

Acuerdos Bilaterales

Clasificación: 51-2005

Fecha de Ingreso: 20 de junio de 2005

Nombre de Acuerdo: Agreement between the Government of the Republic of Suriname and the General Secretariat of the Organization of American States on the Privileges and Immunities of the Election Process in Suriname

Materia: Observación electoral / democracia

Partes: SG/OEA & Government of the Republic of Suriname

Referencia: Suriname

Fecha de Firma: 2005

Fecha de Inicio: 2005

Fecha de Terminación: Una vez que se haya completado la misión.

Lugar de Firma: Washington, D.C.

Unidad Encargada:

Persona Encargada:

Original:

Claves:

Cierre del proceso:



AGREEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF SURINAME
AND THE GENERAL SECRETARIAT OF THE
ORGANIZATION OF AMERICAN STATES
ON THE PRIVILEGES AND IMMUNITIES
OF THE ELECTION PROCESS IN SURINAME

**AGREEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF SURINAME
AND THE GENERAL SECRETARIAT OF THE
ORGANIZATION OF AMERICAN STATES
ON THE PRIVILEGES AND IMMUNITIES OF THE ELECTION PROCESS IN
SURINAME**

WHEREAS:

The Government of the Republic of Suriname (hereafter "the Government") invited the Secretary General of the Organization of American States (hereafter, "the OAS") to support the democratic process in Suriname, in the framework of general elections to be held on May 25, 2005,

The Acting Secretary General of the Organization of American States, in a letter dated December 10, 2004, informed the Government that he accepted the invitation to establish a Group of Observers to conduct an OAS Observer Mission in Suriname (hereafter "the Group of Observers") for these elections, subject to obtaining the necessary resources to finance the establishment of the Mission.

The Group of Observers is comprised of officials of the General Secretariat of the OAS (hereafter the "GS/OAS") and other international observers specifically under contract to the GS/OAS for the OAS Observer Mission in Suriname,

The basic privileges and immunities enjoyed by the OAS, the GS/OAS, and its staff in Suriname are set out in the Charter of the Organization and in the Agreement between the Government and the GS/OAS in Suriname and the Recognition of its Privileges and Immunities signed by the parties on the 19th day of February, 1998,

NOW THEREFORE:

The Government and the GS/OAS:

HAVE AGREED AS FOLLOWS:

CHAPTER I:
PRIVILEGES AND IMMUNITIES

ARTICLE I

The privileges and immunities of the Group of Observers shall be those accorded to the OAS, to the GS/OAS, to its organs and to its staff.

ARTICLE II

1. The property and effects of the Group of Observers, in any part of the territory of Suriname and in possession of any person, shall enjoy immunity against any type of judicial proceeding, save in those specific cases for which said immunity is expressly waived.
2. However, it is understood that said waiver of immunity shall not have the effect of subjecting any such property and effects to any type of measure of execution.

ARTICLE III

1. The premises occupied by the Group of Observers shall be inviolable.
2. Moreover, their property and effects, in any part of the territory of Suriname and in possession of any person, shall enjoy immunity against search and seizure, confiscation, expropriation and against any form of intervention, be it executive, administrative, judicial or legislative.

ARTICLE IV

The files of the Group of Observers and all of the documents pertaining thereto or in its possession shall be inviolable wherever they are located.

ARTICLE V

The Group of Observers shall be:

- a) exempt from any internal taxation, it being understood, however, that they may not claim any type of tax exemption that is in fact a remuneration for public services;
- b) exempt from any type of customs duty, prohibition and restriction in respect of articles and publications that they may import or export for their official use. It is understood, however, that the articles they import duty-free may be sold within the country only in accordance with conditions expressly agreed upon with the Government.
- c) exempt from ordinances, regulations or moratoria of any kind. Moreover, they may have currency of any type, carry their accounts in any foreign currency and transfer their funds in foreign currency.

CHAPTER II
MEMBERS OF THE GROUP OF OBSERVERS

ARTICLE VI

The members of the Group of Observers shall be those who have been designated by the GS/OAS and accredited with the Surinamese authorities.

