Departments of the Army and Navy
Washington, DC
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***AR 27-50**
SECNAVINST 5820.4G

Effective 14 January 1990

Legal Services

Status of Forces Policies, Procedures, and Information

Summary. This regulation covers policies, procedures, and responsibilities for the protection of United States (U.S.) personnel who may be subject to foreign jurisdiction, proceedings, or imprisonment. It implements Department of Defense Directive (DODD) 5525.1, 7 August 1979 (including change 1, dated 9 April 1985), and 10 USC 1037 (as amended by section 681 of Public Law (PL) 99-145). It deletes certain minor offenses from reporting requirements on DD Form 838 and the annual report and updates Appendix C, Designated Commanding Officers and U.S. Country Representatives. It also updates policies, procedures, and responsibilities on the subject.

Applicability. This regulation applies to all active and reserve Components of the Army, Navy, Air Force, and Marine Corps.

Internal control systems. This regulation is not subject to the requirements of AR 11-2. It does not contain internal control provisions.

Supplementation. Supplementation of this regulation and establishment of command and local forms is prohibited without prior approval from HQDA (DAJA-IA), WASH DC 20310-2214, AV 225-3170. Supplementation will normally be approved for unified commands, component commands, designated commanding officers (DCOs), defense attaches performing duties of DCOs, and those commands responsible for effecting the support set forth in this regulation for Mexico. (See para 1-5).) One copy of supplemental publications will be forwarded to each of the following offices: HQDA (DAJA-IA), WASH DC 20310-2214; HQ USAF/JACI, WASH DC 20330-5120; NAVJAG (Code 10), 200 Stovall St., Alexandria, VA 22332-2400.

Interim changes. Interim changes to this regulation are not official unless they are authenticated by the Administrative Assistant to the Secretary of the Army. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

Suggested improvements. The proponent agencies of this joint regulation are the Office of The Judge Advocate General (TJAG), Army; the Office of The Judge Advocate General (TJAG), Navy; and the Office of The Judge Advocate General (TJAG), Air Force. Army users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to HQDA (DAJA-IA), WASH DC 20310-2214. Navy and Marine Corps users should send comments to NAVJAG (Code 10), 200 Stovall St., Alexandria, VA 22332-to NAVJAG (Code 10), 200 Stovall St., Alexandria, VA 22332-2400. Air Force users should send comments to HQ USAF/JACI, WASH DC 20330-5120.

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Glossary

Chapter 1
Protection of U.S. Personnel Subject to Foreign Jurisdiction

1-1. Purpose

This joint regulation prescribes policies, procedures, and responsibilities for the protection of U.S. personnel who may become subject to foreign jurisdiction, proceedings, or imprisonment. It also provides uniform reporting procedures on the exercise of foreign criminal jurisdiction.

1-2. References

Required publications are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

1-4. Application of the Senate Resolution on the status of forces

a. This regulation provides for the implementation of the Resolution accompanying the Senate's consent to ratify the North Atlantic Treaty Organization (NATO) Status of Forces Agreement (SOFA). (See app. B.) Although the Senate Resolution applies only to countries in which the NATO SOFA is currently in effect, the same procedures for safeguarding the interests of U.S. personnel subject to foreign jurisdiction will be applied, insofar as practicable, to all foreign countries.

b. National Guard and Reserve personnel who are in the active Federal service, or temporarily assigned or attached to active duty units, are affected by this regulation if their duties include foreign travel.

1-5. Responsibilities of designated commanding officer (DCO), defense attache, and commands

The DCO in each foreign country is responsible for implementing the policies and procedures set forth in this regulation.

a. In countries within the geographic area of responsibility of a unified command, the unified commander will appoint, for each country in which U.S. military forces are regularly stationed, the DCO referred to in the Senate Resolution. (See apps B and C.) Attache personnel and other military personnel serving under the direction of a diplomatic mission are not considered "U.S. military forces" for this purpose.

b. In countries within the geographic area of responsibility of a unified command where no U.S. military forces are regularly stationed, the provisions below, extracted from Department of Defense Memorandum date 15 March 1967 (Status of Forces Duties of Defense Attaches), will apply.

> "Defense attaches in all countries where U.S. forces not regularly stationed, and to the extent contrary provision has not been made by are service regulations, will, therefore, perform the duties of a designated commanding officer in connection with the exercise of criminal jurisdiction over U.S. personnel by foreign authorities and submit required administrative reports. For both of these purposes, U.S. forces shall not be considered regularly stationed solely because of the presence, for example, of a MAAG or mission of the United States. The appointment made herein of Defense attaches as designated commanding officers may be changed in those areas for which a U.S. unified command exists, by the commander thereof."

c. In Canada and Greenland, the Commander, Space Command (Space Comm/JA), Peterson AFB, CO 80914 is the DCO.

d. In Mexico—

(1) The Commander, Air Training Command, (ATC/JA), Randolph AFB, TX 78150, is the DCO for Air Force personnel.

(2) The Commander, Naval Base, San Diego, CA 92132, is the DCO for Navy and Marine Corps personnel.

(3) The U.S. Defense Attache, Mexico, is the DCO for Army personnel. The Army commands listed in paragraphs (*a*) through (*d*) below will also prvide support as set forth in this regulation for Army personnel.

(*a*) The Commander, U.S. Army Garrison, (AFZG-JA), Fort Sam Houston, TX 78234, will support Army cases in the Mexican States of Coahuila, Zacatecas, Jalisco, and all of the territory in Mexico east and south of these States.

(*b*) The Commander, U.S. Army Air Defense Center, (ATZC-JA), Fort Bliss, TX 79916, will support Army cases in the Mexican States of Chihuahua, Durango, Mayarit, and Sinaloa.

(*c*) The Commander, Fort Huachuca, (CCH-SJA), AZ 85614, will support Army cases in the Mexican State of Sonora.

(*d*) The Commander, 7th Infantry Division, and Fort Ord, (AFZW-JA), CA 93941, will support Army cases arising in Baja California.

(4) The commanders of responsible commands will coordinate with the U.S. Defense Attache, Mexico, and local U.S. Counsul to effect support set forth in this regulation.

(e) In countries outside the area of responsibility of a unfied command, the following will apply:

(1) If U.S. military forces are regularly stationed, the DCO wil be nominated according to DOD Directive 5525.1, paragraph D.3*b*.

(2) If no U.S. military forces are regularly stationed, the provision of the 15 March 1967 DOD Memorandum will apply (para 1-5*b* above) (implemented by Defense Intelligence Agency Manual (DIAM) 100-1, chap. 1).

1-6. Country criminal law studies

a. For each country in which U.S. military forces are regularly stationed and are subject to the criminal jurisdiction of foreign authorities, the DCO for such country will—

(1) Make a study of the criminal laws and procedures in effect.

(2) Ensure that such studies are kept current.

(3) Make studies of the criminal laws and procedures of other countries, as directed.

(4) Ensure that these studies are reviewed periodically.

b. Country criminal law studies will consist of an examination of the substantive and procedural criminal law of the foreign country. They will make a comparison with the procedural safeguards required for a fair trial in the State courts of the United States. Emphasis will be placed on safeguards that are of such a fundamental nature that they are guaranteed by the Constitution of the United States in all criminal trials in state courts of the United States. (appendix D enumerates important safeguards.)

c. The DCO will forward copies of these studies to TJAG of each Service. The DCO will also forward any significant change in the criminal law of the foreign country to TJAG of each Service.

1-7. Custody, waiver of local jurisdiction, and fair trial.

DCOs will ensure that effective liaison is developed and maintained at all levels with appropriate officials of the foreign country concerned and that prompt reports of cases involving the possible exercise of jurisdiction over U.S. personnel will be received.

a. Military personnel. Constant efforts will be made to establish relationships and methods of operation with host country authorities that will maximize U.S. jurisdiction to the extent permitted by applicable agreements. In particular, the DCO or DCO's representative should maintain direct liaison with the judicial authorities who have cognizance over cases involving U.S. forces in the host country. Also, efforts will be made in all cases, unless the circumstances of a case dictate otherwise, to secure the release of an accused to the custody of U.S. authorities pending completion of all foreign judicial proceedings. (See AR 27-10, chap 17, or AFR 110-25 for further guidance on Army or Air Force custody policy.) When the officer exercising general court-martial (GCM) jurisdiction over an accused determines that U.S. custody may not be adequate to ensure presence at trial, the DCO may make arrangements with the host country authorities to take or maintain custody over such accused. Such arrangements will be consistent with applicable status of forces SOFA agreements. In cases where the GCM convening authority is located outside the country in which the offense was committed, another commander of the same Service as the accused may be assigned this responsibility. The following procedures will be observed:

(1) In cases where it appears probable that release of jurisdiction over U.S. military personnel will not be obtained and that the accused may not receive a fair trial, the commander exercising GCM jurisdiction over the accused will promptly advise the DCO. The commander will provide a report of the facts of the case, an analysis of the basis for concluding that the accused will not receive a fair trial, and a specific recommendation. The DCO will establish reporting responsibility to cover cases in which the officer exercising GCM jurisdiction is in another country. In geographical areas covered in paragraphs 1-5*b*, *c*, *d*, and *e*, the officers referred to therein will communicate directly by electrical means with TJAG of the Service concerned in cases where a release of jurisdiction will probably not be obtained and the accused may not receive a fair trial. The communication will include the same elements as those from the officer exercising GCM jurisdiction.

(2) The DCO (or TJAG in cases covered in paragraphs 1-5*b*, *c*, *d*, and *e*, will determine, in the light of legal procedures of the host country, whether a substantial possibility exists that the accused will not receive a fair trial. A trial should not be considered unfair solely because it will not be identical to trials in the United States. Evidentiary matters, such as weight or credibility or witnesses' testimony, should not be deemed an indication that a fair trial will not be possible, unless the country's judicial system provides no fair means for resolving evidentiary issues. Due regard, however, should be given to those U.S. trial rights listed in appendix D that are relevant to the particular facts and circumstances of the trial in question.

