

No. 51502

**United States of America
and
Algeria**

Exchange of notes constituting an Agreement between the Government of the United States of America and the Government of the People's Democratic Republic of Algeria regarding the surrender of persons to international tribunals. Algiers, 6 April 2004 and 13 April 2004

Entry into force: *13 April 2004 by the exchange of the said notes, in accordance with their provisions*

Authentic texts: *English and French*

Registration with the Secretariat of the United Nations: *United States of America, 25 November 2013*

**États-Unis d'Amérique
et
Algérie**

Échange de notes constituant un accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République algérienne démocratique et populaire concernant la remise de personnes aux tribunaux internationaux. Alger, 6 avril 2004 et 13 avril 2004

Entrée en vigueur : *13 avril 2004 par l'échange desdites notes, conformément à leurs dispositions*

Textes authentiques : *anglais et français*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 25 novembre 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

I

No. 124

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the People's Democratic Republic of Algeria and refers to recent discussions between representatives of the Government of the United States of America and the Government of the People's Democratic Republic of Algeria 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 Government of the United States of America and the Government of the People's Democratic Republic of Algeria have each expressed their intention to investigate and prosecute where appropriate war crimes, crimes against humanity, and genocide alleged to have been committed by their respective nationals,

The Embassy hereby proposes the following Agreement:

1. For the purposes of this Agreement, "persons" of either Party include all nationals of that Party and, for the Government of the United States of America, also include

persons currently or formerly subject to the jurisdiction of the United States of America pursuant to Section 802 of Title 10 of the United States Code with respect to acts or omissions allegedly committed or occurring while they are or were subject to such jurisdiction.

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 United Nations 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 United Nations Security Council.

3. When the Government of the United States of America extradites, surrenders, or otherwise transfers a person of the People's Democratic Republic of Algeria to a third country, the Government of the United States of America 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 United Nations Security Council, absent the express consent of the Government of the People's Democratic Republic of Algeria.

4. When the Government of the People's Democratic Republic of Algeria extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of the People's Democratic Republic of Algeria 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 United Nations Security Council, absent the express consent of the Government of the United States of America.

5. This Agreement will remain in force until one year after the date on which one Party notifies the other of its intent to terminate this 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 People's Democratic Republic of Algeria, this note and the Ministry's affirmative note in reply shall constitute an agreement between the two Governments which