

INTERNATIONAL CRIMINAL COURT

Article 98

**Agreement between the
UNITED STATES OF AMERICA
and FIJI**

Agreement Signed at Suva December 17, 2003



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

FIJI

International Criminal Court: Article 98

*Agreement signed at Suva December 17, 2003;
Entered into force December 17, 2003.*

**Agreement between the Government of Republic of the Fiji Islands and
the Government of the United States of America regarding the
Surrender of Persons to the International Criminal Court**

The Government of Republic of the Fiji Islands and the Government of the United States of America, 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 of the United States of America" are current or former United States Government officials, employees (including contractors), or military personnel or United States nationals.
2. Persons of the United States of America present in the territory of Republic of the Fiji Islands shall not, absent the express consent of the Government of the United States of America,

- (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 Republic of the Fiji Islands extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of Republic of the Fiji Islands 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.

4. This Agreement shall enter into force upon signature by both Parties. 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 duplicate at Suva this 17th day of December, 2003.

For the Government of
Republic of the Fiji Islands:

For the Government of the
United States of America:



Kaliopate Tavola
Minister for Foreign Affairs
and External Trade



Hugh M. Neighbour, III
Chargé d'Affaires, a.i.
Embassy of the United States of America