(3) If the DCO determines that such a substantial possibility exists, the DCO will determine after consultation with the Chief of the Diplomatic Mission, whether to press a request for waiver of jurisdiction or other relief through diplomatic channels. If the DCO determines to press this request, the DCO will submit the recommendation through the unified commander, if any, and TJAG of the accused's Service to the Office of the Secretary of Defense (OSD). For cases reported directly, TJAG concerned will ensure that instructions with respect to the initiation of requests through diplomatic channels for

waiver of jurisdiction will be issued to the reporting officer. The objective in each case is to ensure that all U.S. military personnel receive a fair trial in the receiving State under all circumstances of the case.

b. Civilians and dependents. The following procedures apply when it appears that foreign authorities may assume criminal jurisdiction over dependents of U.S. military personnel, civilian personnel, or dependents of civilian personnel.

(1) In all cases in which the local commanders determine that suitable corrective action can be taken under existing administrative regulations, they may request the local foreign authorities to refrain from exercising their criminal jurisdiction. In determining whether suitable corrective action can be taken, the local commanding officer should consider any unique factors in cases where the dependent is a national of the host nation.

(2) Where it appears that release of jurisdiction will not be obtained and the accused may not receive a fair trial, the commander exercising GCM jurisdiction over the command in which such personnel are located will communicate directly with the DCO. The commander will report the facts of the case with recommendations. The officers of geographical areas referred to in paragraphs 1-5*b*, *c*, *d*, and *e* will communicate by electronic means directly with TJAF of the Service concerned in cases where a release of jurisdiction may not be obtained and the accused may not receive a fair trial. The officer will report the facts of the case with recommendations. The contents of these reports and arrangements for reports from GCM authorities located outside the country concerned will correspond to the requirements of paragraph *a*(1) above.

(3) The DCO, or TJAG of the Service concerned, will determine, in the light of legal procedures in effect in that country, whether there is a substantial possibility that the accused will not receive a fair trial.

(4) If the DCO determines that a substantial possibility exists that the accused will not receive a fair trial, he or she will consult with the Chief of the Diplomatic Mission to determine whether a request should be submitted through diplomatic channels to foreign authorities for their assurances of a fair trial or, when appropriate, to request that they forego their right to exercise jurisdiction over the accused. When it is determined that a request should be submitted, the DCO will submit a recommendation through the unified commander, if any, and TJAG of the Service concerned to OSD. For cases reported directly, TJAG concerned will ensure that appropriate instructions, with respect to the initiation of requests through diplomatic channels, will be issued to the reporting officer.

c. Waiver of U.S. jurisdiction. Military authorities overseas will not grant a waiver of U.S. jurisdiction without prior approval of TJAG of the accused's Service. Requests from foreign authorities for waiver of the U.S. primary right to exercise jurisdiction in any case may be denied by the DCO if the DCO determines that denial is in the best overall interests of the United States. Recommendations that such requests be approved will be transmitted by the DCO through the unified commander and TJAG of the accused's Service to OSD for action.

1-8. Trial observers

a. The DCO will submit to the Chief of the Diplomatic Mission a list of persons qualified to serve as U.S. observers at trials before courts of each country. Nominees will be lawyers; they will be selected for competence, experience, and maturity of judgment. Where possible, the list will include representatives of all Services that have personnel stationed in that country. This will enable the Chief of the Diplomatic Mission to appoint an observer from the same Service as the accused. The requirement that nominees will be lawyers may be waived only for trials involving minor offenses or those trials held in absentia. The following offenses will not be considered minor:

(1) An offense that results in serious personal injury or extensive property damage.

(2) A conviction that would normally result in a sentence to confinement, whether or not suspended.

b. Trial observers will

(1) Attend the trial and all proceedings associated with the trial.

(2) Note the progress of the trial.

(3) After the trial, report his or her observations, as provided in paragraph 1-8*c* below.

(4) Before the trial, review police reports and supporting documents to become familiar with the facts of the case.

(5) Not be considered as members of the defense team nor will they attempt to interject themselves into the trial proceedings. However, they will immediately notify the DCO through appropriate channels if any violations of trial safeguards are observed.

(6) Note and report acts of discrimination based on race, creed, sex, color, or national origin.

(7) If appropriate, advise the defense council of the rights of the accused under applicable treaties or agreements.

(8) Assist the court and defense counsel in obtaining witnesses and evidence available from U.S. Government sources, if requested.

(9) Not serve in such capacity if they have served previously as a military legal advisor, trial counsel, or counsel for an accused in a matter arising out of the same circumstances.

c. Trial observers will attend and prepare formal

reports for all trials of U.S. personnel by foreign courts or tribunals, except those involving minor offenses. They will be assisted as necessary by interpreters. Trial observers will attend and prepare formal reports for all trials of U.S. personnel by foreign courts or tribunals, except those involving minor offenses. They will be assisted as necessary by interpreters. Trial observer reports need not be classified, but will be marked Personal Data—Privacy Act of 1974 (5 USC 552a). Requests for the release of information contained in these reports from sources outside the Executive Branch of the U.S. Government will be transmitted, with a copy of the report and the recommendation of the DCO, to TJAG of the Service concerned. In trials for minor offenses, observers will be attend the trial at the discretion of the DCO. Trial observers will not be required to make a formal report. Where trial observers are precluded from attending a trial, they will obtain necessary information to file their report from interviews with defense counsel, interpreters, and other available sources.

d. The trial observer's report will

(1) Contain a factual description or summary of the trial proceedings.

(2) Be prepared with the purpose of permitting an informed judgement to be made on any failure to comply with the procedural safeguards secured by a pertinent SOFA and on whether the accused received a fair trial under the circumstances.

(3) Specify the conclusions of the trial observer on compliance with procedural safeguards of the pertinent SOFA.

(4) State in detail the basis for the trial observer's conclusion.

e. The DCO will be initially responsible for determining whether there was any failure to comply with the procedural safeguards secured by a pertinent SOFA and whether the accused received a fair trial under all the circumstances. In the latter case, due regard will be given to those fair trial rights listed in appendix D that are relevant to the particular facts and circumstances of the trial. However, a trial will not be deemed unfair because it was not conducted the same as trials held in the United States. If the DCO believes that any procedural safeguard secured in a pertinent agreement was denied or that the trial was otherwise unfair, he or she will submit a recommendation to OSD, through the unified commander, if any, and TJAG of the Service concerned. The recommendation will contain appropriate action to rectify the trial deficiencies and protect the rights or interests of the accused. Such recommendation will be made, unless after a review of the evidence it is determined that—

(1) The denial of any procedural safeguard of fair trial guarantee was harmless.

(2) It did not operate to the prejudice of the accused.

(3) The DCO so states in the forwarding endorsement. In cases involving harmless error not prejudicial to the accused, the DCO will bring such error to the attention of the appropriate local authorities, if warranted. If a recommendation is made, a statement of the efforts made at the local level to protect the rights or interests of the accused will be included. The DCO will forward an information copy of the recommendation to the Chief of the Diplomatic or Consular Mission in the host country.

f. The DCO may request the country representative or comparable agency, if any, to present comments and recommendations concerning the determination required by para 1-8*e* above.

1-9. Legal advisor

If appropriate, the Services will make provisions for the assignment of their judge advocates or civilian attorneys as legal advisors. These legal advisors will assist the accused in cases in which foreign governments exercise their jurisdiction. The legal advisor will not assume the responsibilities of the defense counsel or the trial observer. The legal advisor's primary function is to ensure that the accused is aware of his or her rights and obligations under applicable agreements and regulations.

1-10. In absentia trials

When laws of a country permit trials in absentia, U.S. commanders will allow military personnel alleged to have committed offenses subject to primary or exclusive jurisdiction of that country to depart before completion of criminal procedures against them only when

a. Foreign authorities consent to removal and also agree to waive their right to try such personnel in absentia; or

b. Foreign authorities consent to removal but refuse to waive their right to try in absentia, and the accused, after having been advised by proper authorities that accused may be tried in absentia and convicted, consents in writing to removal despite trial and conviction in absentia. Isolated cases in which retention of military personnel in a country would present extreme operational difficulties for the United States will be referred to the appropriate TJAG for decision. When application of this paragraph would result in retention in a country beyond a member's obligated period of active service, such cases will be presented in accordance with Service regulations. (For the Air Force, AFR 35-16, vol. 1, or AFR 39-11; Army, AR 600-31, AR 635-120, or AR 635-200; Navy, MILPERSMAN 1050155 and Marine Corps, MCO P 1900.16, will apply.) The accused and TJAG of the accused's Service will be promptly notified by the command concerned when the accused is removed from the country without military authorities knowing of the pending criminal proceedings, and there is a possibility of a trial in absentia.

Chapter 2
Counsel Fees and Other Expenses in Foreign Tribunals

2-1. General

This chapter establishes criteria and assigns responsibility for providing counsel, bail, and payment of court costs and other necessary and reasonable expenses incident to representation in civil and criminal proceedings. It includes appellate proceedings before foreign courts and foreign administrative agencies that involve members of the Armed Forces, civilian personnel, and dependents. Payment of fines is not authorized under this regulation.

2-2. Statutory authority

a. Section 1037, title 10, United States Code, provides authority for employment of counsel and payment of counsel fees, court costs, bail, and other expenses for representing persons before foreign tribunals who are subject to the Uniform Code of Military Justice (UCMJ) and of persons not subject to the UCMJ who are employed by or accompanying the U.S. Armed Forces in an area outside the United States and the territories and possessions of the United States, the Northern Mariana Islands, and the Commonwealth of Puerto Rico.

b. Dependents may qualify for the entitlements under this section if at the time of the act or omission (1) they meet pertinent service criteria establishing dependent status, and (2) they are accompanying a member of the force or civilian component overseas.

c. Funds under 10 USC 1037 will not be used to provide legal representation to indirect hire and contractor employees, or their dependents. Expenditure of funds for host country or third country national employees is limited to acts or omissions arising out of the performance of their official duties on behalf of the U.S. Government. Dependents of host country or third country national employees are not eligible for representation.

d. Personnel not eligible under the above criteria may request funds for the provision of counsel and payment of expenses in exceptional cases. Such requests will be submitted by these persons through service channels to the appropriate the Service Secretary or designee. Recommendations will accompany forwarding endorsements.

