

Summary of Information on Bilateral Immunity Agreements (BIAs) or so-called "Article 98" Agreements as of July 8, 2006

Country Approached	RS Status	Date of US approach	Status of agreement	US official	Official approached	Agreement Provisions	Sanctions/waivers imposed by the U.S.	Official response	Reaction as reported in the news
Afghanistan	SP	Not stated.	Yes. Signed September 20, 2002. (executive agreement)	Not stated.	Not stated.		On 1 July 2003, President Bush waived the ASPA provisions until 1 November, 2003. On September 24, 2003, the waiver was extended indefinitely, as Afghanistan had signed a BIA. Estimated Loss of US Aid Under IMET: 500,000 (FY04). Projected Loss Under IMET: 50,000 (FY05), Under ESF: 750,000 (FY05)		The president issued an indefinite waiver for Afghanistan on September 24, noting that Afghanistan has entered into an agreement with the US "pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against U.S. personnel present in such countries." [http://www.whitehouse.gov/news/releases/2003/09/20030925-5.html.]
Albania	SP	Not stated.	Yes. Signed May 2, 2003 in Tirana. Ratified June 19, 2003 (State Dept information states that the agreement entered into force July 7, 2003.)	Secretary of State Colin Powell	Prime Minister Fatos Nano	Ratification necessary.	On 1 July 2003, President Bush waived the ASPA provisions until 1 January, 2003. On July 29, 2003, the waiver was extended indefinitely, as Albania had ratified the BIA.	Colin Powell: Article 98 Agreement was an important one for us. . . this was a case where we came to an understanding of our mutual interest and our needs were such on the Article 98 Agreement, which is consistent with the Rome Statute. So Mr. Prime Minister, I thank you for your understanding and for this expression of friendship toward the United States, and pleased to be able to reciprocate. Thank you.	[Reverse-chronological] (Albania is the first Balkan state to ratify.) On Monday, June 16, the Foreign Affairs Parliamentary Committee approved the US-Albanian bilateral immunity agreement signed in Tirana. After ratification, which came days before an EU-Balkans summit, former Foreign Minister Paskal Milo said, "If we had waited [until after the summit to ratify], the decision would have had the same value for the United States after Saturday. Just when the EU summit is raising hopes for our future, we should have shown some more respect." [Reuters, June 20, 2003] The spokesperson for EU Commissioner Patten stated that despite differing with the EU Common position, the signature of the impunity agreement will not affect negatively the eventual Albanian integration in the EU. [Gazeta Shqiptare, May 9, 2003] At a press conference, an European commission spokesperson is quoted to have said, "The Albania agreement is not in compliance with the EU guiding principles and GAC Conclusions. While the ICC is not a Copenhagen criteria, we understand that the EU attaches a great importance to the ICC, and we would
Algeria	N		Yes. Effected by exchange of notes at Algiers April 6 and 13, 2004. Entered into force April 13, 2004 (State Dept).						
Angola	S		Yes. Signed May 3, 2005, Ratified on 21 June 2005.(State Dept information states: Signed at Washington May 2, 2005. Entered into force October 6, 2005.)	Constance Newman, assistant secretary of State for African Affairs					The agreement with Angola was signed in Washington by Constance Newman, assistant secretary of State for African Affairs, and Josefina Perpetua Pitra Diakite, the Angolan envoy to Washington. [UPI, May 3, 2005] According to local press reports, the Angolan National Assembly ratified the BIA on 21 June 2005. [ANGOP - Angolan News Agency, June 21, 2005]

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Antigua and Barbuda	SP	Not stated.	Yes. Signed September 30, 2003. (executive agreement) (State Dept information states: Effected by exchange of notes at Washington September 29, 2003. Entered into force September 29, 2003.)	Not stated.	Not stated.		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. On November 1, 2003, Antigua and Barbuda received an indefinite waiver of the ASPA provisions, as they had entered into an agreement.		PM Lester Bird: Antigua believes that the Caribbean Community (Caricom) should adopt a joint position on a bid by the United States to be exempted from the jurisdiction of the International Criminal Court (ICC). He hopes the matter will be discussed at the upcoming Caricom heads of government summit in Jamaica. [BBC, June 24, 2003] Antigua & Barbuda signed a BIA on September 30. "The signatories to the agreement are Assistant Secretary of State in the US State Department Stephen Rademaker and Antigua & Barbuda's Chief Foreign Affairs Representative Sir Ronald Sanders." Washington had initially suspended military aid to Antigua and Barbuda, for not entering into a bilateral agreement to exempt US nationals from the jurisdiction of the ICC. In commenting on the agreement, Prime Minister Lester Bird said that, with the loss of US support, there has been "a significant increase in the amount of cocaine entering our territory" and that this had in turn spawned criminal activity." [Caribbean Media Corporation news agency, BBC Monitoring International Oct 03 2003. Antigua and
Argentina	SP	End of August 2002	No. Unanimous Senate declaration on March 6, 2003	Ambassador James Walsh (head of political section), Col. Michael Borders (head of Military Group)	Defense Minister Horacio Jaunarena, Foreign Minister Carlos Ruckauf, FFAA leaders		Argentina is exempt from ASPA.	Publicly rejected BIA agreement. Signed the MERCOSUR common position	Foreign Minister Carlos Ruckauf said President Eduardo Duhalde would reject any U.S. request to secure immunity for its visiting troops, saying that Argentina had "promoted the International Criminal Court and believes that all crimes against humanity should be tried by that court." [EFE News Service, September 4, 2002, "Argentina Opposes 'Immunity' for U.S. Soldiers"] Defence Minister Horacio Jaunarena and Foreign Minister Carlos Ruckauf were reportedly considering signing a bilateral agreement with the US. According to "Proyecto de Declaracion N°: S-2693/02" signed by Senator Eduardo Menem (March 2002), "The Senate of the Nation declares 1) The total rejection to the request from the United States of America to exclude their nationals from the jurisdiction of the International Criminal Court, ratified by Law 25.390 2) Encouraging the Poder Ejecutivo Nacional (Executive Branch) to abstain from taking any measures or subscribe bilateral agreements that would exclude nationals from any country from the jurisdiction of the International Criminal Court." (Note: Unofficial translation) Th
Armenia	N		State Department says that an agreement was signed at Yerevan October 16, 2004 and						
Australia	SP	Not stated.	Under consideration.	Not stated.	Not stated.		Australia is exempt from ASPA.	none given	Fed: Australia should help ease US fears over ICC, says Rudd", opposition foreign affairs spokesman Kevin Rudd said any Article 98 agreements with the US would undermine the ICC's integrity and weaken the resolve of new countries to join the court. "If we are to have an International Criminal Court it must be truly international," he said. The Human Rights Council of Australia said the Government was allowing itself to be conned by the US. "The US is pursuing a vendetta to undermine the court and these agreements are another step in its campaign," council spokesman Chris Sidoti said. [AAP Newsfeed, September 1, 2002] "We need to work through this a little bit, but our inclination is to support America's request for an Article 98 agreement," Foreign Minister Alexander Downer said. [AAP NEWSFEED, August 29, 2002, "Fed: Govt close to agreeing to exempt US citizens from ICC"] Foreign Minister Alexander Downer said the government of Prime Minister John Howard was "sympathetic to the idea of entering into an Article 98 agreement with the US." [Agence France Presse, August 28, 2002, "Aussie government "s
Austria	SP	17 Jul 2002	No.	Ambassador Lyons Brown	Austrian Foreign Ministry		Austria does not receive US aid affected by ASPA.	Publicly rejected BIA agreement.	Austrian Foreign Minister Benita Ferrero-Waldner spoke out openly about the need for a common position. "There is a fundamental need for everyone to be open to prosecution," she told reporters. "It is important that there is no immunity," she added. [Agence France Presse, August 31, 2002 "Britain, Italy break EU ranks over court row with US."]
Azerbaijan	N	Not stated.	Yes. Signed at Washington February 26, 2003. Entered into force August 28, 2003 (State Dept).	US Assistant Secretary of State for European and Eurasian Affairs Elizabeth Jones	Azerbaijani Envoy to US Hafiz Pasayev (In the presence of Azerbaijani President Heydar Aliyev)	Reciprocal			"After his meeting with George Bush, Heydar Aliyev attended the signing of an agreement on Article 98 of the Rome Statute of the International Criminal Court between Azerbaijan and the USA. The Azerbaijani envoy to the USA, Hafiz Pasayev, and the US assistant secretary of state for European and Eurasian Affairs, Elizabeth Jones, signed the document. The document envisages general consent between the sides not to appeal to the international court over crimes committed by Azerbaijani and US citizens on the territories of the two countries." [BBC Monitoring International Reports, February 27, 2003]

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Bahamas	S	Not stated.	Under consideration, based on the CARICOM decision. The US had given the Bahamas a deadline of June 30.	Not stated.	Not stated.				[Reverse-chronological] A report in the Latin American Weekly Report indicated that the Bahamas are likely to sign a BIA. [July 8, 2003.] U.S. Ambassador Richard Blankenship has publicly warned that if the Bahamas did not support the U.S. position on the ICC, a significant amount of U.S. aid would be withheld, including aid for paving and lighting an airport runway. Blankenship urged the Caribbean nation to sign a bilateral agreement with the US. In turn, the United States would not extradite Bahamian citizens to the court. [Associated Press Worldstream, June 10, 2003] The Bahamas may be forced to choose between the Caribbean Community and the United States with respect to its policy on the establishment of an International Criminal Court (ICC). If CARICOM decides at an upcoming May 5 meeting to "break ranks" with the US and ratify the United Nations initiative, the Bahamas, if it follows suit, would also join these countries in being refused US financial assistance. [The Nassau Guardian, March 1, 2003]. It was later reported that the Bahamas met with the US on May 5 and the Caricom meeting is scheduled for May 8, 2004.
Bahrain	S	Not stated.	Yes. Signed in 6 February, 2003.	Not stated.	Not stated.		Exempt from ASPA as a major non-NATO ally		Colin Powell and President Bush met with the King of Bahrain on February 3, 2003. In a press briefing, Richard Boucher indicated that the meeting went well and referred to Bahrain as a major non-NATO ally.
Bangladesh	S	Mid- to late-June, 2003	Yes, signed August 17, 2003. (State Dept information states: Signed at Washington August 18, 2003. Entered into force March 29, 2004.)	US Secretary of State Colin Powell; US Amb. Mary Ann Peters; and now newly-appointed US Amb. Harry K. Thomas	Not stated.	Reciprocal agreement			Diplomatic sources said the issue [of signing a BIA] was raised prior to and during US Secretary of State Colin Powell's visit to Bangladesh in July and an agreement was anticipated while the Secretary of State was there. However, Bangladesh did not sign as ratification of the Rome Statute is pending. The US reportedly tried to get the agreement signed before the departure of US Ambassador Mary Ann Peters in July, but will likely be taken up by the newly appointed US Ambassador Harry K. Thomas. [The Independent, 8/10/03]ADVERTISEMENT According a news report, Bangladesh signed a bilateral immunity agreement with the US on August 17. Foreign Secretary Shamsur Mobin Chowdhury told reporters that Bangladesh's agreement with the United States is reciprocal, but would only apply to defence personnel. [Agence France Presse, September 4, 2003] The Bangladesh Communist Party is demanding that the government annul the bilateral immunity agreement signed with the US. "The signing of the agreement is a violation of the (Bangladeshi) constitution and contrary to international law," party
Barbados	SP	Not stated.	No.	Not stated.	Not stated.		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. Projected Loss in US Aid Under IMET: 800,000 (FY05), Under FMF: 993,000 (FY05). Projected Loss Under IMET: 775,000 (FY06), Under FMF: 1,250,000 (FY06).	Publicly rejected BIA agreement.	"We will not change our principles for any amount of money," said Michael I. King, the Barbados ambassador to the Organization of American States. "We're not going to belly up for \$300,000 in training funds." [NY Times August 19, 2005 Bush's Aid Cuts on Court Issue Roil Neighbors By JUAN FORERO]. "China is providing BDS\$3 million (BDS\$2 = US\$1) in assistance in strengthen the Barbados Defence Force. The specific details of the assistance were not disclosed. An agreement was signed last week by Permanent Secretary in the Ministry of Defence and Security of Barbados, Captain Randolph Straughan, and by Major General Zhang Bangdong on behalf of the Chinese. [...] The agreement comes three years after the United States blacklisted Barbados and five other CARICOM states as punishment for not signing its Bilateral Immunity Agreement (BIA)." ["Barbados turns to China for military assistance," August 7, 2006, Caribbean360, <a href="http://www.caribbean360.com/News/Caribbean/Stories/2006/08/07/NEWS000003333.html">http://www.caribbean360.com/News/Caribbean/Stories/2006/08/07/NEWS000003333.html</a> ]
Belarus	N	Not stated.	Not stated	Not stated	Not stated.				Edith Lederer, from the Associated Press, reports that "Angered at being targeted by the United States for its poor human rights record, Belarus hit back with a resolution accusing the U.S. government of disenfranchising voters, abusing prisoners and other rights violations." Lederer explains that "Belarus' U.N. Ambassador Andrei Dabkiunas introduced his resolution in the General Assembly's human rights committee on Nov. 10, accusing the United States of aspiring 'to be seen as a stronghold of democracy and world protector of human rights' but not meeting its domestic and international obligations. The draft resolution expressed concern about violations including attacks on press freedom, limits on human rights on the pretext of countering terrorism, and blocking poor and minority voters in U.S. elections." Interestingly, "The ambassador also cited the 'regretful example' of the United
Belgium	SP		No.				Belgium is exempt under ASPA, as a NATO member.	Publicly rejected BIA agreement.	

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Belize	SP	Not stated.	Yes. Effected by exchange of notes at Washington December 8, 2003. Entered into force December 8, 2003 (State Dept).	Not stated.	Not stated.		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. \$400,000 has reportedly been suspended from FY 2004, based on ASPA. Subsequently, on 30 December 2003, Belize received a permanent waiver for signing a BIA.		The White House announced the bilateral agreement, and that Belize received a presidential waiver. [Associated Press, December 30]
Benin	SP	Not stated.	Yes. Signed September 2005. (unconfirmed executive agreement) (State Dept information states: Signed at Cotonou July 25, 2005. Entered into force August 25, 2005.)	Not stated.	Not stated.		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. \$500,000 has reportedly been suspended from FY 2004, based on ASPA. It appears that the US is also withholding certain cooperation initiatives, such as trade. Estimated Loss of US Aid Under IMET: 500,000 (FY04). Projected Loss Under IMET: 250,000 (FY05). Projected Loss Under IMET: 50,000 (FY06)	Publicly rejected BIA agreement.	The draft BIA has reportedly been sent to the Supreme Court in Benin for comments; local news reports had indicated that the agreement might be signed. US military assistance to Benin, in the form of training and military equipment amounts to \$5 million dollars per year. [Panafrican News Agency, July 4, 2003] The Constitutional Court reportedly issued a legal analysis, advising the government not to sign a BIA. The UN Mission of Benin has also reportedly stated that Benin will not sign a BIA. UN Ambassador Adechi expresses Benin's regret at the inclusion of an immunity provision for nationals of non-parties in the Security Council referral of Darfur to the ICC, stating that such a provision "runs counter to the spirit of the Rome Statute." [31 March 2005, Security Council Meeting on Sudan] The White House released the following memorandum: "Memorandum for the Secretary of State Presidential Determination No. 2005-34 SUBJECT: Waiving Prohibition on United States Military Assistance with Respect to Benin Consistent with the authority vested in me by section 2007 of the American Servicemembers' P
Bhutan	N		Yes. Signed May 2, 2003. Parliament ratified 12 August 2004. Entered into force August 16, 2004 (State Dept).			Reciprocal agreement			
Bolivia	SP	Not stated.	Yes. Signed on May 19, 2003. Senate ratified in May, however the House has not ratified.	Not stated.	Not stated.		On July 1, 2003, President Bush issued a waiver on ASPA provisions until 1 January 2004. The waiver has not been extended. In December 2004, the US threatened to cut off all type of aid to Bolivia (around \$200 million dollars).		General John D. Gardner, recently named Army South Commander of the US, said, "Article 98 is not an issue of immunity but jurisdiction and the decision to approve the bilateral agreement on this article is an issue that must be decided by Bolivian people. There are some areas of assistance and support related to the Armed Forces that are affected by Article 98, but there are others that do not enter into the agreement, like humanitarian aid and exchange between forces, that's why we will keep cooperating and working together." (informal translation of the US Embassy's press release on May 19, 2004. However, the press reported "USA to reduce aid if no immunity granted to its troops") [El Deber web site, Santa Cruz de la Sierra, in Spanish 21 May 04] The Senate ratified the BIA, which will lead to \$8 million in aid from the US this term. The bill also needed to be approved by the Chamber of Deputies to become law. [La Razon web site, La Paz, in Spanish 13 May 04] The week it went up for ratification, El Diario and La Razon both published articles urging Bolivia to resist the BIA. The papers report

