

INTERNATIONAL CRIMINAL COURT

Article 98

**Agreement Between the
UNITED STATES OF AMERICA
and LESOTHO**

Signed at Maseru June 21, 2006



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.”

LESOTHO

International Criminal Court: Article 98

*Agreement signed at Maseru June 21, 2006;
Entered into force June 21, 2006.*

**AGREEMENT BETWEEN THE GOVERNMENT OF THE
KINGDOM OF LESOTHO AND THE GOVERNMENT OF
THE UNITED STATES OF AMERICA REGARDING THE
SURRENDER OF PERSONS TO THE INTERNATIONAL
CRIMINAL COURT**

The Government of the Kingdom of Lesotho and the Government of the United States of America, 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 Parties have each expressed their intention to evaluate available information and where it is appropriate to investigate and to prosecute acts within the jurisdiction of the International Criminal Court alleged to have been committed by their officials, employees, military personnel or other nationals,

Affirming that nothing in this Agreement precludes either Party from exercising its criminal jurisdiction over those responsible for genocide, crimes against humanity, and war crimes,

Bearing in mind Article 98 of the Rome Statute,

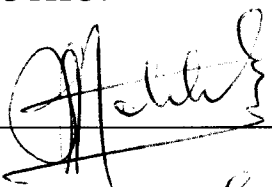
Hereby agree as follows:

1. For purposes of this Agreement, “persons of the United States of America” are current or former United States Government officials, employees (including contractors), or military personnel or United States nationals.
2. Persons of the United States of America present in the territory of the Kingdom of Lesotho 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 Kingdom of Lesotho extradites, surrenders or otherwise transfers a person of the United States of America to a third country, the Government of the Kingdom of Lesotho 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. Either Party may request consultations regarding the investigation and prosecution of cases of special interest.

5. This Agreement shall enter into force upon signature thereof and shall remain in force until terminated at any time by either party upon twelve months' written notice. 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.

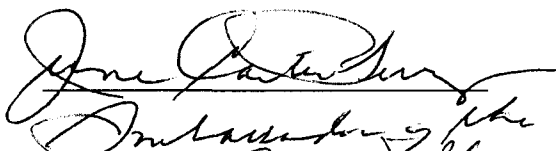
THUS SIGNED AND DONE AT MASERU THIS 21st
DAY OF June 2006.

FOR THE GOVERNMENT
OF THE KINGDOM OF
LESOTHO:



Minister of Foreign Affairs
"_____"

FOR THE GOVERNMENT
OF THE UNITED STATES OF
AMERICA:



Ambassador of the
United States of
America