2-3. Responsibility

a. Requests for the provision of counsel, bail, or payment of expenses will be made by the eligible individual (see para 2-2). Army and Air Force requests will be forwarded through appropriate channels as follows: for military members and their dependents, to the officer exercising GCM jurisdiction over the military member; for civilian employees and their dependents, to the GCM authority, or his designee, in the command in which the civilian is employed. Navy and Marine Corps requests will be forwarded through channels to the officer having area coordination authority for the area concerned. This officer (the approval authority) will determine whether the request meets the criteria prescribed below. Based upon such determination, this officer will take final action approving or disapproving the request.

b. In the interest of obtaining prompt and effective legal service, any officer having responsibility in a country for personnel subject to foreign criminal jurisdiction and responsibility for appropriated funds for such personnel may be appointed as approval authority. Within their geographical areas of responsibility, major commanders may appoint any subordinate officer having such responsibility.

c. In spite of the criteria prescribed below, an approval authority may deny a request for the provision of counsel, bail, or payment of expenses when—

(1) The eligible requestor is in an absent without leave or deserter status at the time of the request, or

(2) The requestor is otherwise not then subject to U.S. military control, and

(3) No reasonable basis exists for the belief that the requestor will return to U.S. military control at the conclusion of the proceedings or service of an adjudged sentence.

2-4. Criteria for the provision of counsel and payment of expenses in criminal cases

Requests for providing counsel and payment of expenses in criminal cases may be approved in pretrial, trial, appellate, and post-trial proceedings where-

a. The act complained of occurred in the performance of official duty.

b. The sentence that is normally imposed includes confinement, whether or not such sentence is suspended.

c. Capital punishment might be imposed.

d. An appeal is made from any proceeding in which there appears to have been a denial of the substantial rights of the accused.

e. Conviction of the offense alleged could form the basis for administrative discharge proceedings for misconduct as a result of civil court disposition.

f. The case, although not within the criteria in paras *a* through *e* above, is considered to have a significant impact on the relations of U.S. forces with the host country, or involve any other particular U.S. interest.

2-5. Provision of bail in criminal cases

Bail or bond to secure the release of personnel from foreign confinement before, during, or after trial may be furnished in all criminal cases. Safeguards should be imposed to assure that at the conclusion of proceedings

or on the appearance of the defendant in court, the bail or bond will be refunded to the military authorities. Bail will be provided only to guarantee the presence of the defendant. It will not be provided to guarantee the payment of fines or civil damages. Local U.S. military authorities are expected to provide bail only after other efforts have been made to secure the release of pretrial custody of an accused to U.S. authorities.

2-6. Criteria for the provision of counsel and payment of expenses in civil cases.

a. Requests for the provision of counsel fees and payment of expenses in civil cases may be granted in trial and appellate proceedings as follows:

(1) Where the act complained of occurred in, or was directed against eligible U.S. personnel engaged in, the performance of official duty; or

(2) Where the case is considered to have a significant impact upon the relations of U.S. forces with the host country; or in the cases brought against eligible U.S. personnel (and in exceptional cases, by such personnel) if the case is considered to involve any other particular interest of the United States.

b. No funds shall be provided under this regulation in civil cases where the United States of America is in legal effect the defendant, or where the eligible individual (see para 2-2) is a plaintiff, without prior authorization of the Secretary of the Military Department concerned, or that Secretary's designee.

c. The provisions of this paragraph are also applicable to proceedings with civil aspects that are brought by eligible personnel as criminal cases in accordance with local law.

d. No funds will be provided under this paragraph to a plaintiff who, if successful, will receive an award in whole or in part, from the United States.

e. In all civil litigation cases or legal proceedings, Naval commands will comply with section 1325 of JAGINST 5800.7B (JAGMAN).

2-7. Procedure for hiring counsel and obligating funds

a. The selection of individual trial or appellate counsel will be made by the defendant. Such counsel will represent the individual defendant and not the U.S. Government. Selection will be made from approved lists of attorneys who are qualified, competent, and experienced in trial practice. Counsel will be admitted for full practice before the courts of the foreign country involved. Normally, these lists will be coordinated with the local court or bar association and the U.S. Diplomatic or Consular Mission. These lists should include only those attorneys who comply with local attorney fee schedules approved or suggested by local bar associations. Fees should not exceed amounts paid under similar circumstances by nationals of the country where the trial is held. Fees will cover only services for representation in the particular case for which the contract is made. In no event may any contract include fees for representation in habeas corpus or related proceedings before courts of the United States. In addition to counsel fees, the payment of expenses may include the following when necessary and reasonable:

(1) Court costs.

(2) Bail costs.

(3) Charges for obtaining copies of records.

(4) Printing and filing fees.

(5) Interpreter fees.

(6) Witness fees.

(7) Other necessary and reasonable expenses.

(Expenses will not include the payment of fines or civil damages, directly or indirectly.)

b. The officers responsible under paragraph 2-3, or their designees, will enter into a written contract with the selected counsel on behalf of the United States. The contract will cover counsel fees and other costs (when appropriate) incurred in defense of the case in the court of first instance only. It will not include fees for representation on appeal. If the case is appealed, supplemental agreements will be executed for each appeal. A copy of the contractual agreement will serve as the obligating document.

c. If unusual circumstances or local customs make it impracticable to enter into a written contract as in *b* above, action will be taken to record the agreement reached between the officer in paragraph 2-3 (or designee) and the selected counsel. This requirement may be met by

(1) A letter of commission or a letter of understanding, executed between the officer in paragraph 2-3 (or designee) and the selected counsel, or

(2) A written request for legal service expressly or impliedly accepted by the selected counsel. If possible, this document will contain an agreed estimate of counsel fees and reasonable expenses and a statement that both fees and expenses will conform to those paid by local nationals under similar circumstances and will not exceed local fees schedules, if any. If this document does not inlcude an agreed estimate of counsel fees and other reasonable expenses, an estimate will be furnished the accounting component. This will serve as the commitment document for the reservation of funds.

d. Provision of counsel and payment of expenses under this regulation are not subject to the provisions of the Federal Acquisition Regulation (FAR). However, the provisions of subpart 52.202 (Personnel Service Contracts), Federal Acquisition Regulations (FAR), and DOD FAR Supplement, part 52, may be used as a guide in contracting. Appendix E may also be used as a guide in

drafting a contractual agreement.

e. Contracting officers should be designated from among the judge advocates on the staffs of officers in paragraph 2-3. Their contracting authority will be limited to agreements described in this paragraph. This designation will combine within one office the duties of the contracting officer and the judge advocate. (See app F.)

f. Nothing in this regulation will be construed as prohibiting eligible individuals from selecting a qualified local counsel employed by the U.S. Government.

2-8. Payment of counsel fees and other expenses

Payment of bills submitted by the selected counsel and other costs will be made per AR 37-107, AFR 177-102, or Navy Comptroller Manual, paragraph 046361, and pertinent disbursing regulations relating to payment of contractual obligations. All payments under these procedures will be in local currency. Acceptance of services procured under these procedures will be certified to by the officer or designee specified in paragraph 2-3. Payments of bail may be made when authorized by such officers. Such authorization will be in the form of a directing letter or message citing 10 USC 1037.

2-9. Appropriated funds chargeable

Authorized expenses incurred in implementing this regulation will be paid from appropriated funds of the Service to which the defendant belongs. Such expenses may include transportation and per diem expenses of trial observers, interpreters, and employees of local counsel. Payments will be made from the appropriation current at time of payment, unless obligations for authorized costs have previously been established. Refunds will be processed as appropriation refunds.

a. For the Air Force, such funds are chargeable to the base for operation and maintenance purposes (Operation and Maintenance (O&M) or Research and Development (R&D), as applicable).

b. For the Army, the following will apply:

(1) Subject to the provisions of paragraph 2-9*b*(2) below, the commander exercising GCM jurisdiction over the defendant or accused will furnish a fund citation to the DCO (or designee) for payment of authorized expenses incurred in furnishing trial observers and making prison visits, and for payment of counsel fees and other expenses.

(2) Commanders having area responsibility may, in the interest of efficiency and convenience, reassign funding responsibilities within their geographic areas.

(3) The accounting classification is established in the Army fiscal code regulations. (See the AR 37-100 series.)

c. For the Navy and Marine Corps, appropriations and accounting classifications are chargeable as provided in Navy Comptroller Manual, paragraph 046361.

2-10. Reimbursement

Ordinarily, reimbursement will not be required from individuals with respect to payments made on their behalf under this regulation. However, prior to the posting of bail on behalf of defendants, they will sign an agreement to remit the amount of such bail or permit the application of so much of their pay to reimburse the Government if they willfully cause forfeiture of bail. In the event of such forfeiture, bail provided under this regulation will be recovered from defendants in accordance with that agreement and U.S. law. The agreement should include a statement that it does not prejudice the defendant's rights to notice and hearing under the provisions of the Federal Debt Collection Act (5 USC 5514) if the amount is considered erroneous. Likewise it should contain a provision that it does not prejudice the defendant's right to appeal to the Comptroller General of the United States and the courts after such payment or deduction has been made if the amount is considered erroneous.

2-11. Correspondence

Judge advocates who advise the officers specified in paragraph 2-3 are authorized to correspond directly with each other and with TJAG concerned for advice on the payment of counsel fees and other expenses.

Chapter 3
Care and Treatment of U.S. Personnel Confined in Foreign Penal Institutions

3-1. Policy
The Department of Defense (DOD) seeks to assure that U.S. military personnel, civilian employees, and dependents, when in the custody of foreign authorities, are treated fairly at all times. DOD further seeks to assure that when confined (pretrial, during trial, and post-trial) in foreign penal institutions, these personnel receive the same or similar treatment, rights, privileges, and protections of personnel confined in U.S. military facilities. Such rights, privileges, and protections are contained in present departmental regulations. They include (but are not limited to) legal assistance, visitation, medical attention, food, bedding, clothing, and other health and comfort supplies.

3-2. Responsibility
DCOs are responsible for implementing DOD policies for safeguarding the interests of U.S. personnel confined in foreign penal institutions. Normally, the Service concerned is responsible for making confinement visits and submitting the proper reports on its personnel. However, when the foreign penal institution is not reasonably accessible to the Service concerned, members of the U.S. forces in confinement will be visited by military authorities from the nearest U.S. military installation. Cooperative arrangements should be made between the Services for the efficient and economical discharge of visitation responsibilities.

3-3. Arrangements
Each DCO or authorized representative will attempt to conclude arrangements with foreign authorities that will ensure U.S. personnel in foreign confinement (pretrial, during trial, and post-trial) are accorded treatment, rights, privileges, and protections similar to personnel in U.S. military confinement facilities. Such action will be consistent with any agreements between the United States and the country concerned, and DODD 5530.3, as implemented. Details of such arrangements will be forwarded to the appropriate TJAG.

