

HEADQUARTERS AGREEMENT

between

THE INTERNATIONAL COMMISSION ON MISSING PERSONS

and

THE COUNCIL OF MINISTERS OF BOSNIA AND HERZEGOVINA

The INTERNATIONAL COMMISSION ON MISSING PERSONS (hereinafter the ICMP), on the one hand, and the COUNCIL OF MINISTERS OF BOSNIA AND HERZEGOVINA, on the other hand,

CONSIDERING the work done by the ICMP in providing assistance to the families of missing persons and its contribution to find answers to the fate of missing persons,

WISHING, to determine the privileges, immunities and facilities to be enjoyed by the ICMP, the members and its staff in order to facilitate to the largest extent possible the work of the ICMP,

Have agreed as follows:

ARTICLE 1 - STATUS OF THE ICMP

The status of the ICMP shall be comparable to that of intergovernmental organizations.

ARTICLE 2 - JURIDICAL PERSONALITY

The ICMP shall have juridical personality. Bosnia and Herzegovina recognizes that the ICMP has capacity to contract obligations, institute legal proceedings and acquire rights, and to acquire and dispose of movable and immovable property.

ARTICLE 3 - IMMUNITY OF THE ICMP, ITS PROPERTY AND ASSETS

The ICMP, its property and assets shall enjoy immunity from every form of legal and administrative process, except insofar as in any particular case the ICMP has expressly waived its immunity.

ARTICLE 4 - INVIOABILITY OF ICMP PREMISES, ITS PROPERTY AND ASSETS

The premises of the ICMP shall be inviolable. The property and assets of the ICMP shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, judicial, administrative or legislative action.

ARTICLE 5 - FINANCIAL RESOURCES OF THE ICMP

The ICMP shall have the right to hold national or foreign currency and other financial assets, and to operate accounts and transfer funds in any currency, without being subjected to the laws and regulations governing exchange control and related matters.

ARTICLE 6 - TAXES AND CHARGES

The ICMP may import goods required for its official use free of any duties, taxes or restrictions, as well as procure local supplies, goods and services without the payment of taxes or duties of any kind.

The Ministry of Foreign Affairs of Bosnia and Herzegovina will supply the documentation and develop the procedures necessary for all exemptions without delay.

ARTICLE 7 - STATUS OF THE INTERNATIONAL STAFF OF THE ICMP

1. Provided they are not nationals of Bosnia and Herzegovina, the Chief of Staff and the Deputy Chief of Staff of the ICMP and their families shall enjoy the same privileges and immunities as are enjoyed by diplomatic agents and their families under the Vienna Convention on Diplomatic Relations. It is understood that they shall enjoy immunity from seizure of their personal baggage.
2. Provided they are not nationals of Bosnia and Herzegovina, other members of the staff of the ICMP and their families shall enjoy the same privileges and immunities as are enjoyed by members of the administrative and technical staff of diplomatic missions and their families under the Vienna Convention on Diplomatic Relations.
3. In addition, the international staff of the ICMP and their families:
 - (a) shall be exempt from immigration restrictions and alien registration.
 - (b) shall have the right to sell their personal belongings under the same conditions as those accorded to persons of comparable rank at diplomatic missions.
4. In addition to the tax privileges and exemptions that they enjoy under the Vienna Convention on Diplomatic Relations, it is understood that the international staff of the ICMP shall be exempt from all taxes on salaries and other emoluments received from the ICMP or for services rendered to the ICMP.

ARTICLE 8 - ICMP MEMBERS, ADVISORS, AND EXPERTS ON TEMPORARY MISSION

International members of the ICMP on temporary mission in Bosnia and Herzegovina for the ICMP, and members of their families accompanying them, shall enjoy the same privileges and immunities as are enjoyed by diplomatic agents and their families under the Vienna Convention on Diplomatic Relations as well as the protections of Article 7, paragraph 3(a) and paragraph 4.

