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United States of America
and
Lesotho

Agreement between the Government of the Kingdom of Lesotho and the Government of the United States of America regarding the surrender of persons to the International Criminal Court. Maseru, 21 June 2006

Entry into force: *21 June 2006 by signature, in accordance with paragraph 5*

Authentic text: *English*

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États-Unis d'Amérique
et
Lesotho

Accord entre le Gouvernement du Royaume du Lesotho et le Gouvernement des États-Unis d'Amérique relatif à la remise de personnes à la Cour pénale internationale. Maseru, 21 juin 2006

Entrée en vigueur : *21 juin 2006 par signature, conformément au paragraphe 5*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *États-Unis d'Amérique, 4 mars 2014*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN THE GOVERNMENT OF THE KINGDOM OF LESOTHO AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA REGARDING THE SURRENDER OF PERSONS TO THE INTERNATIONAL CRIMINAL COURT

The Government of the Kingdom of Lesotho and the Government of the United States of America, 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 evaluate available information and where it is appropriate to investigate and to prosecute acts within the jurisdiction of the International Criminal Court alleged to have been committed by their officials, employees, military personnel or other nationals,

Affirming that nothing in this Agreement precludes either Party from exercising its criminal jurisdiction over those responsible for genocide, crimes against humanity, and war crimes,

Bearing in mind Article 98 of the Rome Statute,

Hereby agree as follows:

1. For purposes of this Agreement, "persons of the United States of America" are current or former United States Government officials, employees (including contractors), or military personnel or United States nationals.

2. Persons of the United States of America present in the territory of the Kingdom of Lesotho shall not, absent the express consent of the Government of the United States of America,

   (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 Kingdom of Lesotho extradites, surrenders or otherwise transfers a person of the United States of America to a third country, the Government of the Kingdom of Lesotho 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.

4. Either Party may request consultations regarding the investigation and prosecution of cases of special interest.

5. This Agreement shall enter into force upon signature thereof and shall remain in force until terminated at any time by either party upon twelve months' written notice. 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.

THUS SIGNED AND DONE AT MASERU THIS 31st DAY OF June 2006.

FOR THE GOVERNMENT OF THE KINGDOM OF LESOTHO:

Minister of Foreign Affairs

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

Ambassador of the United States of America