No. 51170*

United States of America and Brunei Darussalam

Exchange of notes constituting an agreement between the United States of America and Brunei Darussalam regarding the surrender of persons to international tribunals. Bandar Seri Begawan, 3 February 2004 and 3 March 2004

Entry into force: 3 March 2004 by the exchange of the said notes, in accordance with their provisions

Authentic text: English

Registration with the Secretariat of the United Nations: United States of America, 20 August 2013

No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.

États-Unis d'Amérique et Brunéi Darussalam

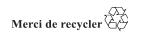
Échange de notes constituant un accord entre les États-Unis d'Amérique et le Brunéi Darussalam relatif à la remise de personnes aux tribunaux internationaux. Bandar Seri Begawan, 3 février 2004 et 3 mars 2004

Entrée en vigueur: 3 mars 2004 par l'échange desdites notes, conformément à leurs dispositions

Texte authentique: anglais

Enregistrement auprès du Secrétariat des Nations Unies: États-Unis d'Amérique, 20 août 2013

Le numéro de volume RTNU n'a pas encore été établi pour ce dossier. Les textes reproduits ci-dessous, s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Les traductions, s'ils sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.



[ENGLISH TEXT – TEXTE ANGLAIS]

Exchange of notes constituting an agreement between the United States of America and Brunei Darussalam regarding the surrender of persons to international tribunals

I

Note No. 04-09

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of Brunei and refers to discussions between representatives of the Government of the United States of America and the Government of Brunei regarding the surrender of persons to international tribunals.

Reaffirming the importance of bringing to justice those who commit genocide, crimes against humanity and war crimes,

Considering that the Government of the United States of America and the Government of Brunei have each expressed their intention to, where appropriate, investigate and prosecute war crimes, crimes against humanity, and genocide alleged to have been committed by their respective officials, employees, military personnel, and nationals,

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The Embassy proposes the following agreement:

- 1. For the purposes of this Agreement, "persons" of either Party include all nationals of that Party and, for the Government of the United States of America, also include 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.
- 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 any international tribunal for any purpose, unless otherwise obligated to do so by an international agreement to which both the United States of America and Brunei are parties, 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 any international tribunal; unless otherwise obligated to do so by an international agreement to which both the United States of America and Brunei are parties.

- 3. When the Government of the United States of America extradites, surrenders, or otherwise transfers a person of Brunei to a third country, the Government of the United States of America will not agree to the surrender or transfer of that person by the third country to any international tribunal, unless otherwise obligated to do so by an international agreement to which both the United States of America and Brunei are parties, absent the express consent of the Government of Brunei.
- 4. When the Government of Brunei extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of Brunei will not agree to the surrender or transfer of that person by the third country to any international tribunal,

unless otherwise obligated to do so by an international agreement to which both the United States of America and Brunei are parties, absent the express consent of the Government of the United States of America.

- 5. Each Party agrees, subject to its international legal obligations, not to knowingly facilitate, consent to, or cooperate with efforts by any third party or country to effect the extradition, surrender, or transfer of a person of the other Party to any international tribunal, unless otherwise obligated to do so by an international agreement to which both the United States of America and Brunei are parties.
- 6. This Agreement may be amended upon written agreement of the Parties.
- 7. 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.