



**UNITED  
NATIONS**



**United Nations Diplomatic Conference  
of Plenipotentiaries on the Establishment  
of an International Criminal Court**

Distr.  
LIMITED

A/CONF.183/C.1/WGIC/L.9  
29 June 1998

Original: ENGLISH

Rome, Italy  
15 June-17 July 1998

---

COMMITTEE OF THE WHOLE  
Working Group on International Cooperation  
and Judicial Assistance

PROPOSAL SUBMITTED BY CROATIA

Article 87

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

New paragraph 3

"3. States shall not refuse a request for [surrender] [transfer] [extradition] of persons to the Court. The obligation to [surrender] [transfer] [extradite] persons to the Court under this Statute shall prevail over any legal impediment to do so which may exist under the national law or extradition treaties of the State concerned."

The present proposal corresponds to the Statute (article 29) and the Rules of Procedure and Evidence of the International Tribunal for the Former Yugoslavia (rule 56, rule 58) and the Statute (article 28) and Rules of Procedure and Evidence (rule 56, rule 58) of the International Criminal Tribunal for Rwanda.

The Security Council has established this standard for the efficient functioning of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda. There is no reason to apply different practices to the International Criminal Court.

-----

GE.98-70625 (E)  
ROM.98-0906