3-4. Action
The DCO for each country will ensure that

a. A physical examination (AFR 125-18, para 2-5; AR 40-501, paras 10 through 16b(9); SECNAVINST 1640.9A, Art. 7205) will be administered within 48 hours before a service member is surrendered to foreign authorities for confinement (pretrial, during trial, or post-trial). If a physical examination can not be performed prior to confinement, arrangements will be made to accomplish it at the earliest possible time subsequent to confinement.

b. U.S. military personnel, civilian employees, and dependents confined in foreign penal institutions will be visited at least every 30 days. At that time, the conditions of confinement and other matters relating to health and welfare will be observed and reported. If feasible, the visit will be made by the individual's commanding officer (or representative) or personnel directed to perform the visit. Chaplains and medical officers should periodically accompany visiting personnel and assist in preparing the information required in paragraph 4-7. A chaplain and medical officer should also make special visits, when necessary and feasible. Personnel conducting these visits should know the treatment, rights, privileges, and protections to which prisoners in U.S. military facilities are entitled.

c. The results of each visit will be reported to the DCO. The reports will include information on any failure by authorities of the visited institution to comply with established agreements. The reports will also provide information on which to base appropriate corrective action. The following matters that cannot be promptly resolved by foreign authorities should be immediately reported to the DCO for action:

(1) Visitation requests that are denied by foreign authorities without apparent cause.

(2) Apparent prisoner mistreatment.

(3) Apparent substandard conditions of confinement.

d. TJAG of the Service concerned will be promptly notified of the matters in paragraphs *c*(1), (2), and (3) above.

e. Arrangements will be made with the authorities of the country concerned to turn over U.S. military personnel to the U.S. military authorities upon release from confinement. In appropriate situations, U.S. diplomatic or consular officers will be requested to keep the military authorities advised as to the anticipated release date of such persons by the foreign authorities.

3-5. Property accountability
Military authorities will ensure that the personal property and belongings of U.S. personnel placed in foreign confinement are promptly accounted for and secured in accordance with Service regulations. They will also ensure that such personnel are promptly notified of the specifics of any inventory, transfer, storage, or other disposition of their property.

3-6. Support
a. DCOs will ensure that military personnel confined in penal institutions located within their areas of responsibility are provided with medical and dental treatment.

medicines, health and comfort items, clothing, and supplemental foods stocks. These provisions will be provided when necessary and feasible. They should not exceed the type and quantity furnished prisoners in U.S. military confinement facilities. If supplying food stocks is not practical or economical, arrangements may be made for purchases on behalf of the prisoner from institution commissaries or other suitable sources.

b. For the Army, AR 37-100 and AR 37-100-74 provide Army Management Structure code 87143.70000 as an open allotment to be used for support of U.S. Army military personnel confined in foreign penal institutions.

3-7. Treatment and support of civilians and dependents

a. When possible, military commanders will ensure that U.S. civilian personnel in foreign custody or confinement (pre-trial, during trial, and post-trial) receive the same treatment, rights, and support that is extended to U.S. military personnel in similar situations. Such personnel include

(1) Dependents of U.S. military personnel.

(2) Nationals of the United States serving with, employed by, or accompanying the Armed Forces.

(3) Dependents of such nationals.

b. When appropriate, actions in support of such personnel should be coordinated with the proper U.S. diplomatic or consular mission. It is recognized that accepted principles of penology establish separate procedures for female prisoners.

3-8. Discharge

Members of the U.S. Armed Services confined in a foreign penal institution will not be discharged or separated from the service until the completion of imprisonment and return to the United States. In unusual cases, such discharges or separations may be authorized by the Secretary of the Service concerned under other regulations. (AFR 36-12; AFR 39-10; AR 635-120 or AR 635-200; MILPERSMAN 3630900; and MCO P 1900.16.)

3-9. Transfer of military personnel

a. Military personnel pending exercise of foreign jurisdiction will not be transferred or removed from the foreign country without the permission of the DCO, until foreign investigative and judicial proceedings are completed and unsuspended portions of an adjudged sentence are executed. (For further guidance see AR 27-10, chap 17, and AFR 110-25.) Depending upon the nature of the offense and other circumstances, expeditious consideration will be given to transferring an accused from the host country when

(1) The host country has waived jurisdiction.

(2) The case has resulted in a final acquittal.

(3) The case has resulted in a suspended sentence to confinement.

b. This action will be consistent with maintaining proper military discipline and preserving good U.S.-host country relations. When application of this paragraph would result in retention in a country beyond a member's obligated period of active service, cases will be processed in accordance with U.S. law (including court decisions), appropriate Service regulations, and any relevant agreements between the host country and the United States.

Chapter 4
Reports

4-1. General
This chapter prescribes reports concerning the exercise of criminal jurisdiction by foreign courts over U.S. personnel.

4-2. Reporting agencies
Except as indicated, each of the agencies listed in appendix G will prepare or secure the reports described in paragraphs 4-4 through 4-9. These reports pertain to U.S. personnel involved in foreign criminal proceedings for each country within the agency's prescribed area of responsibility, as defined in appendix G. The emphasis is on comprehensive reports by country and not by command. Upon request, commands and activities, regardless of location, will provide the agencies listed in apendix G information or assistance that they may require for reporting purposes. Direct communication on such matters is authorized. When distance or other factors make it impossible to submit the required reports, cross-Service arrangements will be encouraged to discharge reporting requirements in a meaningful, efficient, and economical manner. After being notified that personnel of another Service have been subjected to foreign criminal jurisdiction, that command will notify the proper DCO and TJAG.

4-3. Reporting procedures
a. Annual reports (para 4-4) on the exercise of foreign jurisdiction will be sent through the DCO to TJAG of the Service concerned no later than 15 workdays following the last day of the period covered by the report. Each of the agencies listed in appendix G will ascertain the accuracy and completeness of the annual reports pertaining to each country within its area of responsibility. They will forward all such reports simultaneously. Negative reports are required.

b. Confinement reports (para 4-5) will be sent to TJAG of the Service concerned on the second day following the end of the reporting period. An information copy of this report will be furnished to the chief of the diplomatic mission of the country concerned. Negative reports are required.

c. Observer reports of trial and appellate proceedings (para 4-6) will be dispatched to the DCO through such agencies as the DCO may prescribe. The DCO will forward these reports to TJAG of the accused's Service. Such reports will be sent via the unified commander, if the DCO believes that procedural safeguards were disregarded or the accused did not receive a fair trial. Comments of the appropriate Service commander may be added prior to forwarding to TJAG of the Service concerned. An observer report will be forwarded immediately upon the completion of the trial in the lower court. The observer's report will not be delayed because of the possibility of a new trial, rehearing, or appeal. Copies will also be forwarded to the unified commander, if any, and to the chief of the diplomatic mission. Observer reports of new trials, rehearings, and appeals will be forwarded in the same manner as above.

d. Monthly visitation reports (para 4-7) will be sent to the DCO not later than 10 workdays following the visit. All reports indicating adverse confinement conditions will be forwarded to TJAG of the Service concerned in compliance with paragraph 3-4*d*.

4-4. Annual Report (Exercise of Criminal Jurisdiction by Foreign Tribunals Over U.S. Personnel) (DD Form 838) (RCS DD-GC(A)705)
a. An annual report covering the period 1 December through 30 November will be prepared for all U.S. personnel of the Army, Navy, and Air Force on DD Form 838. This report is a statistical summary of all cases involving criminal jurisdiction over U.S. personnel. Minor traffic offenses and other minor offenses, in which confinement is not an authorized punishment but which may result only in an administrative-type fine, will not be considered as cases involving criminal jurisdiction over U.S. personnel or be included in the annual report. If an individual is charged with multiple offenses in a particular incident, only the most serious offense will be reported. (DD Form 838 may be reproduced locally on 14- by 8 1/2 inch paper. A copy for local reproduction purposes is located at the back of this regulation. Air Force publishing distribution offices will locally reproduce the form for Air Force use.)

b. The statistical summary will be accompanied by the following:

(1) A separate statement personally signed by the proper U.S. military authority in each country, indicating the impact that local jurisdictional arrangements have had upon mission accomplishment and the morale and discipline of forces during the reporting period. Opinions reflecting an unfavorable impact should be supported by specific information.

(2) A statistical summary, by country, of expenditures under chapter 2. This summary will show, separately, the number of civil and criminal cases in which—

(a) Council fees were paid and the total amount expended for that purpose.

(b) Court costs were paid and the total amount expended for that purpose.

(c) Bail was provided and the total amount of bail posted.

(d) Bail was provided and the total amount of bail

forfeited.

(e) Bail forfeited was recovered from the individual for whom it was posted and the total amount recovered.

(3) A summary of the results of the prison visitation program and particular actions taken by the appropriate U.S. military authority in cases of discrepancies under paragraphs 3-4 and 3-6.

4-5. Confinement Report (Report of U.S. Personnel in Post-trial Confinement in Foreign Penal Institutions) (RCS DD-GC(Q) 706)

This report is prepared quarterly for the periods ending 30 November, 28 February, 31 May, and 31 August. It will contain the following information:

a. An alphabetical list of U.S. military personnel, civilian employees, and dependents who, as of the last day of the reporting period, were held in post-trial confinement in foreign penal institutions pursuant to a sentence of confinement. The list will contain the following information:

(1) Name.

(2) Rank or grade and social security number of military personnel and appropriate identifying data for civilian employees and dependents.

(3) Unit.

(4) Home address.

(5) Offense of which found guilty.

(6) Date of sentence

(7) Date and place of confinement.

(8) Length of sentence to confinement.

(9) Estimated date of release from confinement. (In calculating this date, the provisions of local law under which a prisoner may be released from confinement or paroled prior to the completion of his or her adjudged term of confinement will be taken into consideration, such as time off for good behavior and deductions of periods of pretrial confinement from adjudged periods of confinement.)

b. A separate alphabetical list, containing the information in paragraph *a* above, of U.S. personnel who were released from foreign confinement facilities during the reporting period and the dates of their release. This list will also include those not previously reported as confined in paragraph *a* above. Submission of the report will not be delayed because case data are not available as of the last day of the reporting period; however, the report will reflect that the data are incomplete. Reports on individuals previously reported need to include only the name and changes in information on them.

