

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 1

The Embassy of the United States of America at Dakar presents its compliments to the Ministry of Foreign Affairs, International Cooperation and Communities of the Republic of Guinea-Bissau, and,

As a result of recent discussions between representatives of the Government of the United States of America and the Government of the Republic of Guinea-Bissau regarding the surrender of persons to international criminal tribunals,

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

Considering that the Government of the United States of America and the Government of the Republic of Guinea-Bissau have each expressed their intention to investigate and to prosecute where appropriate war crimes, crimes against humanity, and genocide alleged to have been committed by their officials, employees, military personnel or nationals,

The Embassy has the honor to propose the following Agreement:

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 any international tribunal for any purpose, unless such tribunal has been established or authorized by the United Nations 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 or authorized by the United Nations Security Council.

3. When the Government of the United States of America extradites, surrenders, or otherwise transfers a person of the Republic of Guinea-Bissau 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 or authorized by the United Nations Security Council, absent the express consent of the Government of the Republic of Guinea-Bissau.

4. When the Government of the Republic of Guinea-Bissau extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of the Republic of Guinea-Bissau 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 or authorized by the United Nations Security Council, absent the express consent of the Government of the United States of America.

5. This Agreement shall remain in force until one year after the date on which one Party notifies the other of its intent to terminate the 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 the Republic of Guinea-Bissau, this note and the Ministry's affirmative note in reply shall constitute an

agreement between our two governments, which shall enter into force on the date of the Ministry's note.

The Embassy of the United States of America at Dakar avails itself of this opportunity to renew to the Ministry of Foreign Affairs, International Cooperation and Communities of the Republic of Guinea-Bissau the assurances of its highest consideration.

Embassy of the United States of America

Dakar, January 28, 2005



Official Translation

Ref 36/OM/us/2005

Bissau, 02 February 2005

The Ministry of Foreign Affairs, International Cooperation and Communities presents its highest compliments to the Embassy of the United States of America in Dakar and has the honor to acknowledge the receipt of Your Excellency's note number 1, dated January 28, 2005, which reads as follows:

"The Embassy of the United States of America at Dakar presents its compliments to the Ministry of Foreign Affairs, International Cooperation and Communities of the Republic of Guinea-Bissau, and,

As a result of recent discussions between representatives of the Government of the United States of America and the Government of the Republic of Guinea-Bissau regarding the surrender of persons to international criminal tribunals,

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

Considering that the Government of the United States of America and the Government of the Republic of Guinea-Bissau have each expressed their intention to investigate and to prosecute where appropriate war crimes, crimes against humanity, and genocide alleged to have been committed by their officials, employees, military personnel or nationals,

The Embassy has the honor to propose the following Agreement:

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 any international tribunal for any purpose, unless such tribunal has been established or authorized by the United Nations 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 or authorized by the United Nations Security Council.

3. When the Government of the United States of America extradites, surrenders, or otherwise transfers a person of the Republic of Guinea-Bissau 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 or authorized by the United Nations Security Council, absent the express consent of the Government of the Republic of Guinea-Bissau.

4. When the Government of the Republic of Guinea-Bissau extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of the Republic of Guinea-Bissau 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 or authorized by the United Nations Security Council, absent the express consent of the Government of the United States of America.

5. This Agreement shall remain in force until one year after the date on which one Party notifies the other of its intent to terminate the 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 the Republic of Guinea-Bissau, this note and the Ministry's affirmative note in reply shall constitute an agreement between our two governments, which shall enter into force on the date of the Ministry's note.

The Embassy of the United States of America at Dakar avails itself of this opportunity to renew to the Ministry of Foreign Affairs, International Cooperation and Communities of the Republic of Guinea-Bissau the assurances of its highest consideration.

The Ministry of Foreign Affairs, International Cooperation and Communities has the honor to confirm that the proposal set forth in your note is acceptable to the Government of the Republic of Guinea-Bissau, and that this accord, by exchange of notes, will enter into force provisionally on the date of its signature, February 2, 2005, and definitively on the date of its publication.

The Ministry of Foreign Affairs, International Cooperation and Communities avails itself of this opportunity to renew to the Embassy of the United States of America in Dakar its assurances of its highest consideration.



EMBASSY OF THE
UNITED STATES OF AMERICA

No. 2

The Embassy of the United States of America at Dakar presents its compliments to the Ministry of Foreign Affairs, International Cooperation and Communities of the Republic of Guinea-Bissau, and, acknowledges receipt of the Ministry's note No. 36/GM/uf/2005 dated February 2, 2005 confirming the agreement effected by the Ministry's note and the Embassy's note No. 1, dated January 28, 2005.

The Embassy accepts the Ministry's proposal that the aforementioned agreement enter into force provisionally on February 2, 2005, and definitively on the date of the Government of the Republic of Guinea-Bissau's publication of the agreement.

The Embassy would appreciate a note from the Ministry informing the Embassy of the date of such publication.

The Embassy of the United States of America at Dakar avails itself of this opportunity to renew to the Ministry of Foreign Affairs, International Cooperation and Communities of the Republic of Guinea-Bissau the assurances of its highest consideration.

Embassy of the United States of America

Dakar, March 14, 2005