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Bosnia-Herzegovina	SP	Officially approached August 19, 2002.	Yes. Signed at Sarajevo on May 16, 2003. BiH House of Representatives ratified the bilateral agreement with the US on June 6, 2003. (State Dept information states that the agreement entered into force July 7, 2003.)	Ambassador Clifford Bond; US Deputy Defense Secretary Paul Wolfowitz	Bosnia-Herzegovina Foreign Minister Mladen Ivanic; Bosnian Justice Minister Slobodan Kovac	Limited Scope	On 1 July 2003, President Bush waived the ASPA provisions until 1 January 2004. On July 29, 2003, the waiver was extended indefinitely, as Bosnia-Herzegovina had ratified the BIA.	none given	"Bosnia-Herzegovinan institutions have plenty of time to study the US request, review the country's position and obligations towards the ICC, the international community, the EU and the USA, and make a suitable stand," said the spokesman for the Foreign Ministry Amer Kapetanovic [BBC, August 24, 2002, "USA officially asks Bosnia to sign ICC non-extradition deal."] Bosnia-Herzegovina Foreign Minister Zlatko Lagumdzija is quoted as saying, "Bosnian foreign minister comments on US non-extradition request", that there was no reason for any country to obtain such privileges. [BBC Monitoring Europe, 23 August, 2002] President Beriz Belkic said that suspending its signature was out of the question, adding that Bosnia--with its long list of suspected war criminals--is the last country that should retreat from the ICC. [Transitions Online, August 13-19, 2003] According to Foreign Minister Ivanic, "As a signatory to the ICC statute we have an obligation to strengthen it (the court), but at the same time we are aware of the important
Botswana	SP		Yes. Signed at Gaborone June 30, 2003. Entered into force September 28, 2003 (State Dept).	Not stated.	Not stated.		On November 1, 2003, Botswana received an indefinite waiver of the ASPA provisions, as they had entered into an agreement.		In a statement by the secretariat of the Botswana National Front, published in a local paper, the group sharply criticized Bush and the US government for not supporting the ICC, claiming that "the USA knows that it has been sponsoring international terrorism for several decades under the pretext of rolling back communism." From elsewhere in the statement: "The BNF regards the American president as a war criminal and a leader of a terrorist state that has a track record of sponsoring terrorism and overthrowing governments around the world." [BBC, July 9, 2003.] According to a government official, Botswana's decision to sign a BIA with the US was discussed multilaterally, with interested parties whom he would not name. [Panafrikan News Agency, July 11, 2003.]
Brazil	SP	Not stated.	No, Rejected September 4, 2002.	U.S. Ambassador Donna Hrinak	Defense Minister Geraldo Quintao		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. \$500,000 has reportedly been suspended from FY 2004, based on ASPA. <b>2006 CBJ</b> -- Estimated Loss of US Aid Under IMET: 500,000 (FY04). Projected Loss Under IMET: 50,000 (FY06), Under ESF: 750,000 (FY06)	Publicly rejected BIA agreement. Signed the MERCOSUR common position	Defence Minister Jose Viegas Filho criticized the US for seeking BIAs and undermining the Court. He said that amount Brazil may lose in US military assistance is very small. It amounted to 472,000 dollars last year, to be used in training and specialization courses for servicemen abroad. [BBC Monitoring International Reports, July 11, 2003.] The Brazilian government have taken cognizance of the US decision to cut off military aid to Brazil. Brazil is not prepared to sign a bilateral agreement exempting United States citizens from prosecution by the International Criminal Court. The military aid currently afforded by the USA to Brazil is not significant. The Brazilian government reiterate their interest in maintaining the traditional ties and the co-operation that exist between the armed forces of the two countries. [ The Brazilian Embassy in London, Oct. 21st 2003] B razil's Ambassador to the UN Sardenberg comments on the reference to Article 98-2 of the Rome Statute, included in the Security Council referral of Darfur to the ICC, as part of the reason for Brazil's abstention on the vote; he notes Brazil's difficulty in acceptin
Brunei	N	Not stated	Yes. Effected by exchange of notes at Bandar Seri Begawan February 3 and March 3, 2004. Entered into force March 3, 2004 (State Dept).						During a briefing with the media in Jakarta, in early March 2004, a US official noted that "There are 85 countries, including Brunei and East Timor, that have already signed Article 98 agreements...[Jakarta Post, Article 98 list, March 17, 2004]

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Bulgaria	SP	Not stated.	Under consideration. Foreign Ministry Spokesman Lyubomir Todorov indicated there was an intention to sign once EU procedures were established and afterwards stated that he will follow the EU common . A Foreign Ministry spokesman said Bulgaria would "side with the EU common position." [late June 2003]	US Assistant Secretary of State Lincoln Bloomfield	Deputy Foreign Minister Petko Draganov; Prime Minister Simeon Saxe-Coburg-Gotha and Foreign Minister Solomon Passy		The U.S. initially suspended military aid to Bulgaria on July 1, 2003 for the remainder of the fiscal year. On July 1, 2003, the State Dept. declared it was ineligible to receive military assistance. On 21 November 2003, Bulgaria received a national interest waiver with respect to programs supporting NATO or US operations in Afghanistan and Iraq.	Has aligned with the EU in publicly refusing to conclude an agreement.	It was reported that Bulgaria's deputy foreign minister Petko Draganov went to Copenhagen for talks on the standard bilateral draft treaties proposed by the US regarding the surrender of persons to the ICC, according to the press office of the Foreign Ministry. [August 14, 2002 PARI Daily, "Bulgaria, Denmark Started Talks on ICC"] The purpose of the visit was to coordinate the positions on the ICC of Bulgaria and Denmark which chaired the European Union. On October 2, 2002 Bulgaria hailed the EU position to continue its cooperation and dialogue on the problems related to the ICC and to give its members the possibility to sign bilateral agreements with the US in accordance with Article 98(2), said Foreign Ministry Spokesman Lyubomir Todorov. He said that should the EU establish the respective procedures as it is expected to do, Bulgaria would sign a bilateral agreement with the US regarding the ICC. "We appreciate the pronounced desire to find a solution which will uphold the integrity of the Rome Statute on the one hand, and contribute to the continuation of the dialogue between the US and the EU on the
Burkina Faso	SP		Yes. Signed May 25, 2004. (State Dept information states: Signed at Ouagadougou October 2 and 5, 2003. Entered into force October 14, 2003.)				The US issued an ASPA waiver to Burkina Faso on May 25, 2004, for as long as such agreement remains in force. [http://www.whitehouse.gov/news/releases/2004/05/20040526-2.html]		Associated Press Worldstream reported that the country signed the BIA but did not give details. [May 25, 2004]
Burundi	SP	Not stated	Yes. Signed at Bujumbura July 5, 2003. Entered into force July 24, 2003 (State Dept). US waiver granted Nov 29, 2004.				\$3.25 million from USAID would have been threatened under the Nethercutt Amendment.		Based on information on the USAID website (www.usaid.gov), Burundi is likely to be impacted by Nethercutt by \$3.25 million. (Please note that these are rough estimates based on the information online, and represent the most aid that could be cut). [November 23, 2004]. Sources indicate, however, that Burundi may have signed a secret bilateral deal with the US. [date?] In a memo dated November 29, 2004, it was announced that Burundi entered into agreement with the U.S. [Presidential Determination No. 2005-08 Memorandum for the Secretary of State, posted December 20, 2004]
Cambodia	SP	Not stated	Yes. Signed June 27, 2003. Ratified May 18, 2005. Entered into force June 29, 2005.	Ambassador Charles A. Ray	Foreign Minister Hor Manhong		No presidential waiver has been issued.		US Ambassador Ray signed over a U.S. grant worth US\$3 million for an educational project in Cambodia aimed at reducing child labor by creating educational opportunities for children. [AP, June 27, 2003.] "Taking into account the role, the big role, of the US in combating terrorism, we accept to sign this agreement with the US for the sake of the whole international community's (war) against terrorism," FM Hor said. [AFP, June 27, 2003.] Cambodia's National Assembly ratified its BIA. US Embassy spokesman David Gainer said the United States welcomed approval of the agreement and remains committed to justice and "full accountability for war crimes, crimes against humanity and genocide...As a sovereign nation, the United States accepts the responsibility to investigate and prosecute its own citizens for such offenses should they occur." Ratification of this agreement "will further strengthen and advance the friendship and cooperation between Cambodia and the United States," Cambodian Deputy Foreign Minister Long Visalo told Parliament after the vote. The article also reported that "the pact will
Cameroon	N		Yes. Signed at Yaounde December 1, 2003. Entered into force December 1, 2003 (State Dept).						

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Canada	SP	Early August 2002	No.	Not stated.	Not stated.		Canada is exempt from ASPA.	Publicly rejected BIA agreement.	Canadian FM Bill Graham stated that Canada would not sign a US immunity agreement in a speech delivered in Ottawa on November 4, 2002. Carl Schwenger, a spokesman for the Foreign Affairs Department. "We don't share the U.S. concerns. Democratic, law-abiding states have nothing to fear from the ICC, which has rigorous safeguards to protect against any frivolous investigations." [August 8, 2002 - Montreal Gazette, "Canada Asked to Help Insulate U.S. Soldiers from World Court," reiterated in 14 July 2005, A coming conflict? Our neighbors and the International Criminal Court, San Diego Union-Tribune] Canadian Foreign Minister Bill Graham said, after meeting with his Danish counterpart, "Canada and Europe are determined to maintain the integrity of the ICC. We'll work together to strengthen it and not weaken it. I think it is our job as European and Canadian allies of the United States to take the message to them that they have nothing to fear from this court." [October 7, 2002, "Canada, EU should make the ICC work to prove that Americans have nothing to fear, foreign minister says." [Associated Press World
Cape Verde	N		Yes. Signed at Washington April 16, 2004. Entered into force November 19, 2004 (State Dept).						
CARICOM	N/A	N/A	N/A	N/A	N/A				On July 4, 2003, CARICOM leaders issued a strong statement condemning the United States decisions to cut military aid to Caribbean countries for refusing to exempt Americans from being tried before the International Criminal Court. They deplored the US decision of 1 July 2003 to withdraw military aid from six CARICOM countries that had ratified the Rome Statute establishing the International Criminal Court and which had not signed "non-surrender" Agreements with the US to exempt their nationals from the jurisdiction of the Court. A year later, a CARICOM statement said that during a visit to the Caribbean, Powell had "requested Caribbean support for a US candidate to the OAS Juridical Committee and touched briefly on the importance the US continues to give to the conclusion of Article 98 agreements exempting US nationals from the jurisdiction of the International Criminal Court (ICC)". [BBC Monitoring International Reports, June 10, 2004] Guyana and a number of Caribbean states indicated that they would support the US position. [Caribbean Media Corporation news agency, 9 Jun 04] Barbados
Central African Republic	SP	Not stated.	Yes. Signed at Washington and Bangui January 13 and 19, 2004. Entered into force January 19, 2004 (State Dept). Announced publicly on April 6, 2004.	Not stated.	Not stated.		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. \$150,000 has reportedly been suspended from FY 2004, based on ASPA.		US President Bush announced an agreement with the Central African Republic on April 6, 2004. "In a memorandum sent Tuesday to Secretary of State Colin Powell, Bush said the Central African Republic and Guinea will remain exempt from the prohibition of military assistance as long as the agreement they made with the United States remains in force." (United Press International. "US waives arms prohibition," April 6th, 2004)
Chad	S	Not stated	Yes. Signed on July 21, 2003 (State Dept information states: Effected by exchange of notes at N'Djamena March 26 and June 30, 2003. Entered into force June 30, 2003.)	Not stated	Not stated				An agreement was reportedly signed, but no further details are available. [Source: US Embassy in Croatia, www.usembassy.hr/issues/030722.htm]

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Chile	S	Not stated.	Cabinet agreed to take matter under consideration on May 13, 2003. President Bachelet met with Bush in early June, 2006, but rejected US attempts to have him sign a BIA.	Not stated.	Not stated.			none given	Otto Reich stated that Chile was a "special" country to the United States and that the eventual ratification of the ICC will not affect the bilateral relationship between them [October 18, 2002, "Chile es "un pais especial" p ara EEUU segun Otto Reich"]. MPs from the Democracia Cristiana- one the most important political party in that country-will support the draft bill by the Executive that contains a proposal for the amendment of the Constitution, that will allow ICC Ratificacion, among other international HR treaties. The names of the MPs are: Gabriel Ascencio, Jaime Mulet and Eduardo Saffirio. [UPI, December 3, 2004], "The Chilean Minister of Defense Vivianne Blanlot stated "It is not acceptable subscribing any bilateral agreement on special immunities before the ICC with the US". She insisted that "there are no possibilities; we will not negotiate with the US". [ABC Paraguay "Chile niega inmunidad a estadounidenses"- May 6, 2006], "The decision of the government to speed up the amendment needed to ratify the Rome Statute of the International Criminal Court will lead to a sanction by the US." It adds "Gov
Colombia	SP	15 Aug 2002	Yes. Signed on September 16, 2003. The pact is considered an executive agreement. According to the Executive it would not require parliamentary approval.(State Dept information states: Signed at Bogota September 17, 2003. Entered into force September 17, 2003.)	Undersecretary of State for Political Affairs Marc Grossman	President Alvaro Uribe		The US initially suspended military aid to Colombia on July 1, 2003 for the remainder of the fiscal year. Declared by the State Dept. ineligible to receive military assistance. Only about \$5 million of the \$600 million in Colombia's 2003 aid was at risk. The State Dept. estimated that of the \$575 million requested by the Bush administration for Colombia in 2004, about \$112 million would have been jeopardized. On October 6, 2003, Colombia received an indefinite presidential waiver, having entered into a BIA.		President Uribe announced to Bush on September 20, 2002 that no agreement would be signed, however immunity would be granted to those who are already covered under an agreement from 1962. President Uribe has reportedly said that he is confident that the two countries will find a mutually acceptable text soon. The Foreign Ministry is apparently negotiating with the US Embassy on a couple of issues - most importantly, on the scope of persons under the BIA. [AFP, 4 July 2003.] Boucher said the following regarding aid cut-offs to Colombia: "the actual amount -- if you look at our overall aid assistance to Colombia under the Andian Regional Initiative, it's hundreds of millions of dollars. There is about \$120-\$130 million of that that's military, and, of that, this year there is only \$5 million that has been captured. Now, come October 1st, there is a new fiscal year's worth of money, and until these issues are resolved, we wouldn't be able to spend that. So it is in all of our interests to continue working on these issues, continue discussing these issues and conclude these agreements, so that we can respect the right of othe
Comoros	SP	13 Jun 2003	Yes. Signed on June 30, 2004 in Moroni. Entered into force (likely executive agreement) June 30, 2004.	Not stated.	Not stated.				
Congo-Brazzaville	SP		Yes. Signed at Brazzaville June 2, 2004. Entered into force June 2, 2004 (State Dept).				Presidential Determination No. 2004-41 granted an ASPA waiver to Congo-Brazza [http://www.whitehouse.gov/news/releases/2004/08/20040806-3.html]		The US and Congo-Brazzaville first agreed to sign a reciprocal agreement. The principle was agreed on during a cabinet debate. The Congolese prime minister said that considered that the BIA "is compatible with the Vienna Convention on diplomatic relations and the founding statute of the ICC". [AFP, April 26, 2004]. Congo-Brazzaville reportedly signed the BIA at the beginning of August 2004. [http://www.whitehouse.gov/news/releases/2004/08/20040806-3.html and UPI, 6 August 2004].
Costa Rica	SP	Not stated.	No.	Not stated.	Not stated.		Estimated Loss of US Aid Under IMET: 400,000 (FY04). Projected Loss Under IMET: 50,000 (FY06).	Publicly rejected BIA agreement.	In an interview with Radio Monumental, MFA Roberto Tovar stated that his country "will maintain the integrity of the Rome Statute" regardless of the suspension of financial aid by the United States for the rejection of the signature of a BIA...Costa Rica has rejected the signature of this agreement, and the US suspended two aid programs:one for handicapped people and another for commercial support, as confirmed by the Ministry of Foreign Affairs who did not mention the amount of the aid suspended. [Canciller, Costa Rica será "digna" en Corte Penal Internacional, 6 September 2005]
Côte d'Ivoire	S		Yes. Signed at Abidjan June 30, 2003. Entered into force October 16, 2003 (State Dept).						An agreement was reportedly signed by the government, and has not been publicly announced. [Stabroek News Guyana, 7/18/03.]