4-6. Trial Observer Report and Trial Observer Report on Appeal (RCS HAF-JAC (AR)7105(DD) for the Air Force, JAG-58 for the Army, NAVJAG 5820-1 for the Navy)

a. Each trial observer report will be in the following format:

(1) Name, grade, social security number, organization, and home address of the accused.

(2) Offenses charged; date and place of alleged offenses.

(3) Text of allegations of complaint.

(4) Citation and text of statutes primarily involved.

(5) Name, location, and type of court; date and place of trial.

(6) Result of trial (if convicted, offense of which convicted).

(7) Sentence (reprimand, fine, or confinement suspended, not suspended, or stayed pending appeal).

(8) Appeal by accused or prosecution, if known in time for a timely submission of the observer's report; if not, a later separate report on whether an appeal has been taken should be sent.

(9) Defense counsel (employed by accused, appointed by court, or U.S. Government supplied); opinion of adequacy (state whether English-speaking).

(10) Interpreter (employed by accused, appointed by court, or U.S. Government supplied); opinion of adequacy.

(11) Resume of trial proceedings, unless there is an acquittal that is not appealed by the prosecutor.

(12) Procedural safeguards; whether safeguards secured by pertinent SOFAs were observed.

(13) Source of information on which the report was based, if the trial observer was not present at the trial (para 1-8c).

(14) Signature of trial observer.

b. Each appeal report will be in the following format:

(1) Name, grade, social security number, organization, and home address of the accused.

(2) Offenses of which convicted, sentence imposed by lower court, and date of previous report.

(3) Name, location, and type of appellate court; date and place of appeal.

(4) Grounds of appeal.

(5) Result of appeal.

(6) Further appeal, if any, and court to which taken, if known in time for a timely submission of the observer's report; if not known, a subsequent report on whether an appeal has been taken should be submitted.

(7) Citation and text of statutes primarily involved.

(8) Defense counsel (employed by accused, appointed by court, or U.S. Government supplied); opinion of adequacy (state whether English-speaking).

(9) Interpreter (employed by accused, appointed by court, or U.S. Government-supplied); opinion of adequacy.

(10) Resume of appeal proceedings (argument for prosecution and argument for defense).

(11) Procedural safeguards and whether safeguards secured by pertinent SOFA were observed.

(12) Source of information on which the report was based, if the trial observer was not present at the appeal proceedings (para 1-8*c*).

(13) Signature of trial observer.

4-7. Monthly Visitation Report (Report of Visit—U.S. Personnel in Foreign Penal Institution) (DD Form 1602) (RCS HAF-JAC(M)7104(DD) for the Air Force, JAG-59 for the Army, NAVJAG 5820-2 for the Navy)

A DD Form 1602 will be prepared on each prisoner visited. (DD Form 1602 will be reproduced locally by Air Force publishing distribution offices and by the Army. It will be printed head to head on 8½ by 11-inch paper. A copy for local reproduction purposes is located at the back of this regulation. The Navy will procure DD Form 1602 through the Cog "I" Segment of the Navy Stock Fund.

4-8. Serious or Unusual Incident Reports (RCS CSGPA-1340(R2), NAVJAG 5820-3)

a. Serious or unusual incidents will be reported to TJAG of the Service concerned without delay by electrical means. For the Navy, the provisions of OPNAVINST 3100.6 will apply. Reports of serious or unusual incidents will include any case in which one or more of the following conditions exist:

(1) A person covered by this regulation is placed in pretrial confinement by foreign authorities.

(2) A person covered by this regulation is actually or allegedly mistreated by foreign authorities.

(3) Actual or probable publicity adverse to the United States is involved.

(4) Congressional or other domestic or foreign public interest is likely to be aroused.

(5) A jurisdictional question has arisen.

(6) The death of a foreign national is involved.

(7) Capital punishment might be imposed.

b. Initial reports of serious or unusual incidents will be followed by timely and complete supplemental reports. For the Navy, supplemental reports will be submitted the last day of each month as significant developments occur.

c. For the Air Force and the Army, RCSCSGPA-1340 will apply. For the Navy, RCS NAVJAG 5820-3 will apply.

4-9. Individual Case Report (Individual Case Report—Exercise of Criminal Jurisdiction by Foreign Tribunals Over U.S. Personnel) (DD Form 1936)

Where a foreign government exercises criminal jurisdiction over U.S. military personnel, civilian employees, or dependents, an initial written report will be sent to TJAG of the Service concerned. This report is not required for minor offenses. Existing reporting procedures or DD Form 1936 may be used for such a report. Initial reports will not be delayed awaiting receipt of complete information required by DD Form 1936. Initial reports will be followed by timely supplemental reports of additional information required by DD Form 1936. Significant developments will be immediately reported by the most direct means practicable. Information submitted on the serious incident report (para 4-8) need not be repeated on DD Form 1936. DD Form 1936 may be reproduced locally by the Army and printed head to head on 8½ by 11-inch paper. A copy for local reproduction purposes is located at the back of this regulation. The Navy will procure DD Form 1936 through the Cog "I" Segment of the Navy Stock Fund. The Air Force does not prescribe the DD Form 1936 or require its use.

Appendix A
References

Required Publications

AFR 35-16, vol I
The USAF Reenlistment, Retention, and NCO Status Programs. (Cited in para 1-10)

AFR 36-12
Administrative Separation of Commissioned Officers. (Cited in para 3-8.)

AFR 39-10
Administrative Separation of Airmen. (Cited in para 3-8.)

AFR 39-11
Airman Assignments. (Cited in para 1-10.)

AFR 110-25
Pretrial Custody Policy Overseas. (Cited in para 1-7 and 3-9.)

AFR 125-18
Operation of Air Force Correction and Detention Facilities. (Cited in para 3-4)

AFR 177-102
Commercial Transactions at Base Level. (Cited in para 2-8.)

AR 27-10
Legal Services: Military Justice. (Cited in para 1-7 and 3-9.)

AR 37-100 series
Financial Administration. (Cited in paras 2-9 and 3-6.)

AR 37-100
Account/Code Structure (Cited in para 3-7.)

AR 37-100-74
The Army Management Structure (Fiscal Code). (Cited in para 3-7.)

AR 37-107
Finance and Accounting for Installations: Processing and Payment of Commercial Accounts. (Cited in para 2-8)

AR 40-501
Standards of Medical Fitness. (Cited in para 3-4.)

AR 600-31
Suspension of Favorable Personnel Actions for Military Personnel in National Security Cases and Other Investigations or Proceedings. (Cited in para 1-10.)

AR 635-120
Officer Resignations and Discharges. (Cited in para 1-10 and 3-8.)

AR 635-200
Personnel Separations: Enlisted Personnel. (Cited in para 1-10 and 3-8.)

DIAM 100-1
Defense Attache Manual for Administration. (Cited in para 1-5.)

DODD 5525.1
Status of Forces Policies and Information. (Cited in para 1-5.)

DODD 5530.3
International Agreements. (Cited in para 3-3.)

JAGINST 5800.7B
Judge Advocate General Manual. (Cited in para. 2-6).

MCO P 1900.16C
Marine Corps Separation and Retirement Manual. (Cited in paras 1-10 and 3-8.)

MILPERSMAN 1050155
Voluntary or Involuntary Extension of Enlisted Personnel Beyond Expiration of Enlistment, Fullfillment of Service Obligation, or Expiration of Tour of Active Service. (Cited in para 1-10.)

MILPERSMAN 3630900
Separation in the Best Interest of the Service. (Cited in para 3-8.)

Navy Comptroller Manual, paragraph 046361
(Cited in paras 2-8 and 2-9.)

OPNAVINST 3100.6
Special Incident Reporting (OPREP-3) Procedures. (Cited in para 4-8.)

SECNAVINST 1640.9
Department of the Navy Corrections Manual. (Cited in para 3-4.)

Appendix B
Senate Resolution of July 15, 1953, Advising and Consenting to Ratification of the NATO SOFA

Resolved (two-thirds of the Senators present concurring therein), that the Senate advise and consent to the ratification of Executive T, Eighty-second Congress, second session, an agreement between the parties to the North Atlantic Treaty Regarding the Status of Their Forces, signed at London on June 19, 1951.

It is the understanding of the Senate, which understanding inheres in its advice and consent to the ratification of the Agreement, that nothing in the Agreement diminishes, abridges, or alters the right of the United States of America to safeguard its own security by excluding or removing persons whose presence in the United States is deemed prejudicial to its safety or security, and that no person whose presence in the United States is deemed prejudicial to its safety or security shall be permitted to enter or remain in the United States.

In giving its advice and consent to ratification, it is the sense of the Senate that:

1. The criminal jurisdiction provisions of Article VII do not constitute a precedent for future agreements;

2. Where a person subject to U.S. military jurisdiction is to be tried by the authorities of a receiving state, under the treaty, the commanding officer of the U.S. armed forces in such state shall examine the laws of such state with particular reference to the procedural safeguards contained in the Constitution of the United States.

3. If, in the opinion of such commanding officer, under all the circumstances of the case, there is danger that the accused will not be protected because of the absence or denial of constitutional rights he would enjoy in the U.S., the commanding officer shall request the authorities of the receiving state to waive jurisdiction in accordance with the provisions of paragraph 3(*c*) of Article VII (which requires the receiving state to give "sympathetic consideration" to such request) and if such authorities refuse to waive jurisdiction, the commanding officer shall request through diplomatic channels and notification shall be given by the Executive Branch to Armed Services Committees of the Senate and House of Representatives;

4. A U.S. representative to be appointed by the Chief of diplomatic mission with the advice of the senior U.S. military representative in the receiving state will attend the trial of any such person by the authorities of a receiving state under the agreement, and any failure to comply with the provisions of paragraph 9 of Article VII of the agreement shall be reported to the commanding officer of the U.S. armed forces in such state who shall then request the Department of State to take appropriate action to protect the rights of the accused, and notification shall be given by the Executive Branch to the Armed Services Committees of the Senate and House of Representatives.

