

Agreement Concerning

The Surrender of Persons to the International Criminal Court

Between the Government of the United States of America

And

The Government of the Republic of Senegal

**Agreement between the Government of the United States of America and the Government
of the Republic of Senegal regarding the Surrender of Persons to the
International Criminal Court**

The Government of the United States of America and the Government of the Republic of Senegal, hereinafter "the Parties,"

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 Government of the United States of America has expressed its intention to investigate and to prosecute where appropriate acts within the jurisdiction of the International Criminal Court alleged to have been committed by its 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, "U.S. persons" are current or former U.S. Government officials, employees (including contractors), or military personnel or U.S. nationals.
2. U.S. persons present in the territory of Senegal shall not, absent the express consent of the Government 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 the Government of the Republic of Senegal extradites, surrenders, or otherwise transfers a U.S. person to a third country, the Government of the Republic of Senegal 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.
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 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 in duplicate in the English and French languages at Dakar, Senegal, this 19th day of June 2003, both versions being equally authentic.

For the Government of the
United States of America.

Richard Roth

Ambassador of the United States
of America to the Republic of Senegal

For the Government of the
Republic of Senegal.

Foreign Minister *Dr. Cheikh T. GADIO*

Dr. Cheikh T. GADIO