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:

[Signatures]