Appendix C
Designated Commanding Officers and U.S. Country Representatives*

Country	*Designated Commanding Officer*	*U.S. country representative*
Australia	Commander in Chief Pacific Representative Australia APO San Francisco 96424	
Austria	Commander in Chief USAREUR APO New York 09403	
Azores	Commander U.S. Forces, Azores APO New York 09094-5000	
Bahrain	Commander U.S. Naval Forces Central Command Pearl Harbor, HI 96860	Commanding Officer Administrative Support Unit FPO New York 09526-2830
Bangladesh	Commander in Chief Pacific Representative Philippines FPO San Francisco 96651	Defense Attache Bangladesh
Belgium	Commander in Chief USAREUR APO New York 09403	Commander NATO/SHAPE Support Group (U.S.) APO New York 09088
Bermuda	U.S. Naval Air Station Bermuda FPO, New York 09560	
British Indian Ocean Territory (Diego Garcia)	Commanding Officer U.S. Navy Support Facility Diego Garcia FPO San Francisco 96695	
Burma	Commander in Chief Pacific Representative Philippines FPO San Francisco 96651	Defense Attache Burma

*DODD 5525.1, 7 January 1979, required that, in the geographical areas for which a unified command exists, the commander thereof will designate within each country the "commanding officer" referred to in the Senate Resolution. The list of DCOs who have been designated pursuant to the DOD Directive is subject to change at the discretion of the unified command. Some DCOs have appointed a U.S. country representative to act as the single point of contact for the Services with the respective U.S. diplomatic mission and with the national authorities of a particular foreign country regarding the exercise of foreign criminal jurisdiction over U.S. personnel.

Country	*Designated Commanding Officer*	*U.S. country representative*
Canada	Commander, USAF SPACECOM (Air Force Space Com/JA) Peterson AFB, CO 80914-5001	
Caribbean	Commander US Forces Carribean P.O. Box 9058 Naval Air Station Key West, Florida 33040	
Cyprus	Commander in Chief USAFE APO New York 09094-5001	
Denmark	Commander in Chief USAFE APO New York 09094-5001	Naval Attache Copenhagen APO New York 09170-5000
Djibouti	Commander U.S. Naval Forces Central Command Pearl Harbor, HI 96860	Chief, USLO Djibouti State Department Pouch Room Washington, DC 20520-5000
Egypt	Commander USAF, Central Command Shaw AFB, SC 29152-6001	Chief, USOMC, Cairo USOMC Box 29 FPO New York 09527-5000
Fiji	Commander in Chief Pacific Representative Australia APO San Francisco 96424	Commander in Chief Pacific Representative South Pacific
France	Commander in Chief USAREUR APO New York 09403	United States Defense Attache U.S. Embassy, Paris APO New York 09777
Germany	Commander in Chief USAREUR APO New York 09403	
Greece	Commander in Chief USAFE APO New York 09094-5001	Chief Joint U.S. Military Aid APO New York 09092-5000
Greenland	Commander, USAF SPACECOM (AFSPACECOM/JA) Peterson AFB, CO 80914-5001	
Hong Kong	Commander in Chief Pacific Representative Philippines FPO San Francisco 96651	U.S. Defense Liaison Office Hong Kong
Iceland	Commander Iceland Defense Force FPO New York 09571	

Country	*Designated Commanding Officer*	*U.S. country representative*
India	Commander in Chief Pacific Representative Philippines FPO San Francisco 96651	Chief Office of Defense Cooperation India
Indonesia	Commander in Chief Pacific Representative Philippines FPO San Francisco 96651	Defense Attache Indonesia
Israel	Deputy Commander in Chief USNAVEUR FPO New York 09510	
Italy	Deputy Commander in Chief USNAVEUR FPO New York 09510	
Japan	Commander U.S. Forces, Japan APO San Francisco 96328-5000	
Jordan	Commander USAF, Central Command Shaw AFB, SC 29152-6001	Chief, MAP Jordan APO New York 09092-5000
Kenya	Commander U.S. Naval Forces Central Command Pearl Harbor, HI 96860	Chief, KUSLO Box 71, U.S. Embassy, Nairobi APO New York 09675-5000
Korea	Commander U.S. Forces, Korea APO San Francisco 96301	
Kuwait	Defense Representative State - USLOK - Kuwait State Department Pouch Room Washington, DC 20520	
Luxembourg	Commander in Chief USAFE APO New York 09094-5001	Commander 36th Tactical Fighter Wing APO New York 09132-5000
Madagascar	Commander in Chief USNAVEUR FPO New York 09510	USDAO Antananarivo

Country	*Designated Commanding Officer*	*U.S. country representative*
Malaysia	Commander in Chief Pacific Representative Philippines FPO San Francisco 96651	Defense Attache Malaysia
Mauritius	Commander in Chief USNAVEUR FPO New York 09510	USDAO Antananarivo
Mexico	(See para 1-5*c* of this regulation.)	
Morocco	Commander in Chief USAFE APO New York 09012	
Mozambique	Deputy Commander in Chief USNAVEUR FPO New York 09510	
Nepal	Commander in Chief Pacific Representative Philippines FPO San Francisco 96651	Defense Attache Nepal
Netherlands	Commander in Chief USAFE APO New York 09094-5001	Commander 32d Tactical Fighter Squadron APO New York 09292-5000
New Zealand	Commander in Chief Pacific Representative Australia APO San Francisco 96424	Defense Attache New Zealand
Norway	Commander in Chief USAFE APO New York 09094-5001	Senior U.S. Officer HQ, Allied Forces Northern Europe (HQ AFNORTH)
Oman	Commander USAF, Central Command Shaw AFB, SC 29152-6001	Chief, USOMC Muscat State Department Pouch Room Washington, DC 20520-0001
PACOM countries (other than those listed)	Commander in Chief Pacific Representative Philippines FPO San Francisco 96651	
Pakistan	Commander U.S. Naval Forces Central Command Pearl Harbor, HI 96860	Chief, ODRP PSC Box 23 APO New York 09614

Country	*Designated Commanding Officer*	*U.S. country representative*
Panama	Commander U.S. Army South APO Miami 34004	
Papua, New Guinea	Commander in Chief Pacific Representative Australia APO San Francisco 96424	Defense Attache Papua, New Guinea
Philippines	Commander in Chief Pacific Representative Philippines FPO San Francisco 96651	
Portugal	Deputy Commander in Chief USNAVEUR FPO New York 09510	
Qatar	Commander U.S. Naval Forces Central Command Pearl Harbor, HI 96860	Commander Middle East Force FPO New York 09501-6008
Republic of the Marshal Islands (RMI)	Commander USAKA P.O. Box 26 APO SF 96555-2650	
Saudi Arabia	Commander USAF, Central Command Shaw AFB, SC 29152-6001	Chief U.S. Military Training Mission APO New York 09038-5363
Singapore	Commander in Chief Pacific Representative Philippines FPO San Francisco 96651	Defense Attache Singapore
Somalia	Commander U.S. Army Forces Central Command Fort McPherson, GA 30330	Chief, USOMC Mogadishu State Department Pouch Room Washington, DC 20520-5000
South Africa	Deputy Commander in Chief USNAVEUR, FPO New York 09510	
South America and Central America (less Mexico)	Commander U.S. Army South APO Miami 34004	

Country	*Designated Commanding Officer*	*U.S. country representative*
Spain	Commander in Chief USAFE APO New York 09094-5001	Chief Joint U.S. Military Group Military Assistance Advisory Group APO New York 09285-5000
Sudan	Commander U.S. Army Forces Central Command Fort McPherson, GA 30330	Chief, USOMC Khartoum Department of State Pouch Room Washington, DC 20520-5000
Switzerland	Commander in Chief USAREUR APO New York 09403	
Tanzania	Deputy Commander in Chief USNAVEUR FPO New York 09510	
Thailand	Commander in Chief Pacific Representative Philippines FPO San Francisco 96651	Chief Joint U.S. Military Advisory Group Thailand APO San Francisco 96346
Tunisia	Deputy Commander in Chief USNAVEUR FPO New York 09510	
Turkey	Commander in Chief USAFE APO New York 09094-5001	Chief Joint U.S. Military Mission Aid to Turkey APO New York 09254-5000
United Arab Emirates	Commander U.S. Naval Forces Central Command Pearl Harbor, HI 96860	Chief, USLO Abu Dhabi State Department Pouch Room Washington, DC 20520-5000
United Kingdom	Commander in Chief USAFE APO New York 09094-5001	Commander 3d Air Force APO New York 09127-5000
Yemen Arab Republic	Commander U.S. Army Forces Central Command Fort McPherson, GA 30330	Chief, USOMC, Sanaa State Department Pouch Room Washington, DC 20520-5000

Appendix D
Fair Trial Guarantees

The following is a listing of "fair trial" safeguards or guarantees that are considered to be applicable to U.S. court criminal proceedings by virtue of the 14th Amendment as interpreted by the Supreme Court of the United States. The list is intended as a guide for the preparation of country criminal law studies prescribed in paragraph 1-6 and for the determinations made by the designated commanding officer in paragraph 1-5. DCOs should also consider in this connection other factors that could result in a violation of due process of law in U.S. court proceedings.

1. Criminal statute alleged to be violated must set forth specific and definite standards of guilt.

2. Accused shall not be prosecuted under an *ex post facto* law.

3. Accused shall not be punished by bills of attainder.

4. Accused must be informed of the nature and cause of the accusation and have a reasonable time to prepare a defense.

5. Accused is entitled to have the assistance of counsel for his or her defense, if possible, of his or her own choice.

6. Accused is entitled to be present at his or her trial.

7. Accused is entitled to be confronted with witnesses against him or her.

8. Accused is entitled to have compulsory process for obtaining witnesses in his or her favor.

9. Use of evidence against the accused obtained through unreasonable search or seizure or other illegal means is prohibited.

10. Burden of proof is on the Government in all criminal trials.

11. Accused is entitled to be tried by an impartial court.

12. Accused may not be compelled to be a witness against himself or herself. He or she shall be protected from the use of a confession obtained by torture, threats, violence, or the exertion of any improper influence.

13. Accused shall not be subjected to cruel and unusual punishment.

14. Accused is entitled to be tried without unreasonable (prejudicial) delay.

15. Accused is entitled to a competent interpreter when he or she does not understand the language in which the trial is conducted and does not have counsel proficient in the language both of the court and of the accused.

16. Accused is entitled to a public trial.

17. Accused may not be subjected to consecutive trials for the same offense, which are so vexatious as to indicate fundamental unfairness.