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Council of Europe	N/A	N/A	N/A	N/A	N/A				In passing Resolution 1336, The Assembly of the CoE condemned the US pressure on a number of Council of Europe member states to conclude bilateral agreements limiting the jurisdiction of the ICC beyond the narrowly defined exemptions allowed by its statute. The Assembly recalled that under international treaty law, states must refrain from any action which would not be compatible with the purpose of a treaty. Bilateral agreements already in force should therefore be interpreted narrowly.
Croatia	SP	Second Approach: May 5-7th 2006 Initial Approach: mid-July 2002	No. President Stipe Mesic, Premier Ivica Racan, Foreign Minister Tonino Picula have all openly denounced the US request.	Second Approach: VP Dick Cheney Initial Approach: Deputy Assistant Defence Secretary for Euro-Asia Mira Ricardel, acting assistant to the Secretary of State for Europe and Euro-Asia Paul Jones and deputy assistant to the State Secretary for NATO and security policy Robert Bradtke	Second Approach: President Mesic and Prime Minister Sanader (and others, unnamed) Initial Approach: President Stipe Mesic, Premier Ivica Racan, Foreign Minister Tonino Picula, and Deputy Foreign Minister Ivan Simonovic		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. \$5.8 million has reportedly been suspended from FY 2004, based on ASPA. Estimated Loss of US Aid Under IMET: 800,000 (FY04). Projected Loss Under IMET: 50,000 (FY05). Projected Loss Under IMET: 50,000 (FY06)	Publicly rejected BIA agreement.	Croatian Foreign Minister Tonino Picula has said Croatia will "absolutely" reject the USA's request for the non-extradition of US citizens to the International Criminal Court (ICC). Croatia must meet its obligations under a growing system of international law to punish war criminals, and this included the Hague tribunal and the ICC, Picula said. [August 21, 2002 -BBC Monitoring Europe, Vjesnik] "One can hardly expect us to extradite our people and at the same time refuse to extradite citizens of the US or any other country," government spokesman Zarko Plevnik told [August 14, 2002, Agence France Presse] "Croatia Says Unlikely to Sign US Non-Extradition Pact". Foreign Minister Tonino Picula said, "Croatia Likely not to sign Non-Extradition Accord with USA", "We must bear in mind that Croatia is a country that has one duty more than the EU candidate countries, and that is the duty to cooperate with the Hague tribunal. [August 14, 2002 - BBC Monitoring Europe-Political] It appears that Croatia is under serious US pressure to sign a BIA. It seems that one of the key people involved in the decision-making in C "Raguz said that significant part of the parliamentary parties in BiH is for the rat "After the meeting, Prime Minister M Sanader said that there had been no ment
Cyprus	SP	Not stated.	Under consideration.	Not stated.	Not stated.		\$13.5. million from USAID is threatened under the Nethercutt Amendment. <b>2006 CBJ</b> -- Projected Loss of US Aid Under ESF: 13,392,000 (FY05). Projected Loss Under ESF: 20,000,000 (FY06)	Has aligned with the EU in publicly refusing to conclude an agreement.	Based on information on the USAID website (www.usaid.gov), Cyprus is likely to be impacted by Nethercutt by \$13.5 million. (Please note that these are rough estimates based on the information online, and represent the most aid that could be cut). [23 November 2004]
Czech Republic	S	Not stated.	Under consideration.	Not stated.	Not stated.			Has aligned with the EU in publicly refusing to conclude an agreement.	Czech Foreign Minister Cyril Svoboda told EU foreign policy chief Javier Solana that the EU Guiding Principles will enable a possible Czech-U.S. agreement. The compromise "on which the EU has agreed gives chance of going both ways, that is both to ratify the ICC Status in parliament and to negotiate with the United States," Svoboda said. If the Czech Republic considered signing a bilateral agreement with the USA, it would do so only under the conditions agreed on by the EU, Svoboda said. "It simplifies our and all candidate countries' life," he added. [October 1, 2002, "EU compromise on ICC will enable Czech-US agreement - Svoboda", CTK National News Wire]. Reportedly, Czech Foreign Minister Cyril Svoboda told Danish Foreign Minister Moeller that the Czech position on the International Criminal Court (ICC) was in line with the European Union's position ["Czechs must defend their interests in talks with EU - foreign minister", CTK news agency, Prague, October 4, 2002].
Democratic Republic of the Congo	SP	Not stated.	Yes. Signed March 18, 2003 (State Dept information states: Signed at Washington March 19, 2003. Entered into force July 22, 2003.)	Not stated.	Not stated.		President Bush waived the ASPA provisions on 1 July 2003 until 1 November, 2003. On September 24, 2003, the waiver was extended indefinitely, as DRC had entered into a BIA.		The Democratic Republic of the Congo was mentioned amongst the states that have signed bilateral immunity agreements. [Source: AFP April 2, 2003.]

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Denmark	SP	Not stated.	No.	Not stated.	Not stated.		Denmark is exempt from ASPA.	Publicly rejected BIA agreement.	"We want to make sure the court is not weakened, and at the same time we will find a solution for American concerns," said Danish Foreign Minister Per Stig Moeller."We will find a solution that maintains U.S.'s role in international peacekeeping operations and makes sure the court gets a good start," declining to comment on what the content of such a compromise might be. [Associated Press Worldstream, August 29, 2002 "Denmark's Foreign Minister optimistic on compromise between EU and US over ICC-issue"] Ms. Mette Nørgaard Dissing, First Secretary, Permanent Mission of Denmark, addressing the UNGA 6th Committee on October 14, 2002: "At present, some States are still hesitant towards the ICC. They fear prosecution of their nationals for politically motivated purposes. The European Union is firmly convinced that the Rome Statute provides all the necessary safeguards against the misuse of the Court for such purposes. Nevertheless, the EU is ready to address these concerns through frank and constructive dialogue while preserving the integrity of the Rome Statute. The objective of individual a
Djibouti	SP	Not stated.	Yes. Signed at Washington January 24, 2003. Entered into force July 2, 2003 (State Dept).	Colin Powell	Foreign Minister Ali Abdi Farah		On July 1, 2003, President Bush issued a waiver until 1 November, 2003. Subsequently, on July 29, 2003, the waiver was extended indefinitely as Djibouti had entered into a BIA.		The United States signed a deal with Djibouti that gives US troops in the Horn of Africa country immunity from prosecution by the ICC. [Agence France Presse, January 24, 2003 US seals 18th ICC immunity deal as Djibouti agrees to pact] Richard Boucher said, "We have excellent relations now with Djibouti . . . We're close partners in the fight against terrorism, we work together to promote regional peace and security and share a common interest in advancing economic development and growth in the Horn of Africa."
Dominica	SP	Not stated.	Yes. Signed May 25, 2004, (State Dept lists the following: Effected by exchange of notes at Washington and Roseau May 10, 2004. Entered into force May 20, 2004)	Not stated.	UN Ambassador Gregoire Crispin		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. \$400,000 has reportedly been suspended from FY 2004, based on ASPA. After Dominica signed, the US issued a waiver from the ASPA provisions [http://www.whitehouse.gov/news/releases/2004/05/20040526-2.html]		Crispin Gregoire, Dominica's ambassador to the UN, said the Dominica government will formally seek a waiver from the U.S. government, even though State Department officials have said it would not be considered. [Associated Press Worldstream, August 22, 2003 INTERNATIONAL NEWS, U.S. decision to cut military aid to Caribbean countries could handicap war on drugs, critics say, IAN JAMES; Associated Press Writer, SAN JUAN, Puerto Rico] On May 26, 2004, the Associated Press published an article saying a BIA had been signed. Letta Tayler, the Latin American Correspondent at Newsday, published an article which updates the current BIA situation, with particular reference to Dominica, Ecuador, Jordan, Croatia, St.Vincent and the Grenadines, Trinidad and Tobago and Colombia. Ms. Tayler includes quotes from government officials, in particular Dominica's UN ambassador Crispin Gregoire stating, with regard to having signed a BIA but having as yet to received the withheld aid, that "Usually when you have a bear breathing down your neck, the best way to make the bear go away is to yield, but so far that hasn't worked. We are
Dominican Republic	S	Not stated.	Yes. Signed at Santo Domingo September 13, 2002. Entered into force August 12, 2004.	Not stated.	President Hipolito Mejia			none given	

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East Timor	SP	23 Aug 2002	Yes. Signed at Dili August 23, 2002. Approved by the Council of Ministers in October 2003. Entered into force October 30, 2003.	Not stated.	Foreign Minister Jose Ramos-Horta	Under the Constitution of East Timor, agreement required both Parliamentary approval and Presidential promulgation before it can come into force. The Government, however, decided that an open parliamentary debate on the impunity agreement might be embarrassing, and that the agreement therefore did not need parliamentary ratification.	On July 1, 2003, President Bush issued a waiver until 1 November, 2003. Subsequently, on July 29, 2003, the waiver was extended indefinitely as East Timor had entered into a BIA.	none given	During the last week of October 2003, East Timor's Council of Ministers approved an "Article 98 Agreement". The impunity agreement had been signed by Foreign Minister Jose Ramos-Horta in August 2002. At that time, East Timor's government had said that it required parliamentary ratification before it would go into effect. East Timor's Government decided that an open parliamentary debate on the impunity agreement might be embarrassing for Dili and/or Washington, and that the agreement therefore did not need parliamentary ratification. It was approved at a closed Council of Ministers meeting around October 27, and Washington was informed. No press release or announcement was made in Dili, and nothing appeared in the media in East Timor. [East Timor Gives U.S. Soldiers Impunity, Quietly, La'o Hamutuk November 21, 2003]
Ecuador	SP		No.	US Ambassador Kristie Kenney			On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. \$15.65 million has reportedly been suspended from FY 2004, based on ASPA. Up to an additional \$13 million is expected to be withheld under the Nethercutt Amendment. <b>2006 CBJ</b> -- Estimated Loss of US Aid Under IMET: 650,000 (FY04), Under FMF: 6,955,000 (FY04). Projected Loss Under IMET: 300,000 (FY05), Under FMF: 992,000 (FY05), Under ESF: 12,896,000 (FY05). Projected Loss Under IMET: 50,000 (FY06), Under FMF: 750,000 (FY06), Under ESF: 7,000,000 (FY06).	Publicly rejected BIA agreement.	The US Government will reportedly withhold US\$15 million in military aid. US Ambassador Kristie Kenney said: "The US has the democratic right to deny help to nations with which we do not have protection for our military." Despite the loss of military aid, Kenney said the U.S. government has asked the Congress to approve US\$70 million for other non-military programs in Ecuador for 2004. In September, the U.S. government sent Ecuador US\$15.7 million to fight drug trafficking. [Associated Press, February 2, 2004, "US Says US\$15 million in military aid to Ecuador will be cut]. News reports indicate that U.S. General Brantz Craddock "considered that the military aid to Ecuador will increase if Ecuador signs an agreement on immunity for American soldiers acting in Ecuadorian soil." The article also reports that Craddock stated "there are many restrictions for military aid to Ecuador because they do not grant immunity [to American soldiers], as Colombia does." He also noted that the U.S. assists the Fuerzas Armadas Ecuatorianas (Ecuadorian Armed Forces) with "equipment and training." He added "this is a re American territory. The new Minister of Internal Affairs Mauricio Gandara said t

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Egypt	S	Not stated.	Yes. Reportedly, congressional sources said the Bush administration has informed Congress that an agreement was signed March 5, 2003. - Effected by exchange of notes at Cairo February 26 and March 5, 2003. Entered into force March 5, 2003. Agreement extending the agreement of February 26 and March 5, 2003 effected by exchange of notes at Cairo March 1 and 2, 2005. Entered into force March 2, 2005. (State Dept).	Not stated.	Not stated.	If an agreement was signed, the People's Assembly would technically have to endorse the agreement even though it probably wouldn't be necessary for an agreement like this to become binding. Egypt has signed a secret BIA. [The Washington Times, AMNESTY FOR U.S. CITIZENS BOOSTED, October 8, 2003]			-The Egyptian Embassy declined to comment on reports of the signed agreement. [Reuters, June 16, 2003, "Five Countries Exempt Americans from World Court"] An Egyptian charge d'affaires, Yahya Zakariya Najm, resigned in protest against the BIA between Egypt and the US. "In his letter of resignation, a copy of which Al-Quds al-Arabi received, the diplomat criticized...the agreement to exempt the United States from the international criminal court's rulings. Small states, which are closer to, and in more need to the United States, such as the Caribbean states, refused to sign that agreement and held out against pressure, said the diplomat." [BBC Monitoring Middle East - Political, "Egyptian diplomat in Caracas quits over Mubarak policies," 24 May 2005]
El Salvador	N	Not stated.	Yes. According to the Associated Press, an agreement was signed October 25, 2002. [Associated Press, November 14, 2002] Ratified by Parliament on April 29, 2004.	Not stated.	Not stated.				28 of the 84 members of the Parliament have expressed a commitment to ratify such an agreement. [Deutsche Presse Agentur, 20 June 2003] Floretin Melendez, a Salvadorean human rights expert, has claimed that the bilateral immunity agreement signed between El Salvador and the US is unconstitutional. He told a local newspaper that the Legislative Assembly must deliberate on the immunity agreement before ratifying it. [XINHUA GENERAL NEWS SERVICE, July 22, 2003.] The BIA of El Salvador was not put up for a vote by the Assembly plenary on Feb 25, 2004 as it lacked sufficient "yes" votes. Instead, sensing that it would fail, legislators of ARENA (ruling party) decided to send the BIA back to the Foreign Relations Committee for more deliberations. Parties that have expressed opposition to BIAs are FMLN and CDU-PDC. According to the news report, ARENA and PCD agree that crimes under ICC jurisdiction should be tried by national courts. [Feb 23, El Diario de Hoy; government sources]. Sources indicate that the BIA received a favorable opinion from representatives of ARENA (ruling
Equatorial Guinea	N		Yes. Signed on September 25, 2003 in New York. Entered into force (likely executive agreement) May 6, 2004 (State Dept).						

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Eritrea	S		Yes. Signed on July 8, 2004 in Washington, DC. Entered into force July 8, 2004 (State Dept).		Eritrean Ambassador to the US Girma Asmerom			Richard Boucher, US Spokesman: "Eritrea is committed to fighting global terrorism and it has been a solid partner with the United States in that battle in the past. Eritrea was one of the first nations to sign on as part of the "Coalition of the Willing." The signing of Article 98 by the government of Eritrea is a significant step forward in U.S. and Eritrea bilateral relations." [Washington, D.C. Press Statement, July 13, 2004]	
Estonia	SP	Not stated.	No.	Not stated.	Prime Minister Siim Kallas, Foreign Minister Kristiina Ojuland, Prime Minister Juhan Parts		The U.S. suspended military aid to Estonia on July 1, 2003 for the remainder of the fiscal year. Declared by the State Dept. ineligible to receive military assistance. On 21 November 2003, Estonia received a national interest waiver with respect to programs supporting NATO or US operations in Afghanistan and Iraq.	Has aligned with the EU in publicly refusing to conclude an agreement.	Kristiina Ojuland, the Estonian Foreign Minister said, "We are considering very thoroughly our possibilities as to whether it is possible to find a certain resolution to what the US side has offered. The legal analysis under way at present will definitely not be quick, since we are talking about a highly complicated matter within the international law." [BBC Monitoring Former Soviet Union, August 26, 2002, "Baltic, Nordic meeting discusses EU enlargement timetable, US immunity] On October 16, Prime Minister Siim Kallas said that Estonia has a moral obligation to support the US wish to conclude an immunity agreement that would rule out that US soldiers and officials find themselves in the International Criminal Court. "What meets Estonian national interests is if we can be good allies for the USA while also cooperating well with the EU. This would be ideal", said Kallas. He added "In principle, the USA has exerted no direct pressure so far, but it is the US wish to conclude an agreement of this kind. Work is under way on various versions of the text." [October 17, 2002, "PM sees moral obligation to support USA over
Ethiopia	N		Yes. Signed October 8, 2004	US Deputy Secretary of State Richard Armitage	Ethiopia's ambassador to Washington Kassahun Ayele	Extends the same privilege to Ethiopian citizens in the United States			The United States on Friday inked a deal with Ethiopia giving US citizens there immunity from prosecution by the International Criminal Court (ICC), bringing to 96 the number of nations with which it has concluded such pacts, the State Department said. [AFP, 8 October 2004].
European Union	n/a (all members are SPs)	1 Apr 2002	n/a	n/a	n/a				The Council of the EU adopted the following guiding principles on September 30: -existing international agreements should be taken into account, entering into US agreements as presently drafted would be inconsistent with ICC States Parties' obligations under the Rome Statute and possibly under other international agreements, -any solution should include appropriate operative provisions ensuring that persons who have committed crimes falling within the jurisdiction of the Court do not enjoy impunity, -any solution should only cover persons who are not nationals of an ICC state party, -the scope of persons should be narrowed down.  Per Stig Moller, Foreign Minister of Denmark which holds the EU Presidency, remarked in the latter half of 2002, "Individual member states can now, if necessary, conclude bilateral agreements with the United States on the non-surrender of U.S. nationals to the court, so long as they observe the strict benchmarks that ensure respect for our obligations as parties to the Rome Statute of the ICC. With respect to the U.S. proposal for bilateral agreements,

