

No. 51546

**United States of America
and
Singapore**

Exchange of notes constituting an Agreement between the Government of the United States of America and the Government of the Republic of Singapore regarding the surrender of persons to the International Criminal Court. Singapore, 17 October 2003

Entry into force: *17 October 2003 by the exchange of the said notes, in accordance with their provisions*

Authentic text: *English*

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

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

Échange de notes constituant un accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République de Singapour relatif à la remise de personnes à la Cour pénale internationale. Singapour, 17 octobre 2003

Entrée en vigueur : *17 octobre 2003 par l'échange desdites notes, conformément à leurs dispositions*

Texte authentique : *anglais*

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

[ENGLISH TEXT – TEXTE ANGLAIS]

I

No. 521/03

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of Singapore and refers to recent discussions between representatives of the Government of the United States of America and the Government of Singapore regarding the surrender of persons to the International Criminal Court.

The Government of the United States of America and the Government of Singapore, hereinafter “the Parties,”

Reaffirming the importance of bringing to justice those who commit genocide, crimes against humanity and war crimes,

Considering that the Parties have each expressed their intention, where appropriate, to investigate and prosecute war crimes, crimes against humanity, and genocide alleged to have been committed by their respective officials, employees, military personnel, and nationals,

Hereby agree as follows:

1. For the purposes of this Agreement, “persons” of either Party refers to all nationals of that Party and also includes current and former non-national military personnel of that Party with respect to acts or omissions allegedly committed or occurring while they are or were 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 any international tribunal for any purpose, unless such tribunal has been established by the UN 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 UN Security Council.

3. When the Government of the United States of America extradites, surrenders, or otherwise transfers a person of Singapore 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 UN Security Council, absent the express consent of the Government of Singapore.

4. When the Government of Singapore extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of Singapore 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 UN Security Council, 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 any international tribunal, unless such tribunal has been established by the UN Security Council.

6. 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 Singapore, this note and the Ministry's affirmative note in reply shall constitute an agreement between the two Governments which shall enter into force on the date of the Ministry's note.