

**INTERNATIONAL CRIMINAL COURT**

**Article 98**

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

Signed at Gaborone June 30, 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.”

**BOTSWANA**

**International Criminal Court: Article 98**

*Agreement signed at Gaborone June 30, 2003;  
Entered into force September 28, 2003.*

The Government of the United States of America and the Government of the Republic of Botswana, 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 military and civilian personnel,

Affirming that nothing in this Agreement provides impunity with regard to war crimes, genocide, or crimes against humanity.

Hereby agree as follows :

1. For the purpose of this agreement "persons" are current or former Government officials, employees (including contractors), or military personnel or nationals of the United States.

2. Persons of the United States of America present in the territory of the Republic of Botswana shall not, absent the express consent of the Government of the United States of America ,

(a) be surrendered or transferred by any means to any international tribunal for any purpose, unless such tribunal is established by the United Nations 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 United Nations Security Council.

3. When the Government of the Republic of Botswana extradites, surrenders or otherwise transfers a person of the United States of America to a third country, the Government of the Republic of Botswana 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 United Nations Security Council, absent the express consent of the Government of the United States of America.

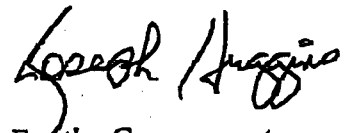
4. This Agreement shall remain in force for a period of one year from the date on which it enters into force through an exchange of notes as described in paragraph 5, and shall be automatically renewed unless terminated by either Party upon three months' written notification to the other Party. The provisions of this Agreement shall continue to apply with respect to any act occurring, or any allegations arising, before the effective date of termination".

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:

Done at GABORONE On this 30 day of JUNE, in this year two thousand and three, in duplicate in English.



For the Government of the Republic of Botswana



For the Government  
of the United States of  
America