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Fiji	SP	Not stated.	Yes. Reportedly signed in November 2003. (State Dept information states: Signed at Suva December 17, 2003. Entered into force December 17, 2003.)	Not stated.	Not stated.	Non-reciprocal	On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. Subsequently, on 30 December 2003, Fiji received a permanent waiver for signing a BIA.		The US is pressuring Fiji to sign a reciprocal bilateral immunity agreement, in exchange for allowing Fiji nationals to participate in the US peacekeeping mission in Iraq. [BBC Monitoring International Reports, May 18, 2003, Fiji Iraq Role Depends on Deal With us over ICC] The Government of Fiji is negotiating a bilateral agreement with US. Rev Akuila Yabaki of the Citizens Constitutional Forum has advised Foreign Affairs Minister Kaliopate Tavola not to enter into any agreement with the US, however the Foreign Minister has publicly said: "We are basically negotiating a bilateral agreement and we are very much aware of our interests in the ICC and we are not going to do anything which will contradict our commitment to the Rome Statute." [BBC Monitoring Asia Pacific, Political Supplied by BBC Worldwide Monitoring, May 23, 2003]Deputy chief of mission at the US embassy in Suva Hugh Neighbour has reportedly remarked: "Fiji has peacekeepers in Sinai today, East Timor, small numbers elsewhere, and may soon have large numbers in Iraq. If I were the government of Fiji I would want Article 98 protection for my sc
France	SP	Not stated.	No.	Not stated.	Not stated.		Exempt from ASPA	Publicly rejected BIA agreement.	France said that signing such bilateral deals with the U.S. is contrary to the ICC's founding statute. "By pressing this issue, the Americans are creating a lot of useless tension," said one European official familiar with the French position. [Wall Street Journal, September 3, 2002 "Germany, France Criticize U.S. On International Criminal Court"] France made a statement in the Security Council Open Debate on the Protection of Civilians expressing dismay with the lack of consensus among the international community and the importance of being able to turn to article 13(b) of the Rome Statute. "We cannot use article 98 of the Statute and then block the use of article 13 (b), which would make it possible to effectively combat impunity." [http://ods-dds-ny.un.org/doc/UNDOC/GEN/N04/644/74/PDF/N0464474.pdf?OpenElement, December 17, 2004] UN Ambassador de la Sabliere states that France had to agree to immunity for parties of non-nationals in the Security Council resolution in order for the referral of Darfur to the ICC to pass; he stated, however, that this immunity provision "cannot run counter to other international
Gabon	SP	Not stated.	Yes. Effected by exchange of notes at Libreville February 26 and April 15, 2003. Entered into force April 15, 2003 (State Dept).	Not stated.	Not stated.		On 1 July 2003, President Bush issued an ASPA waiver for as long as the BIA remains in force.		According to an Agence France Press article, an agreement has reportedly been signed (Source: AFP, 5/2/03) Gabon received a presidential waiver on July 1, 2003. (Source: White House memo, 7/1/03)
Gambia	SP	Not stated.	Yes. Signed at Banjul on October 5, 2002. Ratified early July 2003. Entered into force June 27, 2003 (State Dept).	Not stated.	Not stated.		On 1 July 2003, President Bush issued an ASPA waiver for as long as the BIA remains in force.		In a recent an article, a lawyer defending Majority Leader of the Gambian Parliament, The Hon. Baba Jobe, argued that "The Gambia is a friend in need to the United States, and The Gambian Parliament has ratified and pass very friendly resolutions towards the United States, including controversial laws that did not augur well with the Gambian body politic. One example is the indemnity provisions to counter the international criminal court. It must be remembered that this Bills was passed by a Parliament under the stewardship of Hon. Baba Jobe. His commanding support among his colleagues, persuasive ability, and lobby facilitated the passage of many such laws in favour of U.S national interest." [February 4, 2004, The Independent (The Gambia)] Richard Boucher of the State Department said at a press conference that Gambia was the thirteenth state to sign an "article 98" agreement [October 8, 2002, "Gambia becomes 13th country to sign ICC immunity deal with US", Agence France Presse].
Georgia	SP	Not stated.	Yes. Signed at Tbilisi February 10, 2003. The Georgian parliament reportedly ratified the agreement on May 7, 2003. (State Dept information states that the agreement entered into force June 26, 2003.)	Not stated.	Not stated.	Reciprocal	On September 24, 2003, the waiver was extended indefinitely, as Georgia had entered into a BIA.		According the State Department Spokesperson Anne Marks, the United States and Georgia have signed an agreement not to surrender each other's citizens to the International Criminal Court without the consent of the other government, "These agreements are necessary to protect American citizens from politically motivated prosecutions by a court of which we are not a member," Marks said. "We believe in justice and the rule of law and accountability for war crimes, crimes against humanity and genocide. As a sovereign nation the United States accepts the responsibility to investigate and prosecute its own citizens for such offenses should they occur." [Reuters] The Georgian parliament reportedly ratified the agreement on May 7, 2003. (Russian news agency Interfax, via BBC, 5/7/2003)

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Germany	SP	Not stated.	No.	Not stated.	Not stated.		Exempt from ASPA	Publicly rejected BIA agreement.	"German Foreign Minister Joschka Fischer called the EU position 'very important.' Germany also signaled that it wouldn't sign any bilateral agreement on exemptions ... German officials, who said they didn't intend to slight the US, pointed out that the US shouldn't worry because the legal standing of American troops in Germany is covered by special agreements that already provide limited immunity from national prosecutions." [Berlin Denies U.S. Call for Immunity --- German Refusal Involving New War-Crime Tribunal May Further Strain Ties, Wall Street Journal, Oct 1, 2002] "Germany said Washington's demand that European governments exempt U.S. nationals from war crimes trials in the new International Criminal Court may be legally possible, but is morally dubious. 'It will certainly not be compatible with the spirit' of the tribunal, which was created to bring war crimes suspects to justice when national governments refuse to do so, Deputy German Foreign Minister Gunter Pleuger told reporters Friday." [Associated Press Worldstream, August 30, 2002, "Germany: keeping
Ghana	SP	Not stated.	Yes. Signed at Accra on April 17, 2003. Ratified October 30, 2003. (State Dept information states that the agreement entered into force October 31, 2003.)	Not stated.	Not stated.	Ratification necessary.	On July 1, 2003, President Bush issued a waiver until 1 November, 2003. Subsequently, on July 29, 2003, the waiver was extended indefinitely as Ghana had entered into a BIA.	none given	"We are aware certain states entertain some fears of impartiality of the Court and have sought various ways to address these fears. We are distressed that some of these methods may tend to detract from the very integrity and universality that the like-minded states have worked hard to achieve. We believe that if the highest standards of integrity and judicial wisdom are balanced with geographical spread and gender sensitivity, these fears will be addressed sufficiently to render those special bilateral agreements redundant. We should avoid taking measures that would kill the ICC at birth or make it ineffectual." [Mr. Kwesi Quartey, Deputy Permanent Representative to the Permanent Mission of Ghana to the 6th Committee of the 57th session of the UN General Assembly, October 15, 2002] The Minority in Parliment has responded to the possible ratification of a BIA with the US that "It will be the hallmark of double standards for Ghana to ratify the Rome Statutes that established the International Criminal Court, nominate its Vice-President and turn around to ratify an agreement that obviously undermines the integrity of the
Greece	SP		No.				Exempt from ASPA	Publicly rejected BIA agreement.	UN Ambssador Vassilakis states that it was necessary that Greece agree to immunity for nationals of non-parties in order for the Security Council referral of Darfur to the ICC to pass; he states that, "we preferred to vote in favour rather than to allow violations of humanitarian law to go unpunished." [31 March 2005, Security Council Meeting on Darfur]
Grenada	N		Yes. Effected by exchange of notes at Washington and New York March 11, 2004. Entered into force March 11, 2004 (State Dept).						
Guinea	SP	Not stated.	Yes. Signed at Conakry August 23, 2003. Entered into force March 25, 2004 (State Dept). Announced publicly on April 6, 2004.	Not stated.	Not stated.		On September 25, 2003, Guinea received a six-month presidential waiver until March 24, 2004.		

Country Approached	RS Status	Date of US approach	Status of agreement	US official	Official approached	Agreement Provisions	Sanctions/waivers imposed by the U.S.	Official response	Reaction as reported in the news
Guyana	SP		Yes. Signed on December 13, 2003. National Assembly approved motion for ratification, and Parliament ratified on May 17, 2004. In a memo from State dated November 29, 2004, it says that Guyana entered into agreement. (The State Dept lists the dates of signing and ratification as: Signed at Georgetown December 11, 2003. Entered into force May 18, 2004.)	Minister of Foreign Affairs Rudy Insanally	US Assistant Secretary of State Stephen Rademaker		A loss of US military assistance was reportedly threatened.		Guyana's President Bharrat Jagdeo announced that Guyana will sign a BIA, while stressing that the signing would only take place after parliament has ratified the Rome Statute (which is expected when Parliament reconvenes in October). In explaining the government's position, Jagdeo made it clear to local journalists that he was not prepared to risk losing US military support. [Stabroek News Guyana, 18 July 2003.] Trinidad & Tobago's Foreign Minister Knowlson Gift said that Guyana President Bharrat Jagdeo has given Caricom the assurance that his country would not sign the US non surrender agreement until the Manning/ Bush meeting takes place. [Trinidad Express Newspaper, July 24, 2003.] According to government officials, Guyana reportedly signed a bilateral agreement with the US, in exchange for continuing to receive US military aid. [Sun-Sentinel (Fort Lauderdale, FL), December 14, 2003] The signing of the agreement, between the Minister of Foreign Affairs Rudy Insanally and the US Assistant Secretary of State Stephen Rademaker took place on 11 December 2003, in the absence of the IC
Haiti	S		Yes. Reportedly signed on June 14, 2004. (State Dept information states: Signed at Monterrey January 12, 2004. Entered into force January 12, 2004.)						The United States sought immunity for US Armed Forces participating in the UN Stabilizing Mission in Haiti after the removal of elected President Jean-Bertrand Aristide in February 2003. [http://www.whitehouse.gov/news/releases/2004/06/20040614-10.html]
Honduras	SP	Not stated.	Yes. Reportedly signed September 19, 2002. Approved by the parliament on May 30, 2003 by a vote of 65 to 62. (US State Dept information states: Signed at New York September 19, 2002. Entered into force June 30, 2003.)	Not stated.	Not stated.		On July 1, 2003, President Bush issued an ASPA waiver until 1 November, 2003. On September 24, 2003, the waiver was extended indefinitely, as Honduras had entered into a BIA.		"The AP has reported that the U.S. plans to help Honduras build a military base in the northeast part of the country near the Nicaraguan border to help combat drug trafficking.... The U.S. State Department describes Honduras as being a close Washington ally since the 1980's when that country's government 'supported U.S. policy opposing a revolutionary Marxist government in Nicaragua and an active leftist insurgency in El Salvador.' ... The State Department also notes that Honduras was one of the first countries to sign a bilateral agreement exempting U.S. government and military personnel (past and present) from the International Criminal Court for war crimes and other crimes against humanity." (http://upsidedownworld.org/main/content/view/365/1/, Upsidedown World, "U.S. to Build Military Base in Honduras" by Cyril Mychalejko, 19 July 2006)
Hungary	SP	Not stated.	Under consideration	Not stated.	Not stated.		Exempt from ASPA as a NATO ally	Has aligned with the EU in publicly refusing to conclude an agreement.	Foreign Ministry spokesperson Tamas Toth said consultations between the U.S. and Hungary on the extradition of U.S. citizens to the ICC could soon be concluded. He said a compromise on the issue acceptable to EU members, candidate countries and to the U.S. could soon be reached [October 2, 2002, "Foreign Ministry Spokesperson Holds Media Briefing" Global News Wire, Hungarian News Agency (MTI)].
Iceland	SP							Has aligned with the EU in publicly refusing to conclude an agreement.	

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India	N	Not stated.	Yes. Signed December 26, 2002.	US Ambassador to India Robert Blackwill	Indian Foreign Secretary Kanwal Sibal (the senior official in the FM)	Reciprocal. Binding-Treaties concluded by the executive do not have to be sanctified by parliamentary acceptance, nor may they be dislodged by parliamentary disapproval.		none given	An Indian official said New Delhi was disappointed with the ICC because it did not see the court playing a role in the fight against international terrorism. "This accord is emblematic of the continuing cooperation between India and the United States," India's Foreign Ministry spokesman Navtej Sarna told reporters. There was no public information of the impending deal, no discussion which could have elicited public opinion. And, now that the treaty has been signed, there is no means of retracting even if the agreement were to meet with public opprobrium. [The Frontline, January 18, 2003]
Indonesia	S	Not stated	No.						A visiting US official said in March that "the US considers Indonesia to be an important country. We have excellent cooperation with Indonesia in the war against terrorism. There are 85 countries, including Brunei and East Timor, that have already signed Article 98 agreements with the US. We expect Indonesia will also sign such an agreement." Indonesian Minister of Foreign Affairs Hassan Wirayuda has said, however, that Indonesia is in no hurry to sign the BIA, especially as it has yet to ratify the Rome Statute. He also said that Indonesia was still "examining whether the US will reciprocate in the case of Indonesian citizens." [The Jakarta Post, Article 98 list, March 17, 2004] o "If Indonesia signs the NSA, it means it has been tricked by US. Therefore we recommend that the US proposal be rejected," YLBHI chairman Munarman said, referring to Indonesia's inclination to sign the accord on the ground that a number of its citizens faced the possibility of litigation for human right abuses in East Timor in 1999. [4 January 2006, "YLBH ADVISES GOVT TO REJECT US PROPOSAL ON NSA"]
Ireland	SP		No.				Do+H76 not receive US aid qualified under ASPA. However, up to \$12 million may be threatened under the Nethercutt Amendment. Projected Loss Under ESF: 21,824,000 (FY05). Projected Loss Under ESF: 12,000,000 (FY06)	Publicly rejected BIA agreement.	-The issue of US retaliation against countries - such as Ireland - that refused to sign a bilateral agreement with Washington did not come up in recent talks between Irish Minister for Foreign Affairs Cowen and US Vice-President Cheney. The retaliation involves a suspension of US military aid "Ireland had never received military aid from the United States and therefore the fact that we might be on some list" is irrelevant, Mr Cowen said. "Ireland is a very strong friend of the United States. Ireland has excellent relations with the United States." [The Irish Times, July 10, 2003.] -Based on information on the USAID website (www.usaid.gov), Ireland could be impacted by Nethercutt Amendment by \$12 million. (Please note that these are rough estimates based on the information online, and represent the most aid that could be cut). [November 23, 2004]
Israel	S	4 Aug 2002	Yes. Signed at Jerusalem August 4, 2002. Entered into force November 27, 2003 (State Dept).	Undersecretary of State John Bolton	Foreign Minister Shimon Peres	Reciprocal; binding executive agreement+G6 5	Exempt from ASPA as a major non-NATO ally	none given	[Reverse-chronological] As long as the Middle East crisis is raging, Israel will not sign the Statute of the International Criminal Court, said Alan Baker, director of the Israeli Foreign Ministry's Legal Department. The most important reason for this decision is the possible political bias of the court, Baker said. Once the normalization of the Middle East is reached, Israel may consider joining the Statute, Baker added. [August 15, 2002 - Diplomatic Panorama, "Israel Will Not Join International Criminal Court Before Crisis Abades"] "Almost everybody in my country is a soldier. Someone can complain against a soldier and say they perpetrated a crime," said the Deputy Chief of Mission at the Israeli Embassy in Washington, DC, Rafael Barak. Israel submitted formal renunciation of its signature of the Rome Statute on August 28, 2002. [August 7, 2002 - The New York Times, "U.S. Seeking Pacts in a Bid to Shield Its Peacekeepers"]
Italy	SP	Not stated.	No.	Not stated.	Not stated.		Exempt from ASPA	Publicly rejected BIA agreement.	The U.K. and Italy have indicated they are prepared to grant the U.S. immunity from the court, while the European Commission, the EU's executive branch, said that such agreements could be harmful to the court's functioning. "Each EU nation has signed (the Rome Statute) on its own and can decide on its own to conclude" additional accords with other states, Prime Minister Silvio Berlusconi said outside an EU foreign ministers meeting. [August 31, 2002, Guardian Unlimited, "Italy May Exempt US From Tribunal"]