Appendix E
Sample Format for Agreement With Selected Counsel

AGREEMENT made the (ordinal number) day of (month) 19 (year), between the United States of America, hereinafter called the Government, and (name of attorney), Attorney at law, of (country) hereinafter called the Attorney. This Agreement is entered into by the Government pursuant to the provisions of Act of 2 September 1958 (10 USC 1037, as amended by section 681 of Public Law 99-145).

The Attorney undertakes and agrees to act as attorney for, and to diligently defend and represent the interests of (name of accused), hereinafter called the Defendant, at all stages of the trial in the proceedings before the (country) judicial authorities in (country) upon charges including, but not necessarily limited to, alleged (name of offense) by the Defendant upon one (name of indiviudual) in (country), on (date) 19 (year). Attorney further agrees to prepare and submit, when and if such becomes applicable and feasible, the appropriate notice of appeal, and appropriate requests for release from confinement or other petition relating to the execution of the sentence, and other papers and pleadings as necessary. This Agreement does not, however, obligate the Attorney to represent the Defendant at appellate proceedings or to prepare a brief in support of the appeal. Subject to reimbursement by the Government, and except as may be otherwise requested or directed by the Contracting Officer executing this Agreement on behalf of the Government, the Attorney further undertakes and agrees to pay the court costs and other necessary and reasonable expenses as may arise incident to the representation of the Defendant in these proceedings.

In consideration of the proper and faithful performance by the Attorney of all the services described above, the Government agrees to pay the Attorney a fee and expenses not to exceed (amount of fee in foreign currency spelled out) (numerical amount) in total representing a maximum fee of (amount of fee in foreign currency spelled out) (numerical amount) and estimated actual expenses of (amount of fee in foreign currency spelled out) (numerical amount). The Attorney warrants and agrees that the counsel fees and other expenses in this case shall conform to amounts paid in comparable cases and under similar circumstances by nationals of (country).

It is mutually understood and agreed that, if the proceedings in this case shall terminate or be concluded in advance of, or for reasons other than, completion of the normal order of proceedings comtemplated in this Agreement (as, for example, by death of the Defendant, withdrawal of charges against the Defendant, withdrawal of the Attorney from the case, or the loss of faith in the Attorney by the Defendant), the services of the Attorney under this Agreement shall thereupon terminate and the amount of the fee to be paid to the Attorney, independently of actual expenses theretofore incurred, shall be reduced appropriately as agreed between the Attorney and the Contracting Officer executing this Agreement. It is further agreed and understood that if the case terminates in such a manner that (country), or any political subdivision thereof is required under law to pay the expenses of the proceedings and counsel fees, the Attorney agrees to request such payment from the appropriate governmental agency and deduct the amount so received from the contract price agreed upon herein.

Payment under this Agreement will be made by (name of Contracting Officer) upon properly certified invoices or vouchers which shall include the following certification over the signature of the Attorney:

"I certify as follows: (a) the services listed herein have been performed as shown; (b) the items of expense listed herein have been incurred and paid as

shown by the attached receipts; (c) no claim has been submitted previously or will be submitted to the Government or any other person for any of the services or items of expense listed herein, except as listed herein and deducted from the agreement contract price; and (d) no payment has been received previously for any part of these services or items of expense, except as shown herein and deducted from the agreed contract price."

Payment under this Agreement shall be made from the following appropriation account: (account number).

Any dispute under this agreement shall be determined and resolved by the Contracting Officer executing this Agreement, whose decision shall be conclusive and binding for all purposes.

THE UNITED STATES OF AMERICA

by (U.S. Contracting Officer)

WITNESSES:

by (Attorney)

(name of first witness)

(name of second witness)

Appendix F
Sample Format for the Appointment of a Contracting Officer

TO:

1. In accordance with the provision of 10 USC 1037 and applicable service regulations, you are hereby appointed as Contracting Officer with that authority conferred herein and set forth in applicable laws and regulations.

2. You are authorized to enter into, amend, modify, and take all necessary action with respect to employment of counsel, and payment of counsel fees, court costs, bail, and other expenses incident to the representation before judicial tribunals and administrative agencies of any foreign nation of persons subject to the Uniform Code of Military Justice (UCMJ), and of persons not subject to the UCMJ who are employed by or accompanying the U.S. Armed Forces in an area outside the United States and the territories and possessions of the United States, the Northern Mariana Islands, and the Commonwealth of Puerto Rico, provided—

a. That funds are available to cover the cost of the contract or modification thereof.

b. That the appropriate military authority has complied with applicable service regulations.

3. Upon receipt of this appointment, you shall read and comply with the provisions of applicable service regulations.

4. This appointment is effective (effective date) and shall remain in effect until rescinded, your reassignment from your current organization, or your reassignment within your current organization to a position not requiring your continued performance as contracting officer.

FOR THE COMMANDER

Appendix G
Responsibility for Preparing Reports

G-1. Air Force

Each major command having area jurisdiction over the foreign country reported on is responsible for the prescribed reports. These reports normally are prepared by the Air Force commander exercising GCM jurisdiction over the command in which the personnel are located. However, major commanders may designate either a subordinate commander or (with the consent of the appropriate functional Air Force commander) any other Air Force commander as sole reporting agency for any country within the major commander's area.

G-2. Army

a. The prescribed area of responsibility for each major command coincides with the geographical area of responsibility for that command.

b. The following agencies will be responsible for the preparation of the reports described in paragraphs 4-4 through 4-9 on all Army personnel who are involved in foreign criminal proceedings in the designated areas:

(1) Fort Lewis, Washington—all territory in Canada.

(2) U.S. Army Air Defense Center and Fort Bliss—Mexico.

(3) U.S. Army Liaison Officer in Hong Kong—Hong Kong.

(4) Chief, U.S. Army Element, JUSMAG, Thailand—Thailand.

(5) Chief, U.S. Army Element, JUSMAG, Philippines—Philippines.

(6) U.S. Defense Attache—all other countries, unless other arrangements have been made pursuant to paragraph 1-5.

c. Further information on the reporting responsibility in the various Army commands may be obtained from HQDA(DAJA-IA), WASH, DC 20310-2214.

G-3. Navy

The following agencies will be responsible for preparing the reports described in paragraphs 4-4 through 4-9 on all Navy and Marine Corps personnel who are involved in foreign criminal proceedings in the designated areas:

a. By or at the direction of the officer having area coordination authority in the area in which the proceeding takes place.

b. By the chief of the Naval element of the appropriate military assistance activity, when directed by competent authority.

c. With respect to proceedings in Mexico and Canada by commander, Naval Base, San Diego, CA, and Commander, Naval Base, Seattle, WA, respectively.

d. If *a, b,* or *c* above is not applicable, by the U.S. Defense Attache, unless other arrangements have been made pursuant to paragraph 1-5.

Glossary

Section I
Abbreviations

AFR
Air Force Regulation

AR
Army Regulation

DCO
Designated commanding officer

DOD
Department of Defense

DODD
Department of Defense Directive

FAR
Federal Acquisition Regulation

GCM
general court-martial

HQDA
Headquarters, Department of the Army

HQ USAF
Headquarters, U.S. Air Force

JAGINST
Judge Advocate General Instruction

JUSMAG
Joint U.S. Military Advisory Group

MCO
Marine Corps Order

MILPERMAN
Military Personnel Manual

NATO
North Atlantic Treaty Organization

NAVJAG
Navy Judge Advocate General

OPNAVINST
Chief of Naval Operations Instruction

OSD
Office of the Secretary of Defense

RCS
report control symbol

SOFA
Status of Forces Agreement

TJAG
The Judge Advocate General

UCMJ
Uniform Code of Military Justice

U.S.
United States

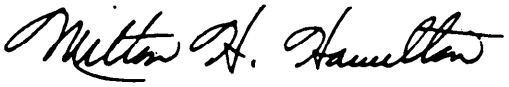
Section II
Terms

Judge Advocate General of the Service
For the Marine Corps, refers to The Judge Advocate General of the Navy.

By Order of the Secretary of the Army:

CARL E. VUONO
General, United States Army
Chief of Staff

Official:



MILTON H. HAMILTON
Administrative Assistant to the
Secretary of the Army

By Order of the Secretary of the Navy:

J. DANIEL HOWARD
Acting Secretary of the Navy

Distribution:

Army: Distribution of this publication is made in accordance with the requirements on DA Form 12-09-E, block number 3231, intended for command levels C and D for Active Army, ARNG, and USAR.

Navy: NAVPUBFORMCEN, 5801 Tabor Avenue, Philadelphia, PA 19120 (10 copies).

REPORT OF VISIT US PERSONNEL IN FOREIGN PENAL INSTITUTION	*REPORT CONTROL SYMBOL* *JAG-59*
	DATE

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: 2 UST 1792, TIAS 2846. Requirement is designed to meet the sense of the US Senate as set forth in the Resolution of Ratification to the agreement between the parties to the North Atlantic Treaty Regarding the Status of Their Forces as agreed to by Senate on 15 Jul 53.

PRINCIPAL PURPOSE(S): This information is collected in order to assist US military authorities in monitoring the health, safety and comfort of all US personnel confined in foreign penal institutions and in taking corrective action when necessary and feasible.

ROUTINE USES: The information will be used to verify information concerning scheduled release date, availability of health and comfort items and prisoner status, and will serve as a record of this visit.

DISCLOSURE: Disclosure of requested information is voluntary. You can refuse this interview, and no adverse action will be taken against you. However, such refusal will hamper efforts to assist you.

TO:	FROM:	
1. NAME OF PRISONER *(Last, first, middle initial)*	2. GRADE	3. SOCIAL SECURITY NUMBER
4. DATE CONFINED *(Yr · Mo · Day)*	5. LENGTH OF SENTENCE	6. SCHEDULED RELEASE DATE
7. OFFENSE	8. NAME AND LOCATION OF PRISON	9. DATE OF VISIT
10. TREATMENT OF PRISONER		
11. CONDITION OF PRISONER *(Physical and mental)*		
12. PRISONER ASSISTANCE *(Medical, Legal, health, comfort and subsistence)*		
13. PRISON CONDITIONS *(Light, heat, sanitation, food, recreation and religious activities)*		
14. PRISONER STATUS *(Diminished rations, trustee, solitary confinement, etc.)*		

DD FORM 1 AUG 78 **1602** REPLACES EDITION OF 1 MAY 67 AND DD FORM 1602, PRIVACY ACT STATEMENT, 26 SEP 75, WHICH ARE OBSOLETE.

