

INTERNATIONAL CRIMINAL COURT

Article 98

**Agreement between the
UNITED STATES OF AMERICA
and SOLOMON ISLANDS**

Signed at Washington September 19, 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.”

SOLOMON ISLANDS

International Criminal Court: Article 98

*Agreement signed at Washington September 19, 2003;
Entered into force March 17, 2004.*

Agreement between the Government of the United States of
America and the Government of Solomon Islands
Regarding the surrender of Persons to the
International Criminal Court

The Government of the United States of America and the
Government of Solomon Islands, 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 the purposes of this Agreement, "U.S. person"
includes all U.S. nationals, as well as current and former
non-U.S. national U.S. military personnel with respect to
acts or omissions allegedly committed or occurring while
they are or were U.S. military personnel.
2. U.S. persons present in the territory of Solomon 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 Solomon Islands extradites, surrenders, or otherwise transfers a U.S. person to a third country, the Government of Solomon 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 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.

DONE at Washington, DC, this 19th day of September, 2003, in duplicate, in the English language.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:



FOR THE GOVERNMENT OF
SOLOMON ISLANDS:

