

**INTERNATIONAL CRIMINAL COURT**

**Article 98**

**Agreement between the  
UNITED STATES OF AMERICA  
and PAPUA NEW GUINEA**

Signed at Washington September 30, 2004



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.”

**PAPUA NEW GUINEA**

**International Criminal Court: Article 98**

*Agreement signed at Washington September 30, 2004;  
Entered into force September 30, 2004.*

Agreement  
between the  
Government of the United States of America  
and the Government of the Independent State of  
Papua New Guinea  
Regarding the Surrender of Persons  
to the International Criminal Court

The Government of the United States of America and the Government of Papua New Guinea, 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 Government of the United States of America and the Government of Papua New Guinea have each expressed their intention to investigate and prosecute where appropriate acts within the jurisdiction of the International Criminal Court alleged to have been committed by their officials, employees, military personnel or nationals,

Bearing in mind Article 98 of the Rome Statute,

Have agreed as follows:

1. For purposes of this arrangement, "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 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 the United States of America extradites, surrenders, or otherwise transfers a person of Papua New Guinea to a third country, the Government of the United States of America will not agree to the surrender or transfer of that person to the International Criminal Court by the third country, absent the express consent of the Government of Papua New Guinea.

4. When the Government of Papua New Guinea extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of Papua New Guinea 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.

5. This arrangement shall constitute binding obligations under international law upon signature by both Parties. This arrangement shall remain in force until one year after the date on which one Party notifies the other of its intent to terminate the arrangement. The provisions of this arrangement shall continue to apply with respect to any act occurring, or any allegation arising, before the effective date of termination.

Done at Washington, in duplicate, this thirtieth day of September, 2004.

FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF  
PAPUA NEW GUINEA:

