at and appearance before the RSCSL of any person accused or convicted by the RSCSL, from the date of commencement of operations of the RSCSL until entry into force of the comprehensive Headquarters Agreement with The Netherlands.

His Excellency
Mr. Franklyn Bai Kargbo
Attorney-General and Minister of Justice
Freetown

I would be grateful if you could confirm your Governments' agreement to this understanding regarding the interpretation and application of Article 6 of the RSCSL Agreement in the specific circumstances and for the fixed period described above. I am of the view that, with your agreement, this understanding between the Parties will enable smooth and prompt transition to the RSCSL, and afford the RSCSL all the necessary legal protections in respect of its operation from its commencement onwards.

I wish to take this opportunity again to express the gratitude of the United Nations for your Government's excellent cooperation on all matters related to the SCSL and the RSCSL. I look forward to working with you to ensure the efficient and timely completion of the work of the SCSL, following the successful closing ceremony earlier this month, and a smooth transition to the RSCSL in the near future.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Stephen Mathias', with a stylized, flowing script.

Stephen Mathias
Assistant Secretary-General
for Legal Affairs