

No. 32555

**UNITED NATIONS
(ON BEHALF OF THE INTERNATIONAL TRIBUNAL
FOR THE PROSECUTION OF PERSONS
RESPONSIBLE FOR SERIOUS VIOLATIONS
OF INTERNATIONAL HUMANITARIAN LAW
IN THE TERRITORY
OF THE FORMER YUGOSLAVIA)
and
UNITED STATES OF AMERICA**

**Agreement on surrender of persons. Signed at The Hague on
5 October 1994**

Authentic text: English.

Registered ex officio on 14 February 1996.

**ORGANISATION DES NATIONS UNIES
(AU NOM DU TRIBUNAL INTERNATIONAL
CHARGÉ DE POURSUIVRE LES PERSONNES
PRÉSUMÉES RESPONSABLES
DE VIOLATIONS GRAVES
DU DROIT INTERNATIONAL HUMANITAIRE
SUR LE TERRITOIRE DE L'EX-YOUGOSLAVIE)
et
ÉTATS-UNIS D'AMÉRIQUE**

**Accord relatif à la remise des personnes. Signé à La Haye le
5 octobre 1994**

Texte authentique : anglais.

Enregistré d'office le 14 février 1996.

AGREEMENT¹ ON SURRENDER OF PERSONS BETWEEN THE
GOVERNMENT OF THE UNITED STATES OF AMERICA AND
THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION
OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF
INTERNATIONAL HUMANITARIAN LAW IN THE TERRITORY
OF THE FORMER YUGOSLAVIA

The Government of the United States of America and the
International Tribunal for the Prosecution of Persons
Responsible for Serious Violations of International
Humanitarian Law in the Territory of the Former Yugoslavia
[hereinafter referred to as the "Tribunal"],

Recalling the obligation of the United States, pursuant to
the Statute of the Tribunal adopted by United Nations Security
Council Resolution 827 of May 25, 1993 [hereinafter referred to
as the "Statute"], to surrender accused or convicted persons to
the Tribunal, and

Desiring to facilitate the surrender of such persons,

Have agreed as follows:

Article 1. Obligation to Surrender

1. The United States agrees to surrender to the
Tribunal, pursuant to the provisions of this Agreement and the

¹ Came into force on 14 February 1996, the date on which the United States notified the Tribunal of the completion of the domestic legal requirements, in accordance with article 6.

Statute, persons, including United States citizens, found in its territory whom the Tribunal has charged with or found guilty of a violation or violations within the competence of the Tribunal as defined in the Statute.

2. The requirements for a finding that a person is subject to surrender to the Tribunal are solely those specifically articulated in this Agreement. No additional conditions regarding or defenses to surrender may be asserted by the person sought as barring such person's surrender to the Tribunal under this Agreement.

Article 2. Procedures

1. The Tribunal shall submit requests for surrender to the Embassy of the United States in the Netherlands or to the Embassy of the United States in another State in which the Tribunal may be temporarily situated.

2. Requests for surrender shall be supported by:

- (a) documents, statements, or other types of information which describe the identity and probable location of the person sought;
- (b) information describing the essential facts and procedural history of the case;

(c) a description of the specific violation or violations referred to in the Statute for which surrender of the person is sought; and

(d) the documents, statements, or other types of information specified in paragraph 3 or paragraph 4 of this Article, as applicable.

3. A request for surrender of a person who is sought for prosecution shall also be supported by copies of the warrant of arrest and of the indictment and by information sufficient to establish there is a reasonable basis to believe that the person sought has committed the violation or violations for which surrender is requested.

4. A request for surrender relating to a person who has been found guilty of the violation for which surrender is sought shall also be supported by:

(a) a copy of the judgment of conviction or, if such copy is not available, a statement by the Tribunal that the person has been found guilty;

(b) information establishing that the person sought is the person to whom the finding of guilt refers; and