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**United Nations Diplomatic Conference
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Establishment of an International
Criminal Court**

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Article 87

[Surrender] [Transfer] [Extradition]
of persons to the Court

Paragraph 5 bis

Where compliance with the request for surrender/cooperation would require the requested State to act inconsistently with its obligations under international law with respect to the State or diplomatic immunity of a person or property of a third State, the Court shall, in addition, obtain under this Part the cooperation of that third State for the waiver of the immunity.

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