

**Agreement**  
**between the Government of the United States of America and the**  
**Government of Romania regarding the surrender of persons to the**  
**International Criminal Court**

The Government of the United States of America and the Government of Romania, hereinafter “the parties.”

Reaffirming the importance of bringing to justice these 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 Romania, by becoming a State Party to the Rome Statute of the International Criminal Court, has expressed its commitment to be bound by the rules and principles embodied therein,

Considering that the Government of the United States of America has expressed its intention to investigate and to prosecute where appropriate acts within the jurisdiction of the International Criminal Court alleged to have been committed by its officials, employees, military personnel or other nationals of the United States of America,

Bearing in mind Article 98 of the Rome Statute of the International Criminal Court,

Hereby agree as follows:

**Article 1**

For purposes of this agreement, “persons” are current or former Government officials, employees (including contractors), or military personnel or other nationals of the United States of America.

## **Article 2**

Persons of the United States of America present in the territory of Romania shall not, absent the expressed 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

## **Article 3**


When the Government of Romania extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of Romania will not agree to the surrender or transfer of that person to the International Criminal Court by a third country, absent the expressed consent of the Government of the United States of America..

## **Article 4**

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 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.

Done in Bucharest, in duplicate, this first day of August, 2002 in the English and Romanian languages, each text being equally authentic. In case of disputes, the English version of this agreement will prevail.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, having signed this Agreement.

Handwritten signature of L. R. Bolton in cursive script.

FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA

FOR THE GOVERNMENT OF  
ROMANIA

Handwritten signature for Romania, consisting of a stylized cursive name with a horizontal line above it.