

**No. 51240\***

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**United States of America  
and  
Malawi**

**Agreement between the Government of the United States of America and the Government of Malawi regarding the surrender of persons to the International Criminal Court. Lilongwe, 23 September 2003**

**Entry into force:** *23 September 2003 by notification, in accordance with paragraph 4*

**Authentic text:** *English*

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

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**États-Unis d'Amérique  
et  
Malawi**

**Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement du Malawi relatif à la remise de personnes à la Cour pénale internationale. Lilongwe, 23 septembre 2003**

**Entrée en vigueur :** *23 septembre 2003 par notification, conformément au paragraphe 4*

**Texte authentique :** *anglais*

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

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

**ARTICLE 98 AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF MALAWI FOR THE INTERNATIONAL CRIMINAL COURT ROME TREATY**

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF MALAWI REGARDING THE SURRENDER OF PERSONS TO THE INTERNATIONAL CRIMINAL COURT

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF MALAWI, 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 HAS EXPRESSED ITS 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,

HEREBY AGREE AS FOLLOWS:

1. FOR PURPOSES OF THIS AGREEMENT, "PERSONS" ARE CURRENT OR FORMER GOVERNMENT OFFICIALS, EMPLOYEES (INCLUDING CONTRACTORS), OR MILITARY PERSONNEL OR NATIONALS OF THE UNITED STATES OF AMERICA.

2. PERSONS OF THE UNITED STATES OF AMERICA PRESENT IN THE TERRITORY OF MALAWI SHALL NOT, ABSENT THE EXPRESSED 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.