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Jamaica	S	Not stated	Under consideration. Under US pressure	Not stated			Threat of loss of military aid under ASPA, if they ratify the Rome Statute (Loss of military assistance-broadly defined: police could lose resources, and with regards to drug-trafficking, Jamaica could lose some "shiprider-type" assistance)		The Minister of Justice and Attorney-General A. J. Nicholson is quoted as saying, "The Government of Jamaica intends to ratify the Rome Statute of the International Criminal Court (ICC)...But the Government must also grapple with the issue of whether to sign a bilateral agreement with the United States of America, granting US citizens exemption from the ICC...If the Jamaican government does not sign this latter agreement, often referred to as an Article 98 agreement, it faces sanctions from the USA, in the form of the withdrawal of military assistance to the island." [Jamaica Information Service, www.jis.gov, Feb 26, 2004]
Japan	N	26 Aug 2002	Not likely.	U.S. Undersecretary of State John Bolton	Vice Foreign Minister Yukio Takeuchi		Exempt from ASPA	none given	Takeuchi failed to show a clear attitude on the issue. "At this point in time, we are not at all considering" the request, Deputy Chief Cabinet Secretary Shinzo Abe said at a news conference. Chief Cabinet Secretary Shinzo Abe said that Tokyo and Washington agreed that close consultations should be continued on the matter but he indicated that it is premature for Japan to sign such an accord when it is preparing to ratify a treaty for the establishment of the ICC. [Japan Economic Newswire, August 22, 2002 "Japan 'not considering' U.S. demand on criminal court waiver"]
Jordan	SP	Extreme pressure ongoing. Visit by high-level US delegation in July 2004. King visited Bush in early December 2004.	Yes, signed 16 December 2004.	US Undersecretary for Arms Control and International Security John Bolton, US Assistant Secretary of State for Political and Military Affairs Lincoln Bloomfield	Ambassador Zeid, King Abdullah of Jordan, Foreign Minister Hani Fawzi Mulki		Exempt from ASPA. \$250 million from USAID could be threatened under Nethercutt Amendment. While Jordan has the potential to get a waiver, it is clear that this determination needs to be made by the President – and given his rhetoric in the debates and his record of not issuing ANY waivers in the past,	According to the Jordanian Ambassador to the UN, Jordan would absolutely not sign an agreement.	As reported in <i>The Economist</i> , "Jordan, one of the United States' few friends in the Middle East, was given a stark choice. Unless it agreed to sign a pact with the United States, prohibiting the surrender of American citizens to the International Criminal Court (ICC), it would forfeit the \$100m in American aid earmarked for its help in training Iraqi policemen. In addition, King Abdullah's official visit to Washington next month would be cancelled. Jordan refused to give in, and the Bush administration backed down." [The Economist, 22-28 November 2003] On Sunday, 18 July 2004, US Assistant Secretary of State Bloomfield arrived in Jordan to put pressure on the country. A Jordanian official said the visit was linked to a US House of Representatives vote Thursday on the Nethercutt Amendment to stop financial aid to states that have not agreed to guarantee American soldiers immunity at the ICC, including Jordan. [Agence France Presse--English, 19 July 2004]. On August 4, 2004, Jordanian Foreign Minister Marwan al-Mu'ashir left the door open for signing a BIA, saying, "We are not against signing the bilateral pact w
Kazakhstan	N		Yes. Signed in September 2003. Approved in Lower House, pending approval in Upper House of Senate. (Signed at New York September 22, 2003. Entered into force October 7, 2004. - According to US Dept of State Website)						"The Kazakh president Nursultan Nazarbayev today signed the law ratifying the agreement between Kazakhstan and the USA on handing people over to the International Criminal Court." [Transcript of broadcast by Khabar Television, Almaty, Kazakhstan, October 5, 2004]. "The essence of the agreement is that the U.S. provides guarantees that Kazakh citizens will not be handed over to the International Criminal Court's jurisdiction without the republic's [Kazakhstan's] written consent. Kazakhstan undertakes analogous commitments,' Deputy Kazakh Prosecutor General Merei Voisov said presenting the document to the parliamentarians," Interfax reported. [Interfax Information Services, 1 September, 2004]. The lower house of the parliament (the Majilis) in Kazakhstan apparently approved ratification of its BIA with the United States on Wednesday, 25 August, but it still has to go through the upper house Senate. [Interfax Information Services, 1 September, 2004].
Kenya	SP	Not stated.	No.	Not stated.	Not stated.		Projected Loss Under IMET: 650,000 (FY05), Under FMF: 6,944,000 (FY05), Under ESF: 8,900,000 (FY05). Projected Loss Under IMET: 650,000 (FY06), Under FMF: 7,000,000 (FY06), Under ESF: 8,000,000 (FY06).	Publicly rejected BIA agreement.	At a meeting for the formation of a South Africa-Kenya bi-National Commission (BNC), both the Kenyan and South African governments rejected what they called US "intimidation and diplomatic arm-twisting," on the ICC issue. [Panafican News Agency, July 20, 2003.] Local news article discusses the Bush Administration's opposition to the ICC and, in particular, the BIA campaign. The article concludes that "We need to give the man [Bush] a chance." [November 22, 2004, The East African, "Despite Guantanamo, Let's Give Bush a Chance] Should Kenya ratify the Rome Statute in the next year, they could be impacted by the Nethercutt amendment. [date?] Kenya is expected to sign a BIA by the end of March 2005. 12 human rights groups oppose the move, saying it would make Kenya to not only violate international law but also facilitate the protection of foreign criminals. [The Standard, March 30, 2005] The US is putting "enormous pressure" on Kenya to sign a BIA. CICC Convener, William Pace, is quoted at length explaining that the types of aid potentially at risk could go beyond

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Kiribati	N		Yes. Signed on March 4, 2004 in Tarawa. Entered into force (likely executive agreement) March 4, 2004.						
Kuwait	S	Not stated.	Yes. Has reportedly signed (but note conflicting reports).	Not stated.	Not stated.				Kuwait has agreed to exempt Americans from prosecution by the new International Criminal Court for actions inside the country's borders, a State Department official said. Kuwait and the United States are to sign the agreement, known as an Article 98 agreement after the relevant section of the treaty that set up the court, at a ceremony in Washington next week, the official said [New York Times, November 2, 2002, "Kuwait to Exempt U.S. on War Crimes"] An official Kuwaiti source has denied that Kuwait is preparing to sign an agreement with the USA. In a statement to the Kuwaiti daily al-Watan, the Kuwaiti governmental source said that negotiations are underway between the two sides to study this agreement. The source also noted that the beginning of this agreement goes back to a meeting in Rome attended by delegations of 17 countries including Kuwait in order to discuss excluding the Americans from being brought before International Criminal Court. The Kuwaiti source indicated that his country signed this agreement but did not ratify it so far and that this matter is under discussion. [November 4, 2002, "Kuw
Kyrgyzstan	S	Not stated.	Yes. Signed on 28 September 2004.	US Ambassador to Kyrgyzstan Steven Yang	Head of Ministry of Foreign Affairs Askar Aitmatov	Reciprocal.			According to a report from the Dow Jones Newswires, the Kyrgyz government had indicated their willingness to sign the agreement last December, but actually penned the BIA on September 28. The article reports that this is a reciprocal agreement, and then notes that "The U.S. Embassy in the Kyrgyz capital, Bishkek, said in a statement Wednesday that in the agreement, the two countries express their intention to investigate and prosecute crimes committed by their citizens in each other's countries that would otherwise fall within the ICC's jurisdiction." Kyrgyzstan hosts hundreds of U.S. troops at an air base just outside Bishkek. The base supports combat operations in nearby Afghanistan. [Dow Jones Newswires, 6 October 2004]. US Ambassador Steven Yang announced that, after several months of constructive negotiations, Kyrgyzstan and the US were close to signing a bilateral immunity agreement. On December 6, 2003, he met with Head of Ministry of Foreign Affairs Askar Aitmatov on this issue. For Kyrgyzstan, this ag
Laos	N		Yes. Signed at Vientiane December 24, 2003. Entered into force December 24, 2003 (State Dept).	US Ambassador to Laos Douglas A. Hartwick	Deputy Prime Minister Somsavat Lengsavad				According to the US Embassy in Laos website, Deputy Prime Minister Somsavat Lengsavad and Ambassador Douglas A. Hartwick signed an Article 98 agreement on 24 December 2003. The press release reads that: "This is another step in the developing closer ties between the U.S. and the Lao PDR." (Source: <a href="http://usembassy.state.gov/laos/www/hagre.html">http://usembassy.state.gov/laos/www/hagre.html</a> )
Latvia	SP	Not stated.	No.	Not stated.	Not stated.		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. On 21 November 2003, Latvia received a national interest waiver with respect to programs supporting NATO or US operations in Afghanistan and Iraq.	Has aligned with the EU in publicly refusing to conclude an agreement.	"Latvia has made no decision about whether it would sign this agreement," said Foreign Ministry State Secretary Maris Riekstins [Baltic News Service, August 23, 2002, "Latvian Formin reserved over comments suggesting U.S. may block NATO enlargement"] Latvian Foreign Ministry state secretary Maris Riekstins announced: "At present we do not see it possible to sign this agreement and last week notified the U.S. about it through diplomatic channels." Latvia does not intend to sign the agreement and is keeping with the common position of the European Union on the matter, said Foreign Ministry spokesman Plesums. Latvia is expected to lose \$2.75 million from funds allocated for 2003. [Baltic Times, July 10, 2003.] A senior Latvian diplomat told Human Rights Watch that the Bush Administration has even decided to withhold \$2.7 million in promised supplemental funding to support Latvian troops in Iraq. (HRW Press Release, 8/6/03) Latvia's Defense Ministry and the National Armed Forces have denied reports by Human Rights Watch on plans by the US administration to cut US co-funding of Latvian troops serving in the peace-keep
Lebanon	N	Not stated.	Under consideration. Likely no.	Not stated.	Not stated.	If an agreement were signed, it could become binding without additional ratification.			

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Lesotho	SP	Not stated.	Yes. A presidential waiver was granted on August 2, 2006, indicating that Lesotho had signed a BIA.	Not stated.	Not stated.		Waiver granted August 2, 2006. Previously: On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. \$125,000 has reportedly been suspended from FY 2004, based on ASPA. Loss of US Aid Under IMET: 125,000 (FY04). Loss Under IMET: 50,000 (FY05).	Up until signing had publicly rejected BIA agreement.	"The controversy that has emerged in the wake of the entry into force of the Statute, which threatens to hinder the progress made and to obstruct the institution even before it begins its work is indeed regrettable. For our part, we favor an approach that would take into consideration even the concerns of those who are still doubtful of the ICC, with a view to accomplishing the universality of the Court. In a similar vein, we believe that the rights of States to sovereignty cannot be allowed to justify impunity and to compromise humanity's best hope for justice." -- His Excellency Professor Lebohng K. Moleko, the current Permanent Representative of Lesotho to the UN, at the first meeting of the Assembly of States Parties (September 9-10 2002)
Liberia	SP		Yes. Signed at Washington on 8 October 2003. Entered into force November 3, 2003. US State Department waiver granted on Nov 29, 2004						On 17 September 2004, the UN Security Council extended its UN Mission in Liberia (UNMIL) until September 19, 2005. With regards to US opposition to the ICC, a UN Press Release notes: "Speaking after the vote, the United States representative said that it was his Government's policy to ensure that members of the United States armed forces serving in peace operations were protected from criminal prosecution or other assertions of jurisdiction by the International Criminal Court (ICC). Normally, it would seek express provisions in the resolution providing such protections for personnel not party to the Rome Statute, but such arrangements had been made bilaterally with the Liberian Government, absent those provisions in the mandate extension." Full text of UN Press Release and Resolution 1561: <a href="http://www.un.org/News/Press/docs/2004/sc8187.doc.htm">http://www.un.org/News/Press/docs/2004/sc8187.doc.htm</a> [date?] In a memo dated November 29, 2004, it says that Liberia entered into agreement with the U.S. [Presidential Determination No. 2005-08 Memorandum for the Secretary of State, posted December 20, 2004]
Liechtenstein	SP	Not stated.	Unknown/under consideration.	Not stated.	Not stated.		Do not receive US aid qualified under ASPA..	Has aligned with the EU in publicly refusing to conclude an agreement.	"Similarly, there have been attempts over the past year to apply Article 98 of the Statute in a manner not provided for by the Statute. Article 98 was negotiated with a very limited application to Status of Mission and Status of Forces Agreements in mind, an understanding shared in Rome by all concerned parties. The purpose of Article 98 was not to create a loophole of impunity for nationals of non-States Parties. The proposed non-surrender agreements would not only undermine the integrity of the Court, but also the very principle of territorial jurisdiction of States." [Mr. Jonathon Huston, Advisor, Permanent Mission of the Principality of Liechtenstein addressing the 6th Committee of the UNGA on October 14, 2002]
Lithuania	SP	Not stated.	No.	US undersecretary of defence Dov Zakheim	Foreign Ministry's secretary Giedrius Cekuolis		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. On 21 November 2003, Lithuania received a national interest waiver with respect to programs supporting NATO or US operations in Afghanistan and Iraq.	Has aligned with the EU in publicly refusing to conclude an agreement.	"Our position hasn't changed -- we'll decide whether to sign the agreement suggested by the U.S. after consulting with partners in the European Union and NATO," said the Foreign Ministry's Information and Culture Department Director, Petras Zapolskas. [Baltic News Service, August 23, 2002, "Lithuania to wait for EU's position on Immunity for U.S. from ICC"] Defense Ministry Undersecretary Jurate Raguckiene said the military assistance agreements signed by Defense Ministry and U.S. representatives on June 30 stipulate allocation of 12 million U.S. dollars in 2003 in the framework of Foreign Armed Forces Funding Program. Despite signing this agreement, the U.S. has reportedly suspended military assistance programs to Lithuania and five NATO members-in-waiting for failing to exempt US soldiers from surrender to the ICC. It is unclear whether Lithuania actually lost any US assistance. [Baltic News Service, July 9, 2003.] Lithuanian Defense Minister Linas Linkevicius has also made public statements that Lithuania has "no plans at all" to sign the agreement. The government has already received its funds and
Luxembourg	SP		No.				Exempt from ASPA	Publicly rejected BIA agreement.	

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Macedonia, FYR	SP	Not stated.	Yes. Signed at Skopje June 30, 2003. Ratified October 26. Entered into force November 12, 2003.	Deputy Secretary of Defence Paul Wolfowitz	Macedonian Foreign Minister Ilinka Mitreva	Ratification necessary.	On July 1, 2003, President Bush issued a six-month waiver until 1 January 2004. Subsequently, on 30 December 2003, the waiver was extended indefinitely.	none given	Casule said Macedonia could not sign a deal with the US because it is itself subject to international prosecution. [BBC Monitoring Europe - Political Supplied by BBC Worldwide Monitoring, August 28, 2002, "Roundup of former Yugoslav states' reactions to US non-extradition deal on ICC"] In an interview with the spokesman for Macedonia it was stated that "the president holds the view that consultations between the relevant institutions will have to be initiated, as well as a wider public debate to present all relevant arguments that favour or oppose this. Naturally, we believe that making such a decision, which would provide the answer to this question and would be in accordance with the state's national interests, would require a debate without too many emotions and on the basis of the experience of certain countries in the region that have already made such decisions." [BBC Monitoring Europe May 8, 2003] "Our Embassy in Skopje has approached the Macedonian Government, also in writing, proposing formal talks on concluding an agreement, and we do have a team currently in Skopje for discussions." US State Dept.
Madagascar	S		Yes. Signed at Antananarivo April 23, 2003. Entered into force August 4, 2003 (State Dept).						According to an Agence France Press article, an agreement has reportedly been signed. (Source: AFP, 5/2/03)
Malawi	SP	Not stated.	Yes. Signed September 20, 2003. (State Dept information states: Signed at Lilongwe September 23, 2003. Entered into force September 23, 2003.)	Not stated.	Not stated.		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. On November 1, 2003, Malawi was exempted indefinitely from ASPA provisions, as they had entered into an agreement.		Foreign Minister Lilian Patel claimed that the government has decided to sign the so-called 'Article 98' deal in the best interest of the country. (Source: WMRC Daily Analysis, September 22, 2003)
Maldives	N		Yes. Signed on April 9, 2003 (State Dept information states: Signed at Male and Colombo April 8 and 10, 2003. Entered into force July 8, 2003.)						
Mali	SP	Not stated.	No.	Not stated.	Not stated.		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. \$250,000 has reportedly been suspended from FY 2004, based on ASPA. Estimated Loss of US Aid Under IMET: 350,000 (FY04). Projected Loss Under IMET: 175,000 (FY05). Projected Loss Under IMET: 50,000 (FY06).	Publicly rejected BIA agreement.	During a meeting organized by African Bar Associations on the ICC, Mali Prime Minister Mohamed Ag Hamani publically said that Mali would not sign any BIA with USA. [Newspapers Le Républicain and Nation, 24 July 2003]

