

No. 51564

**United States of America
and
India**

Agreement between the Government of the United States of America and the Government of India regarding the Surrender of Persons to International Tribunals. New Delhi, 26 December 2002

Entry into force: *3 December 2003 by notification, in accordance with its provisions*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *United States of America, 25 November 2013*

**États-Unis d'Amérique
et
Inde**

Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de l'Inde relatif à la remise de personnes aux tribunaux internationaux. New Delhi, 26 décembre 2002

Entrée en vigueur : *3 décembre 2003 par notification, conformément à ses dispositions*

Texte authentique : *anglais*

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[ENGLISH TEXT – TEXTE ANGLAIS]

Agreement between the Government of the United States of America and the Government of India regarding the Surrender of Persons to International Tribunals

The Government of the United States of America and the Government of India, 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, where appropriate, to investigate and prosecute war crimes, crimes against humanity, and genocide alleged to have been committed by their respective officials, employees, military personnel, and nationals,

Hereby agree as follows:

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 any international tribunal for any purpose, unless otherwise obligated to do so by an international agreement to which both the United States and India are parties, 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 otherwise obligated to do so by an international agreement to which both the United States and India are parties.
3. When the United States extradites, surrenders, or otherwise transfers a person of the other Party to a third country, the United States will not agree to the surrender or transfer of that person by the third country to any international tribunal, unless otherwise obligated to do so by an international agreement to which both the United States and India are parties, absent the express consent of the Government of India.