DEPARTMENT OF STATE
WASHINGTON

September 29, 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 Antigua and Barbuda 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

His Excellency

Sir Ronald Sanders,
Chief Foreign Affairs Representative with Ministerial Rank of Antigua and Barbuda.

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 Antigua and Barbuda 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 Antigua and Barbuda 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 Antigua and Barbuda extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of Antigua and Barbuda 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 Antigua and Barbuda, 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:

[Signature]
September 29, 2003

Excellency:

I have the honour to refer to Your Excellency’s note of September 29, 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 Antigua and Barbuda 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 intended to complement and not supplant national criminal jurisdiction,

Considering that the Government of the United States of America and the Government of Antigua and Barbuda 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 Antigua and Barbuda 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 Antigua and Barbuda

extradites, surrenders, or otherwise transfers a person of

the United States of America to a third country, the

Government of Antigua and Barbuda 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 Antigua and Barbuda, 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 honour to inform Your Excellency that the proposed text in Your Note is acceptable to the Government of Antigua and Barbuda, 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.

Chief Foreign Affairs Representative

With Ministerial Rank:

[Signature]