

**INTERNATIONAL CRIMINAL COURT**

**Article 98**

**Agreement between the  
UNITED STATES OF AMERICA  
and ZAMBIA**

Signed at Lusaka July 1, 2003



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966  
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

**ZAMBIA**

**International Criminal Court: Article 98**

*Agreement signed at Lusaka July 1, 2003;  
Entered into force July 2, 2003.*

**AGREEMENT BETWEEN THE**  
**GOVERNMENT OF THE UNITED STATES OF AMERICA**  
**AND THE**  
**GOVERNMENT OF THE REPUBLIC OF ZAMBIA**  
**REGARDING THE SURRENDER OF PERSONS**  
**TO INTERNATIONAL TRIBUNALS**

The Government of the United States of America and the Government of the Republic of Zambia, hereinafter “the Parties,”

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

Considering that the Parties have each expressed their intention to, where appropriate, investigate and prosecute war crimes, crimes against humanity, and genocide alleged to have been committed by their respective officials, employees, military personnel, and nationals

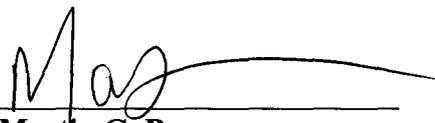
Hereby agree as follows:

1. For purposes of this agreement, “persons” are current or former Government officials, employees (including contractors), military personnel, or nationals of one Party.
2. Persons of one Party present in the territory of the other shall not, without the expressed consent of the first Party,
  - (a) be surrendered or transferred by any means to any international tribunal for any purpose, unless such tribunal is established by the UN Security Council, 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 any international tribunal, unless such tribunal has been established by the UN Security Council.

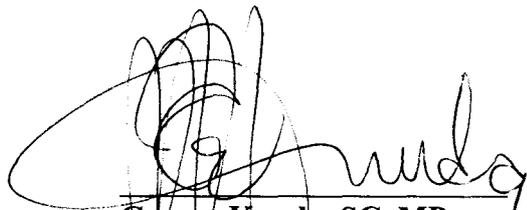
3. When the United States extradites, surrenders, or otherwise transfers a person of the other Party to a third country, the United States will not agree to the surrender or transfer of that person by the third country to any international tribunal, unless such tribunal is established by the UN Security Council, without the express consent of the Government of the Republic of Zambia.
4. When the Government of the Republic of Zambia extradites, surrenders or otherwise transfers a person of the United States of America to a third country, the Government of the Republic of Zambia will not agree to the surrender or transfer of that person by the third country to any international tribunal, unless such tribunal is authorized or established by the UN Security Council, without the express consent of Government of the United States.
5. This Agreement shall enter into force upon an exchange of notes confirming that each Party has completed the necessary domestic legal requirements to bring the Agreement into force. 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 Lusaka on the *first*..... day of *July*..... 2003.

FOR THE GOVERNMENT OF  
THE UNITED STATES OF  
AMERICA

  
\_\_\_\_\_  
**Martin G. Brennan**  
Ambassador

FOR THE GOVERNMENT OF  
THE REPUBLIC OF ZAMBIA

  
\_\_\_\_\_  
**George Kunda, SC, MP**  
Minister of Legal Affairs  
And Attorney General