

**No. 51823\***

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**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*

*\*No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

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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*

*\* Numéro de volume RTNU n'a pas encore été établie pour ce dossier. Les textes reproduits ci-dessous, s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Les traductions, s'ils sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.*

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



**Republic of Montenegro**  
**Ministry of Foreign Affairs**

*No. 03/05 334*

The Ministry of Foreign Affairs of the Republic of Montenegro presents its compliments to the Embassy of the United States of America at Podgorica, and has the honor to refer to the Embassy's Note number 15/2007 dated April 17, 2007, which reads as follows:

"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 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,

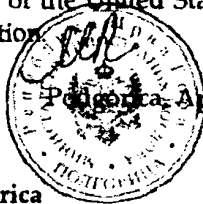
Hereby proposes the following agreement:

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."

The Ministry of Foreign Affairs has the honor to confirm that the proposal set forth in the Embassy's note is acceptable to the Government of the Republic of Montenegro and that this note and the Embassy's note number 15/2007 constitute and agreement which shall enter into force on this date.

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



Podgorica, April 19, 2007

Embassy of the United States of America  
Podgorica