

**INTERNATIONAL CRIMINAL COURT**

**Article 98**

**Agreement between the  
UNITED STATES OF AMERICA  
and RWANDA**

Signed at Washington March 4, 2003



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966  
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

**RWANDA**

**International Criminal Court: Article 98**

*Agreement signed at Washington March 4, 2003;  
Entered into force July 11, 2003.*

**Agreement**  
**Between the Government of the United States of America**  
**and the Government of the Republic of Rwanda**  
**Regarding the Surrender of Persons to International Tribunals**

The Government of the United States of America and the Government of the Republic of Rwanda, 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 Rwanda 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 Rwanda are parties.
3. When the United States extradites, surrenders, or otherwise transfers a person of Rwanda 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 Rwanda are parties, absent the express consent of the Government of the Republic of Rwanda.

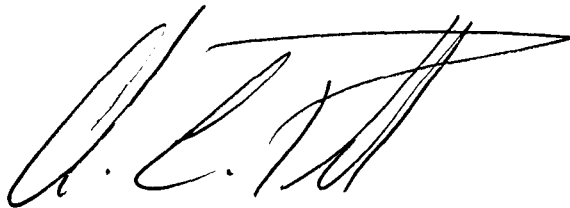
4. When the Government of the Republic of Rwanda extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of the Republic of Rwanda will not agree to the surrender or transfer of that person by the third country to any international tribunal,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

5. Each Party agrees not to knowingly facilitate, consent to, or cooperate with efforts by any third party or country to effect the extradition, surrender, or transfer of a person of the other Party to any international tribunal, unless otherwise obligated to do so by an international agreement to which both the United States and Rwanda are parties.

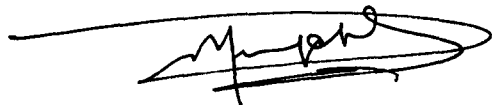
This Agreement shall enter into force upon an exchange of notes confirming that each Party has completed the necessary domestic legal requirements to bring the Agreement into force. It will remain in force until one year after the date on which one Party notifies the other of its intent to terminate this 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.

Done at Washington, in duplicate, this *4<sup>th</sup>* day of March, 2003, in the English and French languages. In case of differences in interpretation, the English language text shall prevail.

FOR THE GOVERNMENT OF  
THE UNITED STATES OF AMERICA:



FOR THE GOVERNMENT OF  
THE REPUBLIC OF RWANDA:



## **Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République rwandaise, relatif à la remise de personnes aux tribunaux internationaux**

Le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République rwandaise, ci-après dénommés "les Parties,"

Réaffirmant l'importance de traduire en justice les auteurs de génocide, crimes contre l'humanité et crimes de guerre,

Considérant que chacune des Parties a exprimé son intention de procéder à des enquêtes et d'intenter, le cas échéant, des poursuites judiciaires en cas de commission présumée, par ses hauts responsables, ses employés, son personnel militaire ou autres nationaux, de crimes de guerre, crimes contre l'humanité et de génocide,

Sont convenus de ce qui suit:

1. Aux fins du présent Accord, le terme "personnes" signifie les hauts responsables, les employés (y compris les sous-traitants) du Gouvernement, le personnel militaire ou les nationaux, actuels ou anciens, d'une Partie.
2. Les personnes relevant d'une Partie présentes sur le territoire de l'autre Partie ne peuvent, sans le consentement exprès de la première Partie:
  - (a) être remises ou renvoyées à un tribunal international, à quelque fin et de quelque manière que ce soit, à moins d'obligation encourue aux termes d'un accord international auquel les États-Unis et le Rwanda sont tous deux parties ; ni
  - (b) être remises ou renvoyées, de quelque manière que ce soit, à toute autre entité ou à un pays tiers quelconque, ni expulsées à destination d'un pays tiers, aux fins de remise ou de renvoi à un tribunal international, à moins d'obligation encourue aux termes d'un accord international auquel les États-Unis et le Rwanda sont tous deux parties.
3. Lorsque les États-Unis extradent, remettent ou autrement renvoient à un pays tiers une personne relevant du Rwanda, ils refusent de consentir à la remise ou au renvoi de celle-ci à un tribunal international par le pays tiers, à moins d'y être obligés aux termes d'un accord international auquel les États-Unis et le Rwanda sont tous deux parties, sans avoir obtenu le consentement exprès du Gouvernement de la République rwandaise.

