

**No. 51505**

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**United States of America  
and  
Equatorial Guinea**

**Agreement between the Government of the United States of America and the Government of the Republic of Equatorial Guinea Regarding the Surrender of Persons to the International Criminal Court. New York, 25 September 2003**

**Entry into force:** *6 May 2004 by notification, in accordance with its provisions*

**Authentic texts:** *English and Spanish*

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

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**États-Unis d'Amérique  
et  
Guinée équatoriale**

**Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République de Guinée équatoriale relatif à la remise de personnes à la Cour pénale internationale. New York, 25 septembre 2003**

**Entrée en vigueur :** *6 mai 2004 par notification, conformément à ses dispositions*

**Textes authentiques :** *anglais et espagnol*

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

[ ENGLISH TEXT – TEXTE ANGLAIS ]

Agreement between the Government of the United States of  
America and the Government of the Republic of Equatorial  
Guinea Regarding the Surrender of Persons to the  
International Criminal Court

The Government of the United States of America and the  
Government of the Republic of Equatorial Guinea,  
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 Parties have each expressed their  
intention to investigate and to prosecute where appropriate  
acts within the jurisdiction of the International Criminal  
Court alleged to have been committed by their officials,  
employees, military personnel or other nationals,

Bearing in mind Article 98 of the Rome Statute,

Hereby agree as follows:

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 the  
International Criminal Court for any purpose, 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 the International Criminal Court.

3. When the Government of the United States of America extradites, surrenders, or otherwise transfers a person of Equatorial Guinea to a third country, the Government of the United States of America 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 Republic of Equatorial Guinea.

4. When the Government of the Republic of Equatorial Guinea extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of the Republic of Equatorial Guinea will not agree to the surrender or transfer of that person to the International Criminal Court by a third country, absent the express consent of the Government of the United States of America.

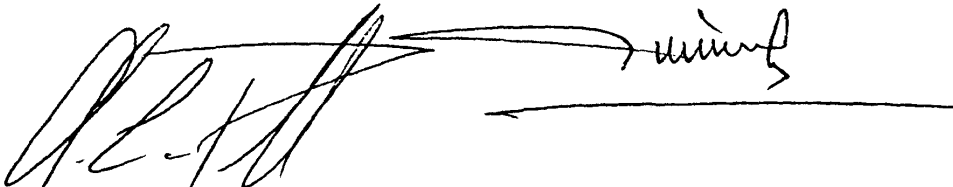
5. Each Party agrees, subject to its international legal obligations, not to knowingly facilitate, consent to, or cooperate with efforts by any third party or country to effect the extradition, surrender, or transfer of a person of the other Party to the International Criminal Court.

This Agreement shall enter into force upon an exchange of notes confirming that each Party has completed the necessary domestic legal requirements to bring the Agreement into force. It 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.

Done in New York, in duplicate, this 25th day of September 2003, in the English and Spanish languages, both texts being equally authentic.

FOR THE GOVERNMENT OF  
THE UNITED STATES OF  
AMERICA:

FOR THE GOVERNMENT OF  
THE REPUBLIC OF  
EQUATORIAL GUINEA:

The image shows two handwritten signatures. The signature on the left is for the United States of America, and the signature on the right is for the Republic of Equatorial Guinea. Both signatures are written in dark ink and are positioned below their respective labels.