

No. 51823*

**United States of America
and
Montenegro**

Exchange of notes constituting an agreement between the Government of the United States of America and the Government of the Republic of Montenegro regarding the surrender of persons to the International Criminal Court. Podgorica, 17 April 2007 and 19 April 2007

Entry into force: *19 April 2007 by the exchange of the said notes, in accordance with their provisions*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *United States of America, 4 March 2014*

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**États-Unis d'Amérique
et
Monténégro**

Échange de notes entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République du Montenegro relatif à la remise de personnes à la Cour pénale internationale. Podgorica, 17 avril 2007 et 19 avril 2007

Entrée en vigueur : *19 avril 2007 par l'échange desdites notes, conformément à leurs dispositions*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *États-Unis d'Amérique, 4 mars 2014*

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[ENGLISH TEXT – TEXTE ANGLAIS]

I

No. 15/2007

The Embassy of the United States of America at Podgorica presents its compliments to the Ministry of Foreign Affairs of the Republic of Montenegro and has the honor to refer to recent discussions between representatives of the Government of the United States of America and the Government of the Republic of Montenegro regarding the surrender of persons to the International Criminal Court.

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 and the Government of the Republic of Montenegro 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 nationals,

Bearing in mind Article 98 of the Rome Statute,

Hereby proposes the following agreement:

1. For purposes of this Agreement, "persons" are current or former Government officials, employees (including contractors), or military personnel or nationals of one Party.

2. Persons of one Party present in the territory of the other shall not, absent the express consent of the first Party,

(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 United States of America extradites, surrenders, or otherwise transfers a person of the Republic of Montenegro to a third country, the Government of the United States of America will not agree to the surrender or transfer of that person to the International Criminal Court by the third country, absent the express consent of the Government of the Republic of Montenegro.

4. When the Government of the Republic of Montenegro extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of the Republic of Montenegro 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.

5. This Agreement shall remain in force until one year after the date on which one Party notifies the other of its intent to terminate the 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.

If the proposal set forth herein is acceptable to the Government of the Republic of Montenegro, this note and the Ministry's affirmative note in reply shall constitute an agreement between the two Governments which shall enter into force on the date of the Ministry's note.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Montenegro the assurances of its highest consideration.

Embassy of the United States of America

Podgorica, April 17, 2007