Country Approached	RS Status	Date of US approach	Status of agreement	US official	Official approached	Agreement Provisions	Sanctions/waivers imposed by the U.S.	Official response	Reaction as reported in the news
Malta	SP	Not stated.	Unknown/under consideration.	Not stated.	Not stated.		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. \$1.25 million has reportedly been suspended from FY 2004, based on ASPA. Estimated Loss of US Aid Under IMET: 250,000 (FY04), Under FMF: 990,000 (FY04). Projected Loss Under IMET: 50,000 (FY06).	Has aligned with the EU in publicly refusing to conclude an agreement.	
Marshall Islands	SP	Not stated.	Yes. Signed at Majuro September 10, 2002. Entered into force June 26, 2003 (State Dept).	Not stated.	Not stated.				
Mauritania	N	Not stated.	Yes. Signed at New York September 17, 2002. Entered into force July 6, 2003 (State Dept).	Undersecretary of State for Political Affairs Marc Grossman	Minister of Foreign Affairs Dah Ould Abdi	Reciprocal.			Agreement signed on September 17, 2002 between US Under Secretary of State for Political Affairs Marc Grossman and Mauritanian Minister of Foreign Affairs Dah Ould Abdi. (Source: Mauritanian news agency AML, 9/19/2002) According to local press, Mauritania has ratified their bilateral immunity deal with the US. (Source: Africa News, 7/4/03)
Mauritius	SP	Not stated.	Yes. Signed at Washington June 25, 2003. Entered into force June 30, 2003 (State Dept).	Not stated.	Not stated.	Ratification necessary.	On 1 July 2003, President Bush issued an ASPA waiver until January 1, 2004. Subsequently, on July 29, 2003, the waiver was extended indefinitely as Mauritius had entered into a BIA.		An agreement was reportedly signed on or before June 26, 2003. (Source: U.S.-Mauritius Joint Statement on Article 98 Agreement, issued by US State Dept, 6/26/03) Mauritius received a presidential waiver for reasons of 'national interest' on July 1, 2003 until January 1, 2004. (Source: White House memo, 7/1/03) Mauritius had their aid restored by President George W. Bush after they recently concluded immunity agreements with the United States. (Source: Agence France Presse, July 30, 2003)
MERCOSUR	N/A								A US military exercise to be held with military forces from the South American Mercosur trade bloc was postponed over US demands for troop immunity, Argentine Foreign Minister Rafael Bielsa announced The exercise was postponed following a debate in the Argentine Congress over a US demand for jurisdictional exemption for US soldiers from the International Criminal Court.[Agence France Presse, October 1, 2003] Common position on the BIA.
Mexico	SP	Not stated.	No.	Not stated.	Not stated.		Deputy Assistant Secretary of State for Western Hemisphere Affairs Elizabeth Whitaker announced funding for Mexico's criminal justice system will be curtailed as a direct result of the Nethercutt Amendment and that under ASPA, the US has cut International Military Education and Training Program (IMET) funds [House Western Hemisphere Subcommittee on 26 April 2006, <a href="http://usinfo.state.gov/w/h/Archive/2006/Apr/28-383804.html">http://usinfo.state.gov/w/h/Archive/2006/Apr/28-383804.html</a> ].	Publicly rejected BIA agreement.	-"We regret the position adopted by the United States and all the actions discouraging the Ratification of the (Rome) Statute", stated Ambassador Adolfo Aguilar Zinser [October 16, 2002, Novedades (USA) "Mexico censura a EU en la ONU por rechazar la Corte Penal"] -Mexico's representative, Ambassador Aguilar Zinser, told the UNGA's 6th committee that the Court could not and would never be a political instrument, and regretted that the United States adopted actions to undermine the court. The representative said that Mexico would not sign an agreement weakening the court or violating its principles [October 25, 2002, "UN Members say World Court no threat to US", Inter Press Service]. Minister of Foreign Affairs Luis Ernesto Derbez said that "Mexico will not sign an bilateral immunity agreement to shield Americans from the jurisdiction of the ICC" He added: "We decided not to conclude an agreement with the US on Article 98 of the Rome Statute" [13 July 2005, "Rechaza Derbez firmar acuerdo para otorgar inmunidad a soldados," PERIODICO MILENIO]. Mexican government officials have made it clear to the United State

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Micronesia	N	Not stated.	Yes. Signed at Washington September 24, 2002. Entered into force June 30, 2003 (State Dept).	Not stated.	Not stated.				
Mongolia	SP	Not stated.	Yes. Effectuated by exchange of notes at Washington June 6, 2003. Entered into force June 27, 2003 (State Dept).	Not stated.	Not stated.	Ratification necessary.	On 1 July 2003, President Bush issued an indefinite waiver for as long as the BIA remains in force.		
Morocco	S		Yes. Signed at New York September 24, 2003. Entered into force November 19, 2003 (State Dept).						According to the Washington Times, Morocco has signed a secret BIA with the U.S. [The Washington Times, AMNESTY FOR U.S. CITIZENS BOOSTED, October 8, 2003] On June 3, 2004, the US designated Morocco as a Major Non-NATO Ally. [http://www.whitehouse.gov/news/releases/2004/06/20040603-7.html]
Mozambique	S		Yes. Signed at Maputo June 24, 2003. Entered into force March 2, 2004 (State Dept). Approved by Council of Ministers in February 2004 and published (in Portuguese and English) in the official gazette in March 2004.			Parliamentary approval would be required.			
Namibia	SP	Not stated.	No.	Not stated.	Not stated.		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. \$225,000 has reportedly been suspended from FY 2004, based on ASPA. Estimated Loss of US Aid Under IMET: 225,000 (FY04). Projected Loss Under IMET: 100,000 (FY05). Projected Loss Under IMET: 100,000 (FY06).	Publicly rejected BIA agreement.	Namibian Justice Minister Dr Albert Kawana said, "the US could still approach Namibia on a bilateral basis to sign an agreement to give immunity to US citizens found guilty of war crimes." [The Namibian, 3 July 2003] The Ministry of Defence confirmed yesterday that Chief of Defence, Lieutenant General Solomon Hawala, has received a letter in which the US urged him to "advise" the Namibian Government to sign an agreement "in terms of Article 98" of the ICC. A local newspaper reports that the BIA request was accompanied by a reminder that Government could lose military assistance from the US if it does not. The Namibian Defence Force's legal advisor, Colonel Veikko Kavungo, said the Namibian Cabinet will have to decide whether or not to accede to the US's request for immunity. [Africa News, July 9, 2003.] The National Society of Human Rights (NSHR) has welcomed Namibia's ratification of the Rome Statute, and is urging lawmakers not to agree to US requests to sign a BIA. [Africa News, July 21, 2003.] Despite US efforts to pressure Namibia to sign a BIA (including a letter from the US govern
Nauru	SP	Not stated.	Yes. Signed at Washington February 26, 2003. Entered into force December 4, 2003 (State Dept).	Reportedly intermediaries were used (denied by US)	President Bernard Dowiyogo	Reciprocal. Executive agreement, ratification necessary.			On March 4, 2003, the New Zealand Herald reported that the bilateral agreement had been made. "[Washington-based lawyer Philip] Gagne's letter also included a bizarre additional request from US officials. In addition to banking reform, it asked that Nauru carefully consider signing a so-called Article 98 Agreement to declare that both nations would shield each other's citizens from the new International Criminal Court. This request -- part of a global push by the anti-ICC US to get nations to sign such agreements -- was unrelated to the issue of Nauru's banking and passport practices. Like the listening post, Washington had just tacked it on to its list of demands [On February 25, 2003] Vinci Clodumar had provided written advice to the president that the US was discreetly linking the request for an Article 98 agreement with its other demands. His advice was that Nauru would "lose its credibility in the international community" if it signed such a deal. Therefore, it was worth doing only "on the basis the US also signs off in writing its commitment to [financially] assist Nauru". But Nauru never got anything in writin

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Nepal	N	Not stated.	Yes. Signed at Kathmandu December 31, 2002. Entered into force July 22, 2003 (State Dept).	US ambassador to Nepal, Michael E. Malinowski	Nepal Foreign secretary, Madhu Raman Acharya	Reciprocal			"Under the agreement signed Tuesday, the nationals of the respective countries serving under peace or other missions if found involved in genocide, war crimes or crimes against humanity will not be surrendered to the international tribunal as per the ICC convention article 98," a spokesman from the Nepali Foreign Ministry reportedly said. "But the respective nationals would be surrendered to their respective countries for actions under their country's laws," he added. [Agence France Presse, December 31, 2002] The US embassy was reported to have issued a statement saying, "Nepal and the United States share the highest regard for international standards of human rights, and remain firmly committed to presenting anyone guilty of war crimes, crimes against humanity, or genocide. The signing of this agreement in no way diminishes that commitment. Instead this accord reflects mutual concerns regarding the International Criminal Court treaty, including its possible implications for national sovereignty, the role of the United Nations Security Council, and its lack of appropriate checks and balance." [BBC Monitor
Netherlands	SP	30 Jul 2002	No.	Not stated.	Not stated.		Exempt from ASPA	Publicly rejected BIA agreement.	The Dutch government has said it would never sign a treaty with the United States. Dutch Foreign Minister De Hoop Scheffer was quoted as saying the treaty, which creates an exception for US soldiers, would "spell an end" to the court. [Xinhua General News Service, September 3, 2002, "Netherlands refuses US demand for immunity from ICC"] The Dutch Foreign Ministry said it was not considering such a deal. "Our position and the position of the European Union is clear," said Dutch Foreign Ministry spokesman Hans Jansen. "An exception as such, as they have indicated, would undermine the court's statute." [July 30, 2002 - Associated Press Worldstream, "Dutch remain opposed to U.S. exemption from new international court"]
New Zealand	SP	Not stated.	No.	Not stated.	Not stated.		Exempt from ASPA		
Nicaragua	N	Not stated.	Yes. Signed at Managua June 4, 2003. Ratified July 9, 2003. Entered into force September 12, 2003 (State Dept).	Not stated.	Not stated.	Reciprocal. Under the Constitution, a bilateral agreement must be ratified within 15 working days after its approval by the National Assembly.			A high official of the Executive branch confirmed that the Agreement was signed [the week of June 9, 2003] by the Minister of Foreign Affairs, Norman Caldera, but denied that it is a secret agreement as reported by Washington. [El Nuevo Diario, June 17, 2003, "Acuerdo secreto con EU."] Nicaragua's Sandinist National Liberation Front (SNLF) opposition publicly denounced the agreement and said it would demand explanations from the President and Foreign Minister. [Xinhua News Service, June 18, 2003, "Nicaragua's main opposition slams ICC immunity deal with US."] Nicaragua's liberal Partido Liberal Constitucionalista (PLC) has decided to support ratification of the BIA. The Sandinist National Liberation Front lean toward not ratifying the agreement, but also do not support the ICC in general. The parliament approved the BIA, granting reciprocal exemption from surrender to the ICC. Alfonso Ortega, president of the Foreign Affairs Committee of the National Assembly, stressed that the agreement does not seek to undermine the authority of the ICC, while the opposition Sandinist National Liberation Front rei
Niger	SP	Not stated.	No.	Not stated.	Not stated.		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. \$200,000 has reportedly been suspended from FY 2004, based on ASPA. Estimated Loss of US Aid Under IMET: 200,000 (FY04). Projected Loss Under IMET: 100,000 (FY05). Projected Loss Under IMET: 50,000 (FY06).	Publicly rejected BIA agreement.	
Nigeria	SP	Not stated.	Yes. Signed at Abuja on June 30, 2003. Entered into force October 6, 2003 (State Dept).	Not stated.	Not stated.		On 1 July 2003, President Bush issued an ASPA waiver until January 1, 2004. Subsequently, on November 1, 2003, the waiver was extended indefinitely as Nigeria had entered into a BIA.		According to US State Dept spokesperson Richard Boucher, "There is a four-month waiver for countries who signed before May 1st and haven't yet ratified, a six-month waiver for countries who signed after May 1st and haven't yet ratified. In many cases, ratification means working things through parliament, which takes some time in some places." As such, Nigeria received a six-month waiver. Nigeria has reportedly signed a secret BIA with the U.S. prior to the visit by President Bush to Nigeria. [The Washington Times, AMNESTY FOR U.S. CITIZENS BOOSTED, October 8, 2003], and was subsequently waived from ASPA on November 1, 2003. US Army Colonel Victor Nelson said during a Washington File interview that Nigeria "has been very supportive of American foreign policy [...]Nigeria has signed Article 98 because we requested it." [United States Department of State, March 26, 2004. <a href="http://allafrica.com/stories/200403280016.html">http://allafrica.com/stories/200403280016.html</a> ] <i>The Nigerian Senate asked President Olusegun Obasanjo to rescind a BIA between Nigeria and the US. The Senate decision was predicated on the report of the joint committees on Judiciary and Foreign Affairs. The Senate also noted that it wou</i>

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Norway	SP	early August	No response yet/likely no.	Not stated.	Not stated.			Has aligned with the EU in publicly refusing to conclude an agreement.	Foreign Minister Jan Peterson asserts that Norway will reject the US plea. "I think the Americans are definitely exaggerating the problems with the court," said Peterson. "They have absolutely a point that the court might be abused, but in its statutes there are built in so many clauses and security mechanisms that this problem is in many ways solved," he added. [August 9, 2002 - Agence France Presse "Norway to Snub US Plea to Give Immunity from War Crimes Court"] "We consider the court to be a milestone in international justice, and we will be very reluctant to do anything that would undermine it in any way," said Oeystein Boe, the spokesman for the Norwegian Foreign Ministry. [8 August 2002 - Agence France Press, "USA Asks Norway to Sign Non-Extradition Pact on Hague Court"]
Oman	N		Yes. Reported agreement with understanding effected by exchange of notes on July 26 and August 1, 2004 at Muscat. Likely executive agreement on August 1, 2004.						
Pakistan	N		Yes. Signed at Washington July 21, 2003. Entered into force November 6, 2003 (State Dept).			Reciprocal agreement			An agreement was reportedly signed by Pakistan ambassador to US and US assistant secretary of state Christina Rocca on July 21, 2003. The agreement binds the two countries against the unilateral transfer or surrender of persons (current or former government officials, employees including contractors or military personnel or nationals) of other country to any international tribunal or third country. The agreement, however, reaffirms the importance of bringing to justice those who commit genocide, crimes against humanity and war crimes." The Joint Opposition demanded of the government to make public the extradition treaty it has signed with the government of United States. "The government must explain as to why it is keeping the said agreement as a guarded secret", the leaders of the Joint Opposition in the Senate said while addressing a joint news conference at Parliament House. Those who spoke on the occasion included President MMA Shah Ahmed Noorani, MMA leaders Prof. Khurshid, Prof. Ghafoor Ahmed, Parliamentary leaders of PPP-P and PML (N) Raza Rabbani, Ishaq Dar, Sana Ullah Bloch of BNP, Raza Muh
Palau	N	Not stated.	Yes. Signed at Koror September 13, 2002. Entered into force July 7, 2003 (State Dept).	Not stated.	Not stated.				
Panama	SP	Not stated.	Yes. Signed at Panama June 23, 2003. Entered into force November 6, 2003 (State Dept).	Not stated.	Not stated.		On July 1, 2003, President Bush issued an ASPA waiver until 1 January, 2004. Subsequently, on 30 December 2003, the waiver was extended indefinitely.		The press reports that Panama is set to receive a donation of more than \$7 million from the US to reinforce its security forces, a product of enhanced relations between the governments as a result of signing a BIA. [XINHUA GENERAL NEWS SERVICE, July 12, 2003.]According to this article published a bilateral immunity agreement between the US and the Government of Panama regarding the ICC was approved on October 8, 2003. [LA PRENSA, October 9, 2003].

