Agreement between the Government of the United States of America and the Government of the Central African Republic Regarding the Surrender of Persons to the International Criminal Court


Reaffirming the importance of bringing to justice those who commit genocide, crimes against humanity and war crimes,

Recalling that the Rome Statute of the International Criminal Court done at Rome on July 17, 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court is intended to complement and not supplant national criminal jurisdiction,

Considering that the Parties have each expressed their intention to investigate and to prosecute where appropriate acts within the jurisdiction of the International Criminal Court alleged to have been committed by their officials, employees, military personnel or other nationals,

Bearing in mind Article 98 of the Rome Statute,

Hereby agree as follows:

1. For purposes of this agreement, "persons" are current or former Government officials, employees (including contractors), or military personnel or nationals of one Party.

2. Persons of one Party present in the territory of the other shall not, absent the express consent of the first Party,

   (a) be surrendered or transferred by any means to the International Criminal Court for any purpose, or

   (b) be surrendered or transferred by any means to any other entity or third country, or expelled to a third country, for the purpose of surrender to or transfer to the International Criminal Court.
3. When the Government of the United States of America extradites, surrenders, or otherwise transfers a person of
the Central African Republic to a third country, the
Government of the United States of America will not agree
to the surrender or transfer of that person to the
International Criminal Court by the third country, absent
the express consent of the Government of the Central
African Republic.

4. When the Government of the Central African Republic
extradites, surrenders, or otherwise transfers a person of
the United States of America to a third country, the
Government of the Central African Republic will not agree
to the surrender or transfer of that person to the
International Criminal Court by a third country, absent the
express consent of the Government of the United States of
America.

This Agreement shall enter into force upon signature
by both Parties. It will remain in force until one year
after the date on which one Party notifies the other of its
intent to terminate this Agreement. The provisions of this
Agreement shall continue to apply with respect to any act
occurring, or any allegation arising, before the effective
date of termination.

DONE at Washington this 13th day of January, 2004 and
at Bangui this 19th day of 0[ ] 2004, in duplicate, in the English and French languages, both texts being equally
authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA: FOR THE GOVERNMENT OF THE
CENTRAL AFRICAN REPUBLIC: