

**No. 51537\***

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**United States of America  
and  
Tuvalu**

**Exchange of notes constituting an agreement between the Government of the United States of America and the Government of Tuvalu regarding the surrender of persons to the International Criminal Court. Suva, 19 September 2002, and Funafuti, 9 January 2003**

**Entry into force:** *3 February 2003 by notification, in accordance with the provisions of the said notes*

**Authentic text:** *English*

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

*\*No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

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

**Échange de notes constituant un accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de Tuvalu relatif à la remise de personnes à la Cour pénale internationale. Suva, 19 septembre 2002, et Funafuti, 9 janvier 2003**

**Entrée en vigueur :** *3 février 2003 par notification, conformément aux dispositions desdites notes*

**Texte authentique :** *anglais*

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

**EMBASSY OF THE  
UNITED STATES OF AMERICA**

**Note No. 31**

The Embassy of the United States presents its compliments to the Department of Foreign Affairs, Immigration, and Labour of the Government of Tuvalu and has the honor to request your Government's consideration of the text, which follows:

**BEGIN TEXT:**

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

**The Government of the United States of America and the Government of Tuvalu, 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,**

**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 extradites, surrenders, or otherwise transfers a person of the other Party 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 expressed consent of the Government of Tuvalu.

4. When the Government of Tuvalu extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of Tuvalu 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.

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.

END TEXT.

The Embassy of the United States of America avails itself of this opportunity to renew to the Department of Foreign Affairs, Immigration, and Labour of the Government of Tuvalu the assurances of its highest consideration.

Embassy of the United States of America  
Suva, September 19, 2002