ARTICLE VII

For the period during which the members of the Group of Observers exercise their functions and during their trips to and from Suriname, they shall enjoy the following privileges and immunities:

- a.) Immunity from personal detention or arrest as well as immunity from any type of legal proceeding in respect of their actions and statements, be they oral or written, done in the performance of their functions;
- b.) The inviolability of any papers or documents;
- c.) The right to communicate with the GS/OAS via radio, telephone, telegraph, satellite or other means, and to receive documents and correspondence through messengers or in sealed pouches, enjoying for that purpose the same privileges and immunities accorded to diplomatic mail, messages and pouches;
- d.) The right to utilize for their movements throughout the national territory, any means of transportation, be it by air, by water or over land;
- e.) Exemption in respect of their persons and that of their spouses and children, from any type of immigration restriction and registration of aliens and any type of national service in Suriname;
- f.) The same privileges accorded to the representatives of foreign governments on official mission in respect to foreign-currency restrictions;
- g.) The same immunities and privileges in respect of their personal baggage as are accorded to diplomatic envoys; and
- h.) Such other privileges, immunities and facilities as are compatible with the foregoing, and enjoyed by diplomatic envoys, with the exception that they shall not enjoy any exemption from customs duties on imported merchandise (that is not part of their personal effects) or sales taxes or consumer taxes.

ARTICLE VIII

The provisions contained in the preceding article do not apply to nationals of Suriname working as local contract staff in the Group of Observers, save in respect of official acts performed or statements issued in the exercise of their functions.

CHAPTER III
COOPERATION WITH THE AUTHORITIES

ARTICLE IX

The Group of Observers shall cooperate with the relevant Surinamese authorities to prevent any occurrence of abuse in respect of the specified privileges and immunities. Similarly, the relevant authorities shall do whatever is possible to provide the cooperation requested of them by the Group of Observers.

ARTICLE X

Without prejudice to the immunities and privileges accorded, the Group of Observers shall respect the laws and regulations existing in Suriname.

ARTICLE XI

The Government and the GS/OAS shall take any measures necessary to procure an amicable arrangement in the proper settlement of:

- a) Any disputes that may arise in contracts or other questions of private law;
- b) Any disputes to which the Group of Observers may be party with respect to matters in which they enjoy immunity.

CHAPTER IV
NATURE OF PRIVILEGES AND IMMUNITIES

ARTICLE XII

1. The privileges and immunities are granted to the members of the Group of Observers in order to safeguard their independence in the exercise of their functions of observing the Surinamese Election Process and not for personal gain or to perform activities of a political nature within the territory of Suriname.
2. Therefore, the GS/OAS shall waive the privileges and immunities of any of these in the event that in its judgment the exercise of those privileges and immunities obstruct the course of justice.

CHAPTER V

GENERAL PROVISIONS

ARTICLE XIII

1. The Government recognizes the "Official Travel Document" issued by the GS/OAS as a valid and sufficient document for purposes of travel by the members of the Group of Observers who possess one.
2. The Government will issue to each member of the Group of Observers a visa to enter the country and to remain therein until the end of the Mission

ARTICLE XIV

1. The Government agrees to extend the privileges and immunities of the present Agreement to members of the Group of Observers designated by the GS/OAS, who have been accredited by the Surinamese authorities, to attend the election by the members of the National Assembly of Suriname of the President and Vice- President of the Republic.
2. In the event that the 2/3's majority required to elect the President and the Vice-President is not achieved in the National Assembly vote and an election of the President and Vice-President by the United People's Assembly is then required to be held, the Government agrees that it will immediately begin discussions with the GS/OAS concerning arrangements for a Group of Observers to come to Suriname to conduct an observer mission for that election.

ARTICLE XV

This agreement may be amended by mutual consent in writing by the Government and GS/OAS.

ARTICLE XVI

This agreement shall enter into force on the date of its signature and shall cease to have effect once the members of the Group of Observers have completed their mission, in accordance with the terms of the request made by the Government.

IN WITNESS WHEREOF, the undersigned, duly authorized, do hereby sign this agreement, in duplicate, in the city of Washington, D.C. on the day of the month of in the year two thousand five.

FOR THE GOVERNMENT OF
THE REPUBLIC OF SURINAME

FOR THE GENERAL SECRETARIAT
THE ORGANIZATION OF
AMERICAN STATES