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Papua New Guinea	N		Yes. Signed at Washington September 30, 2004. Entered into force September 30, 2004 (State Dept)	Secretary of State Colin Powell	Foreign Affairs Minister Sir Rabbie Namaliu	Reciprocal			The PNG Post-Courier reported on the signing of a reciprocal "controversial Article 98 Agreement" between Papua New Guinea and the United States. The article notes: "Sir Rabbie said PNG was not a party to the Rome Statute which had jurisdiction over specific crimes such as genocide, war crimes and other crimes against humanity and aggression, but may still be required or requested to surrender accused persons of PNG or American nationality to the ICC. He said: So this bilateral agreement will operate to give adequate and effective legal protection to nationals of both countries. But accused US or PNG nationals will still be tried under the laws of their own country. The signing of the controversial article with the US happened at a first meeting since Independence in 1975 for a PNG Foreign Affairs Minister to have an audience with a US Secretary of State." [PNG Post-Courier, October 4, 2004] Foreign Affairs Minister for Papua New Guinea, Sir Rabbie Namaliu, has recommended that Parliament ratify the BIA signed in September 2004. PNG's BIA would shield PNG citizens from the ICC (i.e., the BIA was reciprocal
Paraguay	SP	Not stated.	No.	Not stated.	Not stated.		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. \$300,000 has reportedly been suspended from FY 2004, based on ASPA. Up to an additional \$3 million has been threatened by the Nethercutt Amendment. Estimated Loss of US Aid Under IMET: 300,000 (FY04). Projected Loss Under IMET: 250,000 (FY05), Under ESF: 2,796,000 (FY05). Projected Loss Under IMET: 50,000 (FY06), Under ESF: 2,550,000 (FY06).	Publicly rejected BIA agreement.	-Defense Minister Carlos Romero Pereira's commented that granting US nationals immunity from the ICC would be "very difficult." He also states "that Congress will not approve the agreement, should the Paraguayan Government decide to support the United States [...] Since Congress does not approve the agreement, it will not come into effect; therefore, the financial military aid that the United States is giving to our country will not continue." [World News Connection, October 11, 2003] Paraguay has said that the US petition of immunity for its citizens before the International Criminal Court (ICC) has already been attended in two bilateral agreements and ruled out a new agreement on the issue. through Paraguay's Foreign Ministry said he that it will not accept a "immunity agreement" requested by the United States, which in reprisal suspended on Oct. 1 the military assistance for Paraguay. Paraguay's Foreign Ministry has argued that Paraguay and the US have signed an agreement, granting immunity to US personnel during joint military drills in Paraguay. The second agreement is the extradition treaty, in effect since 1988 to legalize their rights and obligations
Peru	SP	Not stated.	No.	US Assistant Secretary of State for Latin America Roger Noriega [August 2004]	Not stated.		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. \$2.7 million has reportedly been suspended from FY 2004, based on ASPA. Up to an additional \$8 million could be threatened by the Nethercutt Amendment. Estimated Loss of US Aid Under IMET: 700,000 (FY04), Under FMF: 1,730,000 (FY04). Projected Loss Under IMET: 300,000 (FY05), Under FMF: 992,000 (FY05), Under ESF: 7,936,000 (FY05). Projected Loss Under IMET: 50,000 (FY06), Under FMF: 300,000 (FY06), Under ESF: 8,000,000 (FY06).	Publicly rejected BIA agreement.	In response to a letter from a Peruvian MP, dated October 17, 2002, the Minister of Foreign Affairs said the Peruvian State has assumed a formal commitment with the signature and the ratification of the Rome Statute of the International Criminal Court. For that reason, this Office will not take any action of other commitment that undermines or diminishes the scope of the Rome Statute. Foreign Minister Allan Wagner has recently made public remarks that, as State Party to the Rome Statute, Peru will not take any action or accept any commitment that would adversely affect or reduce the treaty's scope, especially if the US military aid suspension will not affect the fight against drug trafficking. Peruvian lawmaker Javier Diez Canseco echoed these comments, affirming that "signing the agreement would represent sacrificing Peru's principles and sovereignty." [BBC, July 14, 2003.] In August 2004, the US Assistant Secretary of State for Latin America visited Lima and re-requested that Peru sign a BIA, but the Peruvian government kept its original stance. In an informal translation of a government press release, Peru

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Philippines	S	1 Aug 2002	Yes. Signed on May 14, 2003. (State Dept information states: Effected by exchange of notes at Manila May 9 and 13, 2003. Entered into force May 13, 2003.)	Ambassador Francis Ricciardone	Department of Foreign Affairs	Reciprocal agreement. Major distinctions between the Philippines text (May 2003) and the East Timor text (August 2002) are the following: 1. The second paragraph of the preamble (recognizing the Rome Statute of the ICC...) has been omitted. 2. The phrase "Bearing in mind Article 98 of the Rome Statute" has been omitted. 3. The exemption has been requested for any non- SC sponsored	Exempt from ASPA as a major non-NATO ally	none given	The Philippines is considering a deal with Washington in exchange for more US military aid, according to foreign department sources. [August 21, 2002 - Agence France Presse, "Pressed for military aid, Philippines thinking of ICC immunity deal with US"] The Philippine Foreign Secretary Blas Ople concluded an executive agreement in an exchange of notes with US Secretary of State Colin Powell on May 13, on the non-surrender of US and Philippine nations to a third party. According to a press release issued by Representative Satur Ocampo, there is speculation that "the agreement was signed it time for [President] Arroyo's US state visit to finally secure an initial \$30 million in military aid being dangled by the Bush government since last year." [Agence France Presse, June 2, 2003 Monday] Communist rebels and other activists on Tuesday condemned a Philippine accord with Washington exempting Americans from prosecution by a new international criminal court, saying it removed a safeguard against possible U.S. military abuses there. [Associated Press Worldstream, June 3, 2003 Tuesday, Communist rebels, mil
Poland	SP	Not stated.	Under consideration.	Not stated.	Not stated.			Has aligned with the EU in publicly refusing to conclude an agreement.	"Many countries eager to please the United States are closely watching the positions of the EU dissenters. Polish officials, for one, have been in close contact with their British counterparts over the issue." [October 2, 2002, "EU forges deal on world court; Some U.S. immunity in view", International Herald Tribune].
Portugal	SP	Not stated.	The Portuguese Foreign Affairs Ministry has frozen the US proposal. Initially, the deal was turned down by the Consultative Committee of the General Attorney's Office, which had been asked for a verdict by the Foreign Affairs Ministry. The Committee's verdict is not binding and was submitted to the Ministry's legal advice services for a decision on whether it should be promulgated or rejected. [BBC Monitoring International Reports, April 21, 2003]	Not stated.	Not stated.		Exempt from ASPA	Publicly rejected BIA agreement.	MFA Antonio Martins da Cruz said that the Portuguese government requested a legal opinion from their Prosecutor's Office on a bilateral immunity agreement with the United States [October 17, 2002, "PORTUGAL-EEUU Gobierno consulta con Fiscalia sobre acuerdo inmunidad EEUU TPI"].
Republic of Korea	SP						EXEMPT from ASPA as a major non-NATO ally		

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Rio Group	N/A	N/A	N/A	N/A	N/A				"We, the member states of the Rio Group, believe that the integrity and effectiveness of the Rome Statute is not negotiable. We are convinced that its full application and interpretation, in keeping with the principles of public international law and the law of treaties, are absolutely necessary to ensure the noble objectives which motivated the creation of the Court. We therefore, urgently plead to all States to respect both the letter and the spirit of the Rome Statute, and actively guarantee its effectiveness and legitimacy. The Rio Group will make the strongest efforts to this effect." Costa Rica, on behalf of the Rio Group -- H.E. Mr. Bruno Stagno, Ambassador and Permanent Representative of Costa Rica to the United Nations, at the first meeting of the Assembly of States Parties (9-10 September 2002)
Romania	SP	Approached July 27, 2002. Signed on August 1, 2002.	Yes. Signed on August 1, 2002. However, Foreign Minister Mincea Geona said Romania will not ratify accord unless a common stand is accepted by the US and the EU. [BBC Monitoring Europe, September 20, 2002, "EU Commissioner Reassures Romania Country Will "not be left outside"]	John McCain, Fred Thompson	Prime Minister Adrian Nastase	Apparently not reciprocal. Parliament will not ratify until EU forms a position. The agreement may be amended to conform with the EU's Guiding Principles prior to parliamentary ratification.	On July 1, 2003, President Bush issued a waiver until November 1, 2003, which was extended for another 6 months until May 1, 2004 on the basis of "national interest".	Has aligned with the EU in publicly refusing to conclude an agreement.	It was reported that Romanian Senate Speaker Nicolae Vacaroiu said that the accord between Romania and the US will not be ratified by parliament before the United States and the European Union reach an agreement on this matter. [BBC Monitoring Europe - Political, September 25, 2002, "ICC accord between Romania and US will not be ratified."] President Iliescu met in Johannesburg with Danish Premier Anders Fogh Rasmussen, who currently chairs the rotating EU Presidency, and told him that the parliament will not ratify the treaty Romania recently signed with the United States on the proposed International Criminal Court (ICC) until the EU officially formulates its own position on the treaty. ["RFE/RL Newline" (Romanian Radio), 5 September 2002, "ROMANIAN PRESIDENT SAYS ICC TREATY WILL AWAIT PARLIAMENTARY RATIFICATION"] McCain was quoted as saying Romania will be a significant and influential member of NATO, which could offer support in Afghanistan. [August 19 2002 - BBC Monitoring Europe-Political, "Romania News Agency Review of Romanian Press for 19 Aug 2002"] President Ion Iliescu is reported as saying Romania will adapt the agree Romanian Parliament will be discussing the issue of ratifying the bilateral immu
Russia	S		Unknown/under consideration.						
Rwanda	N	Not stated.	Yes. Signed at Washington March 4, 2003. Entered into force July 11, 2003 (State Dept).	Secretary of State Colin Powell	Foreign Minister Charles Murigande	Reciprocal			In response to a question asking why the president signed the agreement, President Kagame replied: "Well, we thought first of all, we have to deal with some of these cases that require such a treatment where if the United States, for example, had a case that it's interested in, of their citizen to be tried in the United States, we respect that. And I'm sure if we had our own citizen who has committed an offense of a criminal nature, that we would have interest in, it would be interesting to us for the United States, where that is possible, for the United States to hand over such a person." [Federal News Service: March 4, 2003].
Samoa	SP	Not stated.	No.	Not stated.	Not stated.		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. \$150,000 has reportedly been suspended from FY 2004, based on ASPA. Estimated Loss of US Aid Under IMET: 150,000 (FY04). Projected Loss Under IMET: 50,000 (FY05). Projected Loss Under IMET: 50,000 (FY06).	Publicly rejected BIA agreement.	The Foreign Minister reportedly announced that Samoa would not sign a BIA.
Sao Tome and Principe	N		Yes. Exchange of notes on November 6 and November 12, 2003, in Libreville and Sao Tome. Likely executive agreement on November 12, 2003.						

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Senegal	SP	Not stated.	Yes. Reportedly signed June 21, 2003.(US State Dept information states: Signed at Dakar June 19, 2003. Entered into force June 27, 2003).	Not stated.	Not stated.		On July 1, 2003, President Bush issued an ASPA waiver for as long as the BIA remains in force.		The government reportedly signed a BIA shortly before President Bush's visit in the beginning of July 2003. Hours before President Bush's arrival, a group of some 40 intellectuals and political activists mounted a street protest denouncing the US leader for his government's policies on the newly-created International Criminal Court. The protest was organized on behalf of the Senegalese Intellectuals' Action Committee (SIIC). [AFP, 8 July 2003.]
Serbia and Montenegro	SP	8 Aug 2002	No.	US Embassy in Belgrade	Foreign Ministry (Presumably Foreign Minister Goran Svilanovic)	Reciprocal agreement.	On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. \$500,000 has reportedly been suspended from FY 2004, based on ASPA. Estimated Loss of US Aid Under IMET: 250,000 (FY04). Projected Loss Under IMET: 50,000 (FY05). Projected Loss Under IMET: 50,000 (FY06).	Publicly rejected BIA agreement.	It was reported that Serbian presidential candidate Miroslav Labus said that adopting double standards is not tenable, adding that all relevant bodies would be consulted before the decision was made. He emphasized that the issue was particularly sensitive for Yugoslavia, because on the one hand the USA is pushing Yugoslavia to cooperate with an international court, and on the other hand they are refusing to cooperate with one. [BBC, August 28, 2002, "Roundup of former Yugoslav states' reactions to US non-extradition deal on ICC".] Yugoslav Deputy Justice Minister Nebojsa Sarkic believes the US offer is bad from the standpoint of legal order, while Yugoslav Prime Minister Dragisa Pesic advises against a hurried decision, because a negative response could worsen Yugoslavia's relations with the USA. Foreign Minister Goran Svilanovic says government must wait and not be the ones to "cut this knot." He has also said that his moderate government has always tried to keep "balanced relations with key (foreign) partners" that include the United States and the European Union. He added, "This issue puts the govern Bojovic goes on to say that, given the difficult position, Belgrade will likely delay
Seychelles	S	Not stated.	Yes. Signed at Victoria June 4, 2003. Entered into force July 17, 2003 (State Dept). (Reportedly signed in secret)	Not stated.	Not stated.				
Sierra Leone	SP	Not stated.	Yes. Signed on March 31, 2003 in Freetown. Ratified by Parliament on May 6, 2003. Entered into force May 20, 2003 (State Dept).	US Assistant Secretary of State for African Affairs Walter Kansteiner	Justice Minister Eke Ahmed Halloway	Ratified. Reciprocal. As indicated by NPWJ, the agreement was earlier presented for ratification only days after its signature as part of a "package" which included a 25 million USD investment in Rutile mining operations in cash-strapped Sierra Leone.	On 1 July 2003, President Bush issued a presidential ASPA waiver for as long as the BIA remains in force.	none given	H.E. Mr. Allieu I. Kanu, Ambassador and Deputy Permanent Representative of Sierra Leone, addressing the 6th Committee of the UNGA had stated: "Sierra Leone will seek together with our regional partners an advisory legal opinion from the ICJ on the so called Article 98 Agreements." The Sierra Leone+112 website reported that "Sierra Leone's parliament voted by an overwhelming margin Tuesday to ratify an "Article 98" agreement with the United States, under which the two countries agree not to turn over each other's nationals accused of war crimes to the newly-formed International Criminal Court (ICC) in the Hague. Reportedly, only one parliamentarian, Ibrahim Sorie (APC-Kambia District) voted against ratification. The agreement was approved despite heavy lobbying from local and international human rights groups."
Singapore	N		Yes. Effected by exchange of notes at Singapore October 17, 2003. Entered into force October 17, 2003 (State Dept).						

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Slovakia	SP	Not stated.	Under consideration. Slovak Foreign Minister Eduard Kukan to answer the US request.	Not stated.	Foreign Minister Eduard Kukan		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. On 21 November 2003, Slovakia received a national interest waiver with respect to programs supporting NATO or US operations in Afghanistan and Iraq.	Has aligned with the EU in publicly refusing to conclude an agreement.	The EU's compromise on the ICC was welcomed by Slovak Foreign Minister Eduard Kukan. "We are interested in keeping good relations with both the United States and the EU," he said. "We are watching this positive development with delight," he added. According to Kukan, Slovakia will consider making a bilateral agreement with the USA. [October 1, 2002, "EU compromise on ICC will enable Czech-US agreement - Svoboda", CTK National News Wire]. Slovak Minister Eduard Kukan remarked that Slovakia's position on the ICC will fall in line with the EU. "Our position is based on that of the EU, and in talks with the USA we will express the view that as an acceding country we respect the union's standpoint," he told the TASR news agency. [BBC Monitoring International Reports, July 23, 2003.] The White House said Slovakia would not lose US military aid for refusing to sign a deal exempting US nationals from prosecution at the international court. [Agence France Presse November 22, 2003]
Slovenia	SP	July 14, 2002, new proposals in Feb 2003.	No. Prime Minister Anton Rop: "We will not sign the deal on non-extradition of US citizens to the ICC." [AFP, June 13, 2003]	Congressional Delegation. Rep. Henry Hyde; additional approach in Feb 2003 by US Embassy in Slovenia.	Prime Minister Janez Drnovsek, Foreign Minister Dimitrij Rupel, President Milan Kucan		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. A local news report indicates that the US aid loss in 2004 involves \$400,000 for international military training program and \$4 million dollars for the military funds program. On 21 November 2003, Slovenia received a national interest waiver with respect to programs supporting NATO or US operations in Afghanistan and Iraq.	Has aligned with the EU in publicly refusing to conclude an agreement.	In an interview, Presidential candidate Janez Drnovsek, with regard to his position on a so-called Article 98 agreement between Slovenia and the US, said the following: "We are doing what the other European countries are doing . On the one hand, we obviously signed the agreement on the ICC, and on the other hand, the USA has offered a bilateral agreement which we are considering together with the EU. Similarly to the EU, we have already said that it should be amended. We are seeking some possibility that this agreement - if we signed it - would not go against the ICC, so that we would not be contravening it. This possibility is being sought. The EU has already found some legal possibilities and now consultations between the USA and Europe are under way on whether these possibilities could be acceptable to both sides. And we agree with this. I believe that it would be unnecessary for Slovenia to take any kind of stance when the entire international community is now seeking an optimal solution to this issue..." [October 25, 2002, "Premier and presidential candidate answers questions on Slovene radio", BBC
Solomon Islands	S		Yes. Signed on 20 September 2003. (State Dept information states: Signed at Washington September 19, 2003. Entered into force March 17, 2004).						
South Africa	SP	Not stated.	No.	Not stated.	Not stated.		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. \$7.6 million has reportedly been suspended from FY 2004, based on ASPA. Up to an additional \$1 million could be threatened by the Nethercutt Amendment. Estimated Loss of US Aid Under IMET: 1,600,000 (FY04), Under FMF: 6,000,000 (FY04). Projected Loss Under IMET: 50,000 (FY05), Under ESF: 992,000 (FY05). Projected Loss Under IMET: 50,000 (FY06), Under ESF: 1,300,000 (FY06).	Publicly rejected BIA agreement.	A local news commentary reports that the loss of military aid to South Africa is approximately \$5 million. [6 July 2003.] US President Bush had intended to go to a South African military base during his African tour, but that was dropped in favor of a visit to a Ford motor plant. The Star, a South African newspaper, quoted South African government sources as saying the Americans were "too embarrassed" to proceed with the visit to the base, because in recent days the administration cut military aid to South Africa and other countries that did not agree to exempt U.S. citizens from prosecution before the ICC. An administration official said Bush "simply decided he wanted to go to the Ford plant." Senegal and Botswana agreed to the exemptions, provoking some grumbling here that Bush bought their support with military aid and a presidential visit. [The Washington Post, July 10, 2003.] At a meeting for the formation of a South Africa-Kenya bi-National Commission (BNC), both governments rejected what they called US "intimidation and diplomatic arm-twisting," on the ICC issue. [Panafrican News

