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Article 102 is about the use of two specific terms. It reads,

For the purposes of this Statute:

- a) “surrender” means the delivering up of a person by a State to the Court, pursuant to this Statute.
- b) “extradition” means the delivering up of a person by one State to another as provided by treaty, convention or national legislation.

This Article clarifies the difference between the following two terms: surrender and extradition.

Extradition is where a state delivers a person to another state, which is in the context of interstate relationship; while surrender is where a state delivers a person to the ICC, which concerns the relationship between the Court and the State.

Why does the Statute make such a distinction? Because, in the context of extradition, many states’ domestic law prohibits the extradition of their own nationals. But transferring nationals to the ICC is a logical consequence of the complementarity principle.

Thus Article 102 specifically distinguishes “surrender” from “extradition” in order to avoid certain limitations attached to the in order to avoid certain limitations attached to the concept of “extradition”.

The person to be surrendered here is one who is believed on reasonable grounds to have committed a crime within the jurisdiction of the Court. The article does not oblige States Parties to use the same terminological distinction in their national legislations since the opening wording is “for the purposes of this Statute”.

Thank you for your attention.