

No. 124

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the People's Democratic Republic of Algeria and refers to recent discussions between representatives of the Government of the United States of America and the Government of the People's Democratic Republic of Algeria regarding the surrender of persons to international 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 People's Democratic Republic of Algeria have each expressed their intention to investigate and prosecute where appropriate war crimes, crimes against humanity, and genocide alleged to have been committed by their respective nationals,

The Embassy hereby proposes the following Agreement:

1. For the purposes of this Agreement, "persons" of either Party include all nationals of that Party and, for the Government of the United States of America, also include
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persons currently or formerly subject to the jurisdiction of the United States of America pursuant to Section 802 of Title 10 of the United States Code with respect to acts or omissions allegedly committed or occurring while they are or were subject to such jurisdiction.

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 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 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 People's Democratic Republic of Algeria 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 United Nations Security Council, absent the express consent of the Government of the People's Democratic Republic of Algeria.

4. When the Government of the People's Democratic Republic of Algeria extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of the People's Democratic Republic of Algeria 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 United Nations Security Council, absent the express consent of the Government of the United States of America.

5. 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 the People's Democratic Republic of Algeria, 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.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the People's Democratic Republic of Algeria the assurances of its highest consideration.



Embassy of the United States of America,
Algiers, April 6, 2004.

الجمهورية الجزائرية الديمقراطية الشعبية
REPUBLIQUE ALGERIENNE DEMOCRATIQUE ET POPULAIRE

MINISTERE DES AFFAIRES ETRANGERES
DIRECTION GENERALE AMERIQUES

وزارة الشؤون الخارجية
المديرية العامة لأمريكا

N° 250 MAE/DGAM.

The Ministry of Foreign Affairs of the People's Democratic Republic of Algeria presents its compliments to the Embassy of the United States of America in Algiers and with reference to the Embassy's note n° 124 dated on April 6, 2004, by which it would like to inform of the following:

« The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the People's Democratic Republic of Algeria and refers to recent discussions between representatives of the Government of the United States of America and the Government of the People's Democratic Republic of Algeria regarding the surrender of persons to international 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 People's Democratic Republic of Algeria have each expressed their intention to investigate and prosecute where appropriate war crimes, crimes against humanity, and genocide alleged to have been committed by their respective nationals,

The Embassy hereby proposes the following Agreement:

1. For the purposes of this Agreement, "persons" of either Party include all nationals of that Party and, for the Government of the United States of America, also include persons currently or formerly subject to the jurisdiction of the United States of America pursuant to Section 802 of Title 10 of the United States Code with respect to acts or omissions allegedly committed or occurring while they are or were subject to such jurisdiction.
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 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 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 People's Democratic Republic of Algeria 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 United Nations Security Council, absent the express consent of the Government of the People's Democratic Republic of Algeria.

4. When the Government of the People's Democratic Republic of Algeria extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of the People's Democratic Republic of Algeria 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 United Nations Security Council, absent the express consent of the Government of the United States of America.

5. 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 the People's Democratic Republic of Algeria, 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.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the People's Democratic Republic of Algeria the assurances of its highest consideration.

Embassy of the United States of America,
Algiers, April 6, 2004. »

The Ministry of Foreign Affairs of the People's Democratic Republic of Algeria has the honour to confirm to the Embassy of the United States of America in Algiers that the Algerian Government accepts the above proposal. The Embassy's note and the Ministry's note shall constitute an agreement between the two Governments which shall enter into force on the date of the Ministry's note.

The Ministry of Foreign Affairs of the People's Democratic Republic of Algeria avails itself of this opportunity to renew to the Embassy of the United States of America in Algiers the assurances of its highest consideration.

A handwritten signature in cursive script is written over a circular official stamp. The stamp contains Arabic text and a star, likely representing the Algerian coat of arms.

Algiers, April 13, 2004

Embassy of the United States of America
Algiers