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Spain	SP	14 Aug 2002	No.	Secretary of State Colin Powell	Foreign Secretary Ana Palacio		Exempt from ASPA	Publicly rejected BIA agreement.	"Spain's position is the same as that of major European governments, which is that we support the ICC operating by the rules under which it was designed," said a Spanish foreign ministry spokesman [Agence France Presse, August 27, 2002 "No let-outs from rules of international court, says Spain"] Spanish Minister of Foreign Affairs, Ana Palacion, denied today that the EU had granted the US with any kind of immunity before the International Criminal Court (ICC) and reaffirmed that the common position adopted by the fifteen member states is a "good example of what can be achieved in the means of foreign policy". [October 9, 2002, Spanish Newswire Services, "TPI-EEUU Palacio: acuerdo UE sobre TPI es "buen ejemplo" para futura PESC"] Reportedly, Spain has received the formal request from the United States to sign a bilateral agreement on immunity before the ICC. American Ambassador Marisa Nilo stated that Spain has not given an answer yet [October 19, 2002, Spanish Newswire Services, "Una enviada de Washington realiza una gira por varias capitales europeas"]. Spanish Foreign Minister Ana Palacio defended the EU position on bilateral agreements
Sri Lanka	N	Not stated.	Yes. Signed at Colombo November 22, 2002. Entered into force July 4, 2003 (State Dept).	U.S. Ambassador Ashley Wills	Sri Lankan foreign minister Tyronne Fernando	Reciprocal			"The agreement obliges not to surrender or extradite nationals of either party in the territory of the other to the International Criminal Court unless the express consent is obtained," the statement said. [AP Worldstream; November 22, 2002; "Sri Lanka and United States agree not to surrender each other's citizens for International Criminal Court trial"]
St. Lucia	S		No.					Publicly rejected BIA agreement.	Prime Minister Dr Kenny Anthony says St Lucia has every intention of ratifying the Rome Statute, despite withdrawal of US military aid for not signing a BIA. "We would not flinch in the face of a decision by the US to withhold assistance," he told a press conference on Wednesday (9 July). While acknowledging US support to the St Lucia Marine Unit of the Police Force in the form of fuel, boats and other necessities, Anthony said: "We have a commitment we have to honour, the eyes of the world will be on us. If we decide to back out we would be displaying the kind of cowardice which is not in the character of the administration that I lead." He noted that St Lucia, like the rest of Caricom has agreed to sign and ratify the ICC treaty, particularly in light of Trinidad and Tobago's involvement in the establishment of the Court. [BBC Monitoring International Reports, July 10, 2003.]
Suriname	N	Not stated.		Not stated	Not stated.				December 2005 - Under current pressure to sign a BIA. Press Reports prior to December 2005 inaccurately stated Suriname had signed a BIA. In reality, they have only signed a provision on a pre-existing SOFA - so, not a BIA. Suriname will sign on to ICC despite potential loss of aid, but is considering signing a BIA with US. [AFP, February 13, 2004. Article 98]. President Venetiaan signed the BIA but Congress still has to ratify the agreement before it becomes effective. There are indications that there will be some resistance from legislators to ratify. [World Markets Analysis, February 3, 2005]
St. Vincent and the Grenadines	SP	Not stated.	No.	Not stated.	Not stated.		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. \$300,000 has reportedly been suspended from FY 2004, based on ASPA.	Publicly rejected BIA agreement.	
St. Kitts and Nevis	SP		Effectuated by exchange of notes in Washington January 31, 2005. Evidently entered into force January 31, 2005 (State Dept) but officials deny having signed.						

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Swaziland	N	Not stated.	Yes. Announced 8 July 2006 by Principal Secretary (PS) in the Ministry of Foreign Affairs and Trade, Clifford Mamba	Not stated.	Not stated.	Not stated.	Do not receive US aid qualified under ASPA.		"Government has signed a controversial agreement with the United States of America. The agreement that political commentators feel is dangerous for the country accords total immunity to American soldiers. In a nutshell it states that if an America soldier commits a crime whilst here, Swaziland will shut up and let the Americans deal with that particular soldier. The agreement means Americans, no matter where they commit crimes, are not accountable to anyone but their own government. ... Not even the International Criminal Court (ICC) dares to touch them following the withdrawal by their government from it. The agreement exempts soldiers who have committed war crimes. It can't be said exactly what the country has benefited, besides nursing hopes that the relationship between Swaziland and the USA becomes even firmer than before. Principal Secretary (PS) in the Ministry of Foreign Affairs and Trade, Clifford Mamba, confirmed the signing of the agreement with the USA. The USA Government has been in negotiations with the Swazi Government for lengthy periods until recently, when the Swazi Government agreed to sign. The
Sweden	SP	Not stated.	No.	Not stated.	Not stated.		Do not receive US aid qualified under ASPA.	Publicly rejected BIA agreement.	Sweden's deputy prime minister Lena Hjelm-Wallen said "My government is highly critical of all efforts to undermine this treaty through agreements not in conformity with its object and purpose" [Associated Press Worldstream, September 10, 2002 "Annan hails new tribunal as 'missing link'"].
Switzerland	SP	August	No. Formal rejection 14 August 2003.	Not stated.	Not stated.		Do not receive US aid qualified under ASPA.	Has aligned with the EU in publicly refusing to conclude an agreement.	"I do not believe Switzerland should sign this kind of agreement," Foreign Minister Joseph Deiss said. "We hope the United States will not impede the work of the court," he added. [August 13, 2002 - The New York Times Online, "Swiss Nix U.S. Deal on Immunity"] On October 1, Daniela Stoffel of the Swiss Foreign Ministry said: "We certainly don't wish to see a weakening of the court. We will see how the court will proceed. It's not that it is weakened by this decision of the EU, but it will have to prove that it can do the work it was created to do. We don't regret not granting these exemptions. In fact they would be superfluous anyway, because Switzerland does not have American troops on its soil. We see the EU's decision not as a compromise but as a solution to give member states some fairly narrow room for maneuver should they want to make special agreements with the US. We can't of course interfere in any decision the EU has taken, but we wish for a strong ICC, as strong as possible. We don't see all 15 members of the EU making these arrangements with the US. We'll just have to wait and see which
Tajikistan	SP	Not stated.	Yes. Signed August 27, 2002. Ratified on October 9, 2003. (State Dept information states: Signed at Dushanbe August 26, 2002. Entered into force June 23, 2003.)	Not stated.	Not stated.	Reciprocal. Immunity only guaranteed for one year. Tajikistan has ratified the BIA they signed with the U.S. last year.	On 1 July 2003, President Bush issued an ASPA waiver for as long as the BIA remains in force.	none given	This reciprocal agreement provides immunity from prosecution by the ICC for 5 years. (Source: Russian Vlast Journal, 7/16/2002) Tajikistan received a presidential waiver on July 1, 2002. (Source: White House memo, 7/1/03) The Tajik parliament's lower house ratified the agreement on October 9, 2003. (Source: Agence France Presse, 10/9/03)
Tanzania	SP	Not stated.	No.	Not stated.	Not stated.		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. \$230,000 has reportedly been suspended from FY 2004, based on ASPA. Estimated Loss of US Aid Under IMET: 230,000 (FY04). Projected Loss Under IMET: 50,000 (FY06).	Publicly rejected BIA agreement.	UN Ambassador Mahiga expresses Tanzania's concern that the Security Council resolution referring Darfur to the ICC might be considered "as seeking to circumvent the jurisdiction of the Court" [31 March 2005, Security Council Meeting on Sudan]

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Thailand	S	Not stated.	Yes. Effected by exchange of notes at Bangkok June 3, 2003. Entered into force June 3, 2003 (State Dept).	Not stated.	Not stated.				The Bangkok Post reports that the Thai government is preparing to enter a BIA with the US, "in return for Washington's recognition of Thailand as a major non-Nato allies. The Foreign Affairs Ministry has reportedly instructed its Treaties and Legal Affairs Department to clear the way for signing the agreement during Prime Minister Thaksin Shinawatra's visit to the United States from June 9-11. [Bangkok Post, June 4, 2003, PM Tipped to Ink Deal to Bypass ICC] The Senate Committee for Foreign Affairs is scheduled to issue a statement today expressing concern at Prime Minister Thaksin Shinawatra's plan to sign an agreement during his working visit to the US next week. The Senate argues that such an agreement would offend Thai sovereignty and democratic principles. Defence Minister Gen Chavalit Yongchaiyudh said both the US and Thailand would benefit from signing the agreement. He said approval was given to the prime minister to ratify the agreement by the Cabinet at its weekly meeting on Tuesday. Foreign Ministry spokesman Sihasak Puangketkaew dismissed a news report that Thailand would
Togo	N	Not stated.	Yes. Signed at Lome June 13, 2003. Entered into force January 15, 2004 (State Dept).	Not stated.	Not stated.	Ratification necessary.			Agence France Presse reported on June 17, 2003, that the State Department had announced that Togo had become the 39th country to sign a bilateral immunity agreement.
Tonga	N	Not stated.	Yes. Signed at Washington March 21, 2003. Entered into force March 24, 2004 (State Dept).	Not stated.	Not stated.				Agence France Presse reported a bilateral agreement had been signed on April 2, 2003.
Trinidad and Tobago	SP	Not stated.	No.	Not stated.	Prime Minister Patrick Manning		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. \$450,000 has reportedly been suspended from FY 2004, based on ASPA. Estimated Loss of US Aid Under IMET: 150,000 (FY04), Under FMF: 300,000 (FY04). Projected Loss Under IMET: 50,000 (FY06).	Publicly rejected BIA agreement.	"It is astonishing that the United States of America with such a history of promoting human rights, international peace and international order should now be in a determined campaign against an International Criminal Court, which has been adopted by most of the nations of the world, which adhere to principles of democracy and human rights", said His Excellency Arthur N.R. Robinson President of the Republic of Trinidad and Tobago on August 27, 2002 in an official statement by President Robinson on US efforts to secure so-called "Art. 98" agreements. Prime Minister of Trinidad and Tobago Patrick Manning expressed: "the Trinidad and Tobago Government did not have the flexibility to give way to the United States in matters involving the International Criminal Court. Asked if he was saying that Trinidad and Tobago could not give US citizens the requested exemptions, Manning said, "We don't see how we can. [The Express of Port of Spain, May 23, 2003] US Ambassador Roy Austin defended the US decision to suspend military aid to six Caribbean countries for their refusal to sign a BIA. He also defended its dec
Tunisia	N	Not stated.	Yes. Effected by exchange of notes at Tunis June 5, 2003. Entered into force December 22, 2003 (State Dept).	Not stated.	Not stated.				
Turkmenistan	N		Yes. Signed at Ashgabat on December 25, 2003. Likely executive January 30, 2004.						

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Tuvalu	N	Not stated.	Yes. Signed January 30, 2003. (State Dept information states: Effected by exchange of notes at Suva and Funafuti September 19, 2002 and January 9, 2003. Entered into force February 3, 2003.)	Not stated.	Not stated.	Not clear if reciprocal.			"An administration official said deals had been signed with 20 nations, which he declined to identify beyond saying that Tuvalu, the world's fourth-smallest country, had been the latest to sign." [New York Times, February 6, 2003] A Tuvalu government representative says there was no pressure from the United States to sign a reciprocal bilateral deal, since Tuvalu also had concerns about the Court. [BBC Monitoring International Reports, June 3, 2003, Tuvalu Says No Pressure From US to Sign International Court Deal]
Uganda	SP	Not stated.	Yes. Signed at Washington June 12, 2003. Entered into force October 23, 2003 (State Dept).	Not stated.	Not stated.	Reciprocal. The agreement will remain in force for one year after either party notifies the other of its intent to terminate the pact. Ratification necessary.	On 1 July 2003, President Bush issued an ASPA waiver until January 1, 2004. Subsequently, on November 1, 2003, the waiver was extended indefinitely as Uganda had entered into a BIA.		It was reportedly signed the agreement was signed "just hours after the UN Security Council renewed a one-year exemption for US peacekeeping troops from ICC prosecution." Sigurd Illing, the head of delegation of the EU in Kampala, said on June 27, 2003, that Uganda would suffer no sanctions from the EU on account of its agreement with the US. However, he said any action weakening the court was "regrettable". [Africa News, 28 June 2003, "EU Won't Punish Country Over Agreement With US."]
Ukraine	S	Not stated.	Under consideration.	Not stated.	Not stated.			none given	Ukraine is considering the US proposal. However, The deputy state secretary at the Ministry of Foreign Affairs, Volodymyr Yelchenko ruled out the possibility of a trade-off with the USA where it could sign such an agreement in exchange for getting fast-track entry into NATO. [August 20, 2002 - BBC Monitoring Kiev Unit, "US action against Iraq only permissible with UN backing - Ukrainian official"]
United Arab Emirates	N		Yes. Effected by exchange of notes at Abu Dhabi January 27 and February 15, 2004. Entered into force February 15, 2004 (State Dept).						
United Kingdom	SP	Not stated.	Under consideration. Signed extradition treaty, including "Side letter" affirming the UK commitment not to extradite US citizens to the ICC was signed on March 31, 2003 but must be passed through the US Senate. [Statewatch News]	Not stated.	Not stated.		Exempt from ASPA	none given	Britain, backed by Spain and Italy, is proposing the US should not use article 98(2) of the ICC's Rome treaty to "preclude the surrender of all US citizens" to the court. It said that the article only covered personnel "sent" by the US government, such as military personnel and officials. It also suggested that if the US signed a bilateral accord with any other ICC signatory, it should not be reciprocal. "As a party [to the ICC], we [Britain] would not want this reciprocal exemption." [Financial Times, September 3, 2002, "Britain reveals plans for compromise on ICC"] British Minister for European Affairs Peter Hain hailed the EU compromise, saying at a press conference: "This has been a long-running stand-off between the US and the ICC which has now been successfully resolved with bilateral agreements between each country." [October 2, 2002 "EU caves in to US pressure on ICC" Xinhua News Agency]. In question time in the House of Lords, Baroness Amos (of the Foreign Office) said "... we do understand US objections although we do not share them. We value the US role in international peacekeeping and we want to enable the US

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Uruguay	SP	Not stated.	No.	Not stated.	Not stated.		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. \$1.45 million has reportedly been suspended from FY 2004, based on ASPA. Projected Loss Under IMET: 150,000 (FY05), Under FMF: 397,000 (FY05). Projected Loss Under IMET: 50,000 (FY06), Under FMF: 150,000 (FY06).	Publicly rejected BIA agreement.	Uruguayan Senator Eluterio Fernandez Huidobro accused the US of pressuring the soon-to-be government to sign a BIA. He said the US government is "putting the elected government under pressure to sign a bilateral agreement for immunity for American citizens before an eventual case at the ICC and also for a vote in favour of sending of troops to different missions". [UPI LatAm, Dec 21, 2004] American budgetary records show that Uruguay, whose new left-leaning government has vocally declined to sign an immunity agreement, has lost \$1.5 million since 2003 [NY Times August 19, 2005 Bush's Aid Cuts on Court Issue Roil Neighbors By JUAN FORERO]
Uzbekistan	S	Not stated.	Yes. Signed at Washington September 18, 2002. Entered into force January 7, 2003 (State Dept).	Not stated.	Not stated.				
Venezuela	SP	Not stated.	No.	Not stated.	Not stated.		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. \$700,000 has reportedly been suspended from FY 2004, based on ASPA. An additional \$500,000 could be threatened under the Nethercutt Amendment. Estimated Loss of US Aid Under IMET: 700,000 (FY04). Projected Loss Under ESF: 496,000 (FY05). Projected Loss Under IMET: 50,000 (FY06), Under ESF: 500,000 (FY06).	Publicly rejected BIA agreement.	The US will continue to support the fight against drugs and terrorism in Venezuela despite a recent decision to withhold military aid, the U.S. ambassador Charles Shapiro. [AP, July 21, 2003.]
Yemen	N		Yes. Effected by exchange of notes at Washington and Sanaa December 10 and 17, 2003. Entered into force December 17, 2003 (State Dept).						
Zambia	SP	Not stated.	Yes. Signed at Lusaka July 1, 2003. Entered into force July 2, 2003 (Dept of State).	Not stated.	Not stated.		On July 1, 2003, declared by the State Dept. ineligible to receive military assistance. Subsequently, on July 29, 2003, the waiver was extended indefinitely as Zambia had entered into a BIA.		