

INTERNATIONAL CRIMINAL COURT

Article 98

**Agreement between the
UNITED STATES OF AMERICA
and the DOMINICAN REPUBLIC**

Signed at Santo Domingo September 13, 2002



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.”

DOMINICAN REPUBLIC

International Criminal Court: Article 98

*Agreement signed at Santo Domingo September 13, 2002;
Entered into force August 12, 2004.*

**Agreement between the Government of the United States of
America and the Government of the Dominican Republic
regarding the surrender of persons to the International Criminal
Court**

The Government of the United States of America and the Government of the Dominican Republic, 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 Parties 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 its 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 one Party.

2. Persons of one Party present in the territory of the other shall not, absent the expressed 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 United States of America extradites, surrenders, or otherwise transfers a person of the other Party to a third country, 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 expressed consent of the Government of the Dominican Republic.

4. When the Government of the Dominican Republic extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of the Dominican Republic will not agree to the surrender or transfer of that person to the International Criminal Court by a third country, absent the expressed consent of the Government of the United States of America.

5. This Agreement shall enter into force upon an exchange of notes confirming that each Party has completed the necessary domestic legal requirements to bring the Agreement into force. It will remain in force until one

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year after the date on which one Party notifies the other of its intent to terminate this 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.

Done in Santo Domingo de Guzmán the 13th day of September 2002, in duplicate originals in the Spanish and English languages, with both texts equally authentic. If any divergences arise, the English language text should take precedence.

For the Government
of the United States of America:



Hans Hertell
Ambassador Extraordinary and
Plenipotentiary of the United States
of America in the Dominican
Republic

For the Government
of the Dominican Republic:



Hipólito Mejía
President of the
Dominican Republic



**ACUERDO ENTRE EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMERICA
Y EL GOBIERNO DE LA REPUBLICA DOMINICANA
RESPECTO A LA ENTREGA DE PERSONAS A LA
CORTE PENAL INTERNACIONAL.**

El Gobierno de los Estados Unidos de América y el Gobierno de la República Dominicana, en lo sucesivo "las Partes",

Reafirmando la importancia de enjuiciar a los culpables de genocidio, delitos de lesa humanidad y crímenes de guerra,

Recordando que el Estatuto de Roma de la Corte Penal Internacional, suscrito en Roma el 17 de julio de 1998, por la Conferencia Diplomática de Plenipotenciarios de las Naciones Unidas sobre el Establecimiento de una Corte Penal Internacional, tiene la intención de complementar y no de suplantar la jurisdicción penal nacional,

Considerando que cada una de las Partes ha expresado su intención de investigar y enjuiciar, cuando sea oportuno, los actos que están bajo la jurisdicción de la Corte Penal Internacional supuestamente cometidos por sus funcionarios, empleados, personal militar u otros nacionales,

Teniendo en cuenta el Artículo 98 del Estatuto de Roma,

Por el presente acuerdan lo siguiente:

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1. A los efectos del presente acuerdo, por personas se entiende los funcionarios públicos, los empleados (incluidos los contratistas), el personal militar o los nacionales de una Parte,
2. Las personas de una Parte presentes en el territorio de la otra no serán, salvo con el consentimiento expreso de la primera Parte,
 - a) entregadas ni trasladadas por ningún medio a la Corte Penal Internacional para ningún propósito, ni
 - b) entregadas ni trasladadas por ningún medio a ninguna entidad ni a un tercer país, ni expulsadas a un tercer país, con el propósito de entregarlas o trasladarlas a la Corte Penal Internacional.
3. Cuando los Estados Unidos de América extraditen, entreguen, o de otra forma, trasladen a una persona de la otra Parte a un tercer país, los Estados Unidos de América no convendrán en que el tercer país la entregue o traslade a la Corte Penal Internacional, salvo con el consentimiento expreso del Gobierno de la República Dominicana.
4. Cuando el Gobierno de la República Dominicana extradite, entregue, o de otra forma, traslade a una persona de los Estados Unidos de América a un tercer país, el Gobierno de la República Dominicana no convendrá en entregarlo ni trasladarlo a la Corte Penal Internacional, salvo con el

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consentimiento expreso del Gobierno de los Estados Unidos de América.

5. El presente acuerdo entrará en vigor mediante un canje de Notas que confirmen que cada Parte ha cumplido con los requisitos legales nacionales necesarios para su entrada en vigor. El presente acuerdo permanecerá vigente hasta un año después de la fecha en que una de las parte notifique a la otra su intención de derogarlo. Las disposiciones del presente acuerdo seguirán en vigor con respecto a todo acto que ocurra, o toda alegación que surja, antes de la fecha de vigencia de la derogación.

Hecho en Santo Domingo de Guzmán, a los trece (13) días del mes de septiembre del año dos mil dos (2002), en dos ejemplares originales, en los idiomas español e inglés, siendo ambos textos igualmente auténticos. En caso de conflicto deberá prevalecer el idioma inglés.

POR EL GOBIERNO DE LOS
ESTADOS UNIDOS DE AMERICA,

POR EL GOBIERNO DE LA
REPUBLICA DOMINICANA,

HANS HERTELL,
Embajador Extraordinario y
Plenipotenciario de los Estados
Unidos de América en la
República Dominicana.

HIPÓLITO MEJÍA,
Presidente de la República
Dominicana.