

INTERNATIONAL CRIMINAL COURT

Article 98

**Agreement Between the
UNITED STATES OF AMERICA
and BOSNIA AND HERZEGOVINA**

Signed at Sarajevo May 16, 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.”

BOSNIA AND HERZEGOVINA

International Criminal Court: Article 98

*Agreement signed at Sarajevo May 16, 2003;
Entered into force July 7, 2003.*

**Agreement between
the United States of America and Bosnia and Herzegovina
regarding the surrender of persons to the
International Criminal Court**

The United States of America and Bosnia and Herzegovina,
hereinafter "the Parties",

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

Taking into account the General Framework Agreement for
Peace in Bosnia and Herzegovina, with particular reference
to the provisions of Appendix B to Annex 1A relating to
immunities for NATO personnel, as well as all bilateral
agreements between the United States of America and Bosnia
and Herzegovina,

Taking into account that the Rome Statute of the
International Criminal Court of July 17, 1998 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,

Wishing to strengthen bilateral cooperation between the
United States of America and Bosnia and Herzegovina,

Bearing in mind Article 98 of the Rome Statute,

Hereby agree as follows:

1. For purposes of this Agreement, "U. S. persons" are
all U. S. nationals and all current and former U. S.
military personnel.

2. U. S. persons present in the territory of Bosnia and Herzegovina shall not, absent the express consent of the United States of America,

(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 Bosnia and Herzegovina extradites, surrenders, or otherwise transfers a U. S. person to a third country, Bosnia and Herzegovina 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 United States of America.

4. 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 for 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.

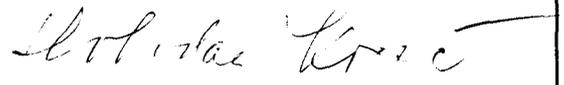
DONE in duplicate at Sarajevo this 16th day of May, 2003, in the English language. Bosnian, Croatian, and Serbian language texts shall be prepared which shall be considered authentic upon an exchange of diplomatic notes confirming their conformity with the English language text.

FOR THE UNITED STATES OF AMERICA:

FOR BOSNIA AND HERZEGOVINA:



H. E. Clifford G. Bond
US Ambassador to BiH



H.E. Slobodan Kovač
Minister of Justice of BiH