

INTERNATIONAL CRIMINAL COURT

Article 98

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

Effected by Exchange of Notes at
Washington December 8, 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.”

BELIZE

International Criminal Court: Article 98

*Agreement effected by exchange of notes
at Washington December 8, 2003;
Entered into force December 8, 2003.*

**DEPARTMENT OF STATE
WASHINGTON**

December 8, 2003

Excellency:

I have the honor to refer to recent discussions between representatives of the Government of the United States of America and the Government of Belize regarding the surrender of persons to the International Criminal Court.

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

Her Excellency

Lisa M. Shoman,

Ambassador of Belize.

DIPLOMATIC NOTE

intended to complement and not supplant national criminal jurisdiction,

Considering that the Government of the United States of America and the Government of Belize 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,

I have the honor to propose the following agreement:

1. For purposes of this agreement, "U.S. persons" are current or former Government officials, employees (including contractors), or military personnel or nationals of one Party.

2. U.S. persons present in the territory of Belize 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 Belize extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of Belize 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 the United States.

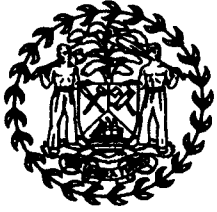
4. This Agreement shall remain in force until one year after the date on which one Party notifies the other of its intent to terminate the Agreement. The provisions of this Agreement shall continue to apply with respect to any act occurring, or any allegation arising, before the effective date of termination.

If the proposal set forth herein is acceptable to the Government of Belize, this note and Your Excellency's affirmative note in reply shall constitute an agreement

between our two Governments which shall enter into force on
the date of Your note.

For the Secretary of State:

A handwritten signature in cursive script, reading "Stephen S. Radwan". The signature is written in black ink and is positioned below the typed name "Stephen S. Radwan".



Embassy of Belize
Permanent Mission of Belize to
The Organization of American States

December 8, 2003

Excellency:

I have the honor to refer to Your Excellency's note of December 8, 2003, which reads as follows:

"Excellency:

I have the honor to refer to recent discussions between representatives of the Government of the United States of America and the Government of Belize regarding the surrender of persons to the International Criminal Court.

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

His Excellency,

Colin L. Powell,

The Secretary of State.

2535 Massachusetts Avenue, N.W. · Washington, D.C. 20008
Tel: (202) 332-9636 · Fax: (202) 332-6888 · E-mail: belize@oas.org
Website: embassyofbelize.org

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 Belize 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,

I have the honor to propose the following agreement:

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

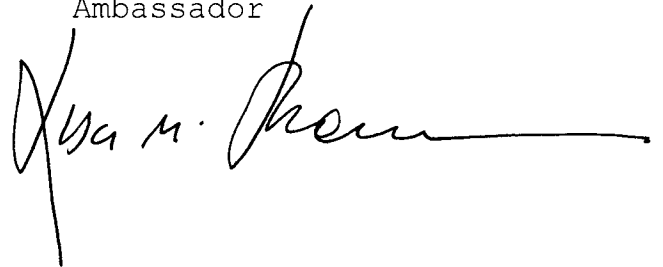
4. This Agreement shall remain in force until one
year after the date on which one Party notifies the other
of its intent to terminate the Agreement. The provisions
of this Agreement shall continue to apply with respect to
any act occurring, or any allegation arising, before the
effective date of termination.

If the proposal set forth herein is acceptable to the Government of Belize, this note and Your Excellency's affirmative note in reply shall constitute an agreement between our two Governments which shall enter into force on the date of Your note."

I have the honor to inform Your Excellency that the proposed text in Your Note is acceptable to the Government of Belize, assuring Your Excellency that Your Note and this Note shall constitute an agreement between our two Governments which shall enter into force on this date.

Lisa M Shoman

Ambassador

A handwritten signature in black ink, appearing to read "Lisa M. Shoman", with a long horizontal flourish extending to the right.