

No. 51180*

**United States of America
and
Philippines**

Exchange of notes constituting an agreement between the United States of America and the Republic of the Philippines regarding the surrender of persons to international tribunals. Manila, 9 May 2003 and 13 May 2003

Entry into force: *13 May 2003 by the exchange of the said notes, in accordance with their provisions*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *United States of America, 20 August 2013*

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**États-Unis d'Amérique
et
Philippines**

Échange de notes constituant un accord entre les États-Unis d'Amérique et la République des Philippines relatif à la remise de personnes aux tribunaux internationaux. Manille, 9 mai 2003 et 13 mai 2003

Entrée en vigueur : *13 mai 2003 par l'échange desdites notes, conformément à leurs dispositions*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *États-Unis d'Amérique, 20 août 2013*

**Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

[ENGLISH TEXT – TEXTE ANGLAIS]

EMBASSY OF THE
UNITED STATES OF AMERICA

Manila, May 9, 2003

0470

Excellency:

I have the honor to refer to recent discussions between representatives of the Government of the United States of America and the Government of the Republic of the Philippines regarding the surrender of persons to international tribunals.

Reaffirming the importance of bringing to justice those who commit genocide, crimes against humanity and war crimes,

Considering that the Parties have each expressed their intention to, where appropriate, investigate and prosecute war crimes, crimes against humanity, and genocide alleged to have been committed by their respective officials, employees, military personnel, and nationals,

I have the honor to propose the following agreement:

1. For purposes of this Agreement, "persons" are current or former Government officials, employees (including contractors), or military personnel or nationals of one Party.
2. Persons of one Party present in the territory of the other shall not, absent the express consent of the first Party,
 - (a) be surrendered or transferred by any means to any international tribunal for any purpose, unless such tribunal has been established by the UN Security Council, 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 any international tribunal, unless such tribunal has been established by the UN Security Council.

His Excellency

Blass F. Ople,

Secretary of Foreign Affairs,

Department of Foreign Affairs,

Manila.

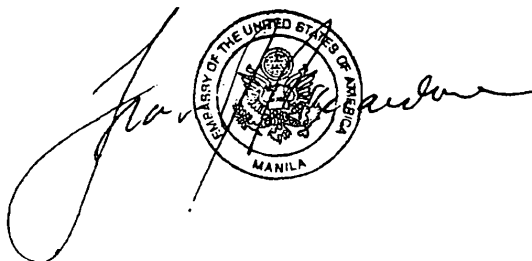
3. When the United States extradites, surrenders, or otherwise transfers a person of the Philippines to a third country, the United States will not agree to the surrender or transfer of that person by the third country to any international tribunal, unless such tribunal has been established by the UN Security Council, absent the express consent of the Government of the Republic of the Philippines.

4. When the Government of the Republic of the Philippines extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of the Republic of the Philippines will not agree to the surrender or transfer of that person by the third country to any international tribunal, unless such tribunal has been established by the UN Security Council, absent the express consent of the Government of the United States.

5. This Agreement shall 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.

If the proposal set forth herein is acceptable to the Government of the Republic of the Philippines, this note and Your Excellency's affirmative note in reply shall constitute an agreement between our two Governments which shall enter into force on the date of Your Excellency's note.

Accept, Excellency, the renewed assurance of my highest consideration.

A handwritten signature in dark ink is written over a circular official seal. The seal features the United States coat of arms in the center, surrounded by the text "EMBASSY OF THE UNITED STATES OF AMERICA" and "MANILA" at the bottom.

Note No. BFO-028-03

13 May 2003

Excellency:

I have the honor to acknowledge receipt of Your Excellency's Note No. 0470 of 9 May 2003, reading as follows:

"I have the honor to refer to recent discussions between representatives of the Government of the United States of America and the Government of the Republic of the Philippines regarding the surrender of persons to international tribunals.

"Reaffirming the importance of bringing to justice those who commit genocide, crimes against humanity and war crimes,

"Considering that the Parties have each expressed their intention to, where appropriate, investigate and prosecute war crimes, crimes against humanity, and genocide alleged to have been committed by their respective officials, employees, military personnel, and nationals,

"I have the honor to propose the following agreement:

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

"2. Persons of one Party present in the territory of the other shall not, absent the express consent of the first Party,

(a) be surrendered or transferred by any means to any international tribunal for any purpose, unless such tribunal has been established by the UN Security Council, 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 any international tribunal, unless such tribunal has been established by the UN Security Council.

His Excellency

FRANCIS J. RICCIARDONE, JR.

Ambassador Extraordinary and Plenipotentiary
Embassy of the United States of America
Manila