15. VISITING OFFICIALS		
16. REMARKS *(Use for continuation of items 7 thru 15)*		
17. REMEDIAL ACTIONS		
18. RESPONSIBLE AGENCY	19. TYPED NAME OF REPORTING OFFICIAL	20. SIGNATURE

Reverse of DD Form 1602

INDIVIDUAL CASE REPORT
EXERCISE OF CRIMINAL JURISDICTION BY FOREIGN TRIBUNALS OVER U.S. PERSONNEL

TO:	FROM:

PART I - ACCUSED DATA		DATE
1. LAST NAME - FIRST NAME - MIDDLE INITIAL	2. GRADE	3. ELIGIBLE FOR RETURN FROM OVERSEAS
4. SOCIAL SECURITY NO.	5. ORGANIZATION	6. OF FLAGGING ACTION LEGAL HOLD
7. STATUS ☐ MIL ☐ CIV ☐ DEP	8. LAST HOME ADDRESS	9. EXPIRATION OF TERM OF SERVICE
10. RACE	11. PRIOR MILITARY OR CIVILIAN CONVICTIONS AND PUNISHMENT UNDER ARTICLE 15, UCMJ	

PART II - PRETRIAL DATA	DATE
12. NATURE OF OFFENSE	13. OF OFFENSE
	14. APPREHENDED
15. NAME OF CO-ACCUSED	16. REQUEST(S) FOR U.S. CUSTODY
17. PLACE OF OFFENSE	18. OF PRETRIAL CONFINEMENT
19. PLACE(S) OF PRETRIAL CONFINEMENT *(Chronological)*	20. REQUEST(S) FOR WAIVER OF JURISDICTION
21. CHARGES UNDER UCMJ	22. ACTION ON REQUEST(S) FOR WAIVER
23. RESULTS OF ARTICLE 32 INVESTIGATION	24. OF INDICTMENT

PART III - TRIAL DATA	
25. NAME OF CIVILIAN ATTORNEY	26. DATE TRIAL COMMENCED
27. NAME AND LOCATION OF COURT	28. ESTIMATED TRIAL DURATION
29. OFFENSES OF WHICH FOUND GUILTY	30. DATE TRIAL COMPLETED

DD FORM 1 APR 74 1936

PART IV - SENTENCE			
31. AMOUNT OF FINE	32. FINE SUSPENDED ☐ YES ☐ NO	33. LENGTH OF CONFINEMENT	34. CONFINEMENT SUSPENDED ☐ YES ☐ NO
35. OTHER DISPOSITION			36. TRIAL CONSIDERED FAIR ☐ YES ☐ NO
37. DATE POST-TRIAL CONFINEMENT COMMENCED	38. PLACE OF POST-TRIAL CONFINEMENT		39. APPEAL ANTICIPATED ☐ YES ☐ NO

PART V - POST-TRIAL DATA		DATE
40. RESULTS OF APPEAL		41. OF ANTICIPATED RELEASE FROM CONFINEMENT
42. DATE ADMINISTRATIVE DISCHARGE INITIATED	43. TYPE OF ADMINISTRATIVE DISCHARGE RECOMMENDED	44. RELEASED FROM CONFINEMENT

45. ACTION TAKEN IF TERM OF SERVICE IS EXPIRING *(Reference Item 9)*

46. REMARKS ON SIGNIFICANT DEVELOPMENTS

47. DATE PREPARED	48. TYPED NAME, GRADE AND TITLE OF REPORTING OFFICIAL	49. SIGNATURE

REPORT CONTROL SYMBOL

EXERCISE OF CRIMINAL JURISDICTION BY FOREIGN TRIBUNALS OVER UNITED STATES PERSONNEL

(KEY—PUNCH)

TYPE OF OFFENSE: ____________________ REPORTING OFFICE: ____________________

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80

CARD NO	SERVICE	COUNTRY	REPT YEAR	OFFENSE	EXCLUSIVE FOREIGN JURISDICTION CASES			EXCLUSIVE FOREIGN JURISDICTION CASES RELEASED TO U.S. FOR DISPOSITION			12. PRIMARY FOREIGN CONCURRENT JURISDICTION CASES INVOLVING MILITARY	13. WAIVER OF PRIMARY FOREIGN JURISDICTION OVER MILITARY OBTAINED	TOTAL CASES RESERVED BY FOREIGN JURISDICTION DURING PERIOD			CHARGES DROPPED			FINAL ACQUITTAL			FINAL CONVICTION		
					6. MILITARY	7. CIVILIAN	8. DEP	9. MILITARY	10. CIVILIAN	11. DEP			14. MILITARY	15. CIVILIAN	16. DEPENDENT	17. MILITARY	18. CIVILIAN	19. DEP	20. MIL	21. CIV	22. DEP	23. MILITARY	24. CIVILIAN	25. DEP
1																								

CARD NO	SERVICE	COUNTRY	REPT YEAR	OFFENSE	TYPE AGRMT	6. FINE, REPRIMAND, ETC. ONLY			7. CONFINEMENT SUSPENDED			8. MILITARY CONFINEMENT NOT SUSPENDED				10. MILITARY CONFINEMENT NOT SUSPENDED OVER 5 YEARS *(ITEMIZE)*										CONFINEMENT NOT SUSPENDED																	
																										11. CIVILIAN				12. CIVILIAN CONFINEMENT NOT SUSPENDED OVER 5 YEARS *(ITEMIZE)*					13. DEPENDENT				14. DEPENDENT CONFINEMENT NOT SUSPENDED OVER 5 YEARS *(ITEMIZE)*				
						MILITARY	CIVILIAN	DEP	MIL	CIV	DEP	UNDER 1 YEAR	1-3 YEARS	3-5 YEARS	OVER 5 YEARS	SENT	SENT	SENT	SENT	SENT	SENT	SENT	SENT	SENT	SENT	Under 1 year	1-3	3-5	Over 5	SENT	SENT	SENT	SENT	SENT	Under 1 year	1-3	3-5	Over 5	SENT	SENT	SENT	SENT	SENT
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TYPE OF OFFENSE: ____________________

CARD NO	SERVICE	COUNTRY	REPT YEAR	OFFENSE	EXCLUSIVE FOREIGN JURISDICTION CASES			EXCLUSIVE FOREIGN JURISDICTION CASES RELEASED TO U.S. FOR DISPOSITION			12. PRIMARY FOREIGN CONCURRENT JURISDICTION CASES INVOLVING MILITARY	13. WAIVER OF PRIMARY FOREIGN JURISDICTION OVER MILITARY OBTAINED	TOTAL CASES RESERVED BY FOREIGN JURISDICTION DURING PERIOD			CHARGES DROPPED			FINAL ACQUITTAL			FINAL CONVICTION		
					6. MILITARY	7. CIVILIAN	8. DEP	9. MILITARY	10. CIVILIAN	11. DEP			14. MILITARY	15. CIVILIAN	16. DEPENDENT	17. MILITARY	18. CIVILIAN	19. DEP	20. MIL	21. CIV	22. DEP	23. MILITARY	24. CIVILIAN	25. DEP
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CARD NO	SERVICE	COUNTRY	REPT YEAR	OFFENSE	TYPE AGRMT	6. FINE, REPRIMAND, ETC. ONLY			7. CONFINEMENT SUSPENDED			8. MILITARY CONFINEMENT NOT SUSPENDED				10. MILITARY CONFINEMENT NOT SUSPENDED OVER 5 YEARS *(ITEMIZE)*										CONFINEMENT NOT SUSPENDED																	
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						MILITARY	CIVILIAN	DEP	MIL	CIV	DEP	UNDER 1 YEAR	1-3 YEARS	3-5 YEARS	OVER 5 YEARS	SENT	SENT	SENT	SENT	SENT	SENT	SENT	SENT	SENT	SENT	Under 1 year	1-3	3-5	Over 5	SENT	SENT	SENT	SENT	SENT	Under 1 year	1-3	3-5	Over 5	SENT	SENT	SENT	SENT	SENT
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TYPE OF OFFENSE: ____________________

CARD NO	SERVICE	COUNTRY	REPT YEAR	OFFENSE	EXCLUSIVE FOREIGN JURISDICTION CASES			EXCLUSIVE FOREIGN JURISDICTION CASES RELEASED TO U.S. FOR DISPOSITION			12. PRIMARY FOREIGN CONCURRENT JURISDICTION CASES INVOLVING MILITARY	13. WAIVER OF PRIMARY FOREIGN JURISDICTION OVER MILITARY OBTAINED	TOTAL CASES RESERVED BY FOREIGN JURISDICTION DURING PERIOD			CHARGES DROPPED			FINAL ACQUITTAL			FINAL CONVICTION		
					6. MILITARY	7. CIVILIAN	8. DEP	9. MILITARY	10. CIVILIAN	11. DEP			14. MILITARY	15. CIVILIAN	16. DEPENDENT	17. MILITARY	18. CIVILIAN	19. DEP	20. MIL	21. CIV	22. DEP	23. MILITARY	24. CIVILIAN	25. DEP
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CARD NO	SERVICE	COUNTRY	REPT YEAR	OFFENSE	TYPE AGRMT	6. FINE, REPRIMAND, ETC. ONLY			7. CONFINEMENT SUSPENDED			8. MILITARY CONFINEMENT NOT SUSPENDED				10. MILITARY CONFINEMENT NOT SUSPENDED OVER 5 YEARS *(ITEMIZE)*										CONFINEMENT NOT SUSPENDED																	
																										11. CIVILIAN				12. CIVILIAN CONFINEMENT NOT SUSPENDED OVER 5 YEARS *(ITEMIZE)*					13. DEPENDENT				14. DEPENDENT CONFINEMENT NOT SUSPENDED OVER 5 YEARS *(ITEMIZE)*				
						MILITARY	CIVILIAN	DEP	MIL	CIV	DEP	UNDER 1 YEAR	1-3 YEARS	3-5 YEARS	OVER 5 YEARS	SENT	SENT	SENT	SENT	SENT	SENT	SENT	SENT	SENT	SENT	Under 1 year	1-3	3-5	Over 5	SENT	SENT	SENT	SENT	SENT	Under 1 year	1-3	3-5	Over 5	SENT	SENT	SENT	SENT	SENT
2																																											

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