

**No. 32555**

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**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.*

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**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.*

AGREEMENT<sup>1</sup> 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

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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

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<sup>1</sup> 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

- (c) a copy of the sentence imposed, if the person sought has been sentenced, and a statement establishing to what extent the sentence has been carried out.

5. If it appears that supplemental information is needed to meet the requirements of this Article, the United States shall request such supplemental information from the Tribunal. In such a case, any proceedings regarding the surrender may be continued, and the person sought may be detained, for such period as may be necessary to afford the Tribunal a reasonable opportunity to provide the supplemental information requested.

### Article 3. Provisional Arrest

1. In case of urgency, the Tribunal may request the provisional arrest of the person sought pending presentation of the request for surrender. A request for provisional arrest may be presented to the Embassy of the United States in the Netherlands or may be transmitted directly by the Prosecutor of the Tribunal to the United States Department of Justice.

2. The application for provisional arrest shall contain:

- (a) a description of the person sought and information regarding the probable location of such person;

(b) a brief statement of the essential facts of the case, including, if possible, the time and location of the offense;

(c) a statement of the existence of a warrant of arrest or a judgement of conviction against the person sought, and a description of the specific violation or violations set forth in the Statute of which the person has been accused or convicted; and

(d) a statement that a request for surrender for the person sought will follow.

3. A person who is provisionally arrested may be discharged from custody upon the expiration of sixty (60) days from the date of provisional arrest if the United States has not received the formal request for surrender and the supporting documents specified under Article 2 of this Agreement.

4. The fact that the person sought has been discharged from custody pursuant to paragraph 3 of this Article shall not prejudice the subsequent rearrest and surrender of that person if the surrender request and supporting documents are delivered at a later date.

#### Article 4. Transit

1. The United States may authorize transportation through its territory of a person, including a United States citizen, surrendered to the Tribunal by another State. A request by the Tribunal for transit shall be transmitted to the Embassy of the United States in the Netherlands or in another State in which the Tribunal may be temporarily situated, or directly to the United States Department of Justice by the Prosecutor of the Tribunal. The request for transit shall contain a description of the person being transported and a brief statement of the facts of the case. A person in transit shall be detained in custody during the period of transit.

2. No authorization is required where air transportation is used and no landing is scheduled on the territory of the United States. If an unscheduled landing occurs on the territory of the United States, the United States may require a request for transit as provided in paragraph 1. The United States shall detain the person to be transported until the request for transit is received and the transit is effected, so long as the request is received within 96 hours of the unscheduled landing.

### Article 5. Representation and Expenses

1. Where the Tribunal makes a request for surrender of a person, the United States shall as necessary provide assistance and appear in court in connection with such a request.

2. The Tribunal shall bear the expenses related to the translation of documents and the transportation of the person surrendered, unless the Parties agree otherwise. The United States shall pay all other expenses incurred by reason of the surrender proceedings.

### Article 6. Entry into Force

This Agreement shall enter into force immediately after the United States has notified the Tribunal that its domestic legal requirements have been met.



IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Government or International Organization, have signed this Agreement.

DONE at The Hague, in duplicate, this 5th day of October, 1994, in the English language.

For the Government  
of the United States of America:

For the International Tribunal for the  
Prosecution of Persons Responsible  
for Serious Violations of International  
Humanitarian Law in the Former Yugo-  
slavia:

*K. Terry Dornbush<sup>1</sup>*  
*Ambassador*  
*United States of America*

*Theo van Boven<sup>2</sup>*  
*Acting Register*

Ambassador  
United States of America

Acting Register

<sup>1</sup> K. Terry Dornbush.

<sup>2</sup> Theo van Boven.