

No. 51565

**United States of America
and
Nauru**

Agreement between the Government of the United States of America and the Government of the Republic of Nauru Regarding the Surrender of Persons to the International Criminal Court. Washington, 26 February 2003

Entry into force: *4 December 2003 by notification, in accordance with paragraph 5*

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**États-Unis d'Amérique
et
Nauru**

Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République de Nauru relatif à la remise de personnes à la Cour pénale internationale. Washington, 26 février 2003

Entrée en vigueur : *4 décembre 2003 par notification, conformément au paragraphe 5*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**Agreement between the Government of the United States of America
and the Government of the Republic of Nauru
Regarding the Surrender of Persons to the International Criminal Court**

The Government of the United States of America and the Government of the Republic of Nauru, 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 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 other nationals,

Bearing in mind Article 98 of the Rome Statute,

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 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 United States extradites, surrenders, or otherwise transfers a person of Nauru to a third country, the United States 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 Nauru.