

Agreement

between the Government of the State of Israel and

the Government of the United States of America

regarding the surrender of persons to the International Criminal Court

The Government of the State of Israel and the Government of the United States of America, 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 where appropriate to investigate or to prosecute 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 extradites, surrenders, or otherwise transfers a person of the other Party to a third country, the United States 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 State of Israel.
4. When the Government of the State of Israel extradites, surrenders, or otherwise transfers a person of the other Party to a third country, the Government of the State of Israel 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.
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 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 at _____, on _____ day of _____, 2002, which corresponds to the _____ day of _____, 5762, in two originals, each in the Hebrew and English languages, both texts being equally authentic. In case of divergence of interpretation, the English language version of this Agreement shall prevail.

**On Behalf of the Government
of the State of Israel**

**On Behalf of the Government
of the United States of America**

Doc 18322 (2)

מכתב 2002-1778 (1/17)
מס' 470-2002 (1778-2002)
לוח-1800

His Excellency Daniel C. Kurtzer
The Embassy of the United States of America
Tel Aviv

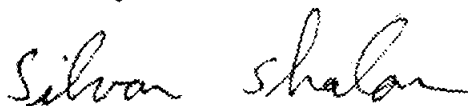
Excellency,

I have the honor to refer to the Agreement between the State of Israel and the Government of the United States of America Regarding the Surrender of Persons to the International Criminal Court, signed on August 4, 2002.

Since the original Hebrew language text of the Agreement was not available for signature on August 4, 2002, I have the honor to propose that this Note and your Note of reply will together confirm that the Hebrew text enclosed herewith is agreed by our two Governments to be the authentic Hebrew text of the Agreement which is equally authentic with the English language text of the Agreement.

I avail myself of this opportunity to renew to your Excellency the assurances of my highest considerations.

Sincerely Yours,



Silvan Shalom
Minister of Foreign Affairs
Ministry of Foreign Affairs
Jerusalem

Tel Aviv, July 25, 2003

Excellency:

I have the honor to refer to your Excellency's Note, which reads as follows:

"I have the honor to refer to the Agreement between the State of Israel and the Government of the United States of America Regarding the Surrender of Persons to the International Criminal Court, signed on August 4, 2002.

Since the original Hebrew language text of the Agreement was not available for signature on August 4, 2002, I have the honor to propose that this Note and your Note of reply will together confirm that the Hebrew text enclosed herewith is agreed by our two

His Excellency

Silvan Shalom,

Minister of Foreign Affairs of the State of Israel,
Jerusalem.

DIPLOMATIC NOTE

Governments to be the authentic Hebrew text of the Agreement, which is equally authentic with the English language text of the Agreement."

In reply, I have the honor to confirm that the foregoing proposal is acceptable to the Government of the United States of America and that your Excellency's Note and this reply shall together corroborate that the Hebrew text enclosed herewith is confirmed by our two Governments to be the authentic Hebrew text of the Agreement, which is equally authentic with the English language text of the Agreement.

I avail myself of this opportunity to renew to your Excellency the assurance of my highest consideration.



Enclosure:

Hebrew Language Text of Article 98 Agreement