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**United States of America
and
Thailand**

Exchange of notes constituting an agreement between the Government of the United States of America and the Government of the Kingdom of Thailand regarding the surrender of persons to the International Criminal Court. Bangkok, 3 June 2003

Entry into force: *3 June 2003 by the exchange of the said notes, in accordance with their provisions*

Authentic text: *English*

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

Échange de notes constituant un accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement du Royaume de Thaïlande relatif à la remise de personnes à la Cour pénale internationale. Bangkok, 3 juin 2003

Entrée en vigueur : *3 juin 2003 par l'échange desdites notes, conformément à leurs dispositions*

Texte authentique : *anglais*

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[ENGLISH TEXT – TEXTE ANGLAIS]

Bangkok, June 3, 2003

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 Kingdom of Thailand regarding the Surrender of Persons to the International Criminal Court and to propose the following Agreement:

The Government of the United States of America and the Government of the Kingdom of Thailand, hereinafter "the Parties,"

Reaffirming the importance of bringing to justice those 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 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,

Considering that the Government of the Kingdom of Thailand has signed the Rome Statute of the International Criminal Court on October 2, 2000, :

Bearing in mind Article 98 of the Rome Statute,
Hereby agree as follows:

1. For purposes of this Agreement, "persons" of either Party include all nationals of that Party and all current and former military personnel of that 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 the International Criminal Court for any purpose, or

(b) be surrendered or transferred by 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.

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