International advisors to the ICMP as well as experts on mission for the ICMP in Bosnia and Herzegovina, and members of their families accompanying them, shall enjoy the same privileges and immunities as are enjoyed by the members of the administrative and technical staff and their families under the Vienna Convention on Diplomatic Relations as well as the protections of Article 7, paragraph 3(a) and paragraph 4.

ARTICLE 9 - LOCAL STAFF OF THE ICMP

The local staff of the ICMP shall not be held criminally or civilly liable for any acts carried out in furtherance of their official capacity as employees of the ICMP and are exempt from national service and any other military service obligations.

ARTICLE 10 - WAIVER OF IMMUNITIES

Privileges and immunities are granted to persons covered by Articles 7, 8, and 9 in the interests of the ICMP and not for the personal benefit of the individuals themselves. The Chief of Staff of the ICMP shall have the authority to waive the immunity of any member of the staff of the ICMP and of experts on mission for the ICMP. In the case of the Chief of Staff or of any of the members of the ICMP or advisors to the ICMP, the Chairman of the ICMP shall have the authority to waive immunity. The Chief of Staff shall have the right and duty to waive the immunity of any official in any case, where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the ICMP. In the case of the Chairman, the members of the ICMP shall have the authority to waive immunity.

The Chief of Staff shall have the authority to waive the immunity of the ICMP itself, of its property, and of its archives.

ARTICLE 11 - IDENTITY DOCUMENTS AND EMBLEM

1. The Ministry of Foreign Affairs of Bosnia and Herzegovina shall provide the international staff of the ICMP with the identity documents established for diplomatic agents in Bosnia and Herzegovina.
2. The ICMP may select an emblem and display it on its premises, vehicles and equipment without restriction or charge.

ARTICLE 12 - COOPERATION WITH GOVERNMENT AUTHORITIES

The ICMP shall cooperate at all times with the appropriate government authorities of Bosnia and Herzegovina to facilitate the proper administration of justice, secure the observance of police regulations and prevent occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this agreement.

ARTICLE 13 - FREEDOM OF MOVEMENT

1. The members, and the staff of, and advisors to and experts on mission for, the ICMP, together with their vehicles and other equipment, enjoy unimpeded freedom of movement and access throughout Bosnia and Herzegovina in furtherance of their responsibilities.
2. The members, and the staff of, and advisors to experts on mission for, the ICMP may use any airports, roads and ports in Bosnia and Herzegovina without the payment of duties, dues, tolls or charges.
3. Drivers' licenses issued to members or international staff of, and advisors to and experts on missions for, the ICMP by their respective national authorities are recognized and accepted as valid without any local administrative procedures, charges or taxes. Motor vehicles operated by the ICMP may use either foreign license plates or diplomatic license plates provided by the Ministry of Foreign Affairs of Bosnia and Herzegovina. The ICMP will arrange adequate third-party liability insurance for its vehicles.

ARTICLE 14 - COMMUNICATIONS

The ICMP shall be free to use, for official purposes and without any interference, the means of communication it deems most appropriate for its contacts within and outside Bosnia and Herzegovina. The ICMP may use VHF/HF radio facilities of other organizations operating in the country.

ARTICLE 15 - OTHER PROVISIONS

1. This agreement shall enter into force upon signature by both parties.
2. The provisions of the present agreement may be amended at any time by agreement between the parties.
3. The Council of Ministers of Bosnia and Herzegovina and the ICMP may denounce the present agreement by notifying in writing the other party with a minimum of six months' notice after which the present agreement ceases to have effect.
4. Any differences concerning the application or interpretation of the present agreement which cannot be resolved by negotiation shall be referred to an independent arbitrator agreed upon by the parties.

ARTICLE 16 - ORIGINAL AND DEPOSITARY

The present agreement shall consist of duplicate originals in English.

In witness whereof, the parties hereto have signed this agreement:

Done at Sarajevo, on this 26th day of April 1998.



FOR THE INTERNATIONAL
COMMISSION ON MISSING
PERSONS



FOR THE COUNCIL OF MINISTERS
OF BOSNIA AND HERZEGOVINA