

No. 51522*

**United States of America
and
Dominican Republic**

Agreement between the Government of the United States of America and the Government of the Dominican Republic regarding the surrender of persons to the International Criminal Court. Santo Domingo, 13 September 2002

Entry into force: *12 August 2004 by notification, in accordance with paragraph 5*

Authentic texts: *English and Spanish*

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**États-Unis d'Amérique
et
République dominicaine**

Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République dominicaine relatif à la remise de personnes à la Cour pénale internationale. Saint-Domingue, 13 septembre 2002

Entrée en vigueur : *12 août 2004 par notification, conformément au paragraphe 5*

Textes authentiques : *anglais et espagnol*

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

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[ENGLISH TEXT – TEXTE ANGLAIS]

Agreement between the Government of the United States of America and the Government of the Dominican Republic regarding the surrender of persons to the International Criminal Court

The Government of the United States of America and the Government of the Dominican Republic, 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 its 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 expressed 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 United States of America extradites, surrenders, or otherwise transfers a person of the other Party to a third country, 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 expressed consent of the Government of the Dominican Republic.

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

5. 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 Santo Domingo de Guzmán the 13th day of September 2002, in duplicate originals in the Spanish and English languages, with both texts equally authentic. If any divergences arise, the English language text should take precedence.

For the Government
of the United States of America:



Hans Hertel
Ambassador Extraordinary and
Plenipotentiary of the United States
of America in the Dominican
Republic

For the Government
of the Dominican Republic:



Hipólito Mejía
President of the
Dominican Republic

[SPANISH TEXT – TEXTE ESPAGNOL]

**ACUERDO ENTRE EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMERICA
Y EL GOBIERNO DE LA REPUBLICA DOMINICANA
RESPECTO A LA ENTREGA DE PERSONAS A LA
CORTE PENAL INTERNACIONAL.**

El Gobierno de los Estados Unidos de América y el Gobierno de la República Dominicana, en lo sucesivo "las Partes",

Reafirmando la importancia de enjuiciar a los culpables de genocidio, delitos de lesa humanidad y crímenes de guerra,

Recordando que el Estatuto de Roma de la Corte Penal Internacional, suscrito en Roma el 17 de julio de 1998, por la Conferencia Diplomática de Plenipotenciarios de las Naciones Unidas sobre el Establecimiento de una Corte Penal Internacional, tiene la intención de complementar y no de suplantar la jurisdicción penal nacional,

Considerando que cada una de las Partes ha expresado su intención de investigar y enjuiciar, cuando sea oportuno, los actos que están bajo la jurisdicción de la Corte Penal Internacional supuestamente cometidos por sus funcionarios, empleados, personal militar u otros nacionales,

Teniendo en cuenta el Artículo 98 del Estatuto de Roma,

Por el presente acuerdan lo siguiente: