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Criminal Jurisdiction Over Visiting Armed Forces

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The thoughts and opinions expressed are those of the authors and not necessarily of the U.S. government, the U.S. Department of the Navy or the Naval War College.

APPENDIX XIX

ETHIOPIA. AGREEMENT CONCERNING DEFENSE INSTALLATIONS

Agreement between the United States and Ethiopia concerning Defense Installations in Ethiopia. May 22, 1953. 5 UST 749, TIAS 2964, 191 UNTS 59.

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ARTICLE II

The Imperial Ethiopian Government grants to the Government of the United States such rights, powers and authority within the Installations as are necessary for the establishment, control, use and operation of the Installations for military purposes. Such rights shall not include the right, power or authority to transfer or assign the Installations in whole or in part to, or to place them in whole or in part at the disposition of, any third state, government or military force.

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ARTICLE XVII

1. Members of the United States forces shall respect the laws of Ethiopia and abstain from any activities inconsistent with the spirit of this Agreement. The Government of the United States shall take appropriate measures to this end.

2. The United States military authorities shall have the right to exercise within Ethiopia all jurisdiction and control over United States forces conferred on the United States military authorities by the laws and regulations of the United States, except as limited by this Article.

3. Members of the United States forces shall be immune from the criminal jurisdiction of Ethiopian courts, and, in matters arising from the performance of their official duties, from the civil jurisdiction of Ethiopian courts, provided that, in particular cases, the United States authorities may waive such immunity. In all other cases, Ethiopian courts shall have jurisdiction.

4. Whenever United States authorities exercise jurisdiction or

control pursuant to paragraph 2 or this Article, the judicial proceedings shall be conducted within the Installations or outside of Ethiopia. In such cases the appropriate authorities of the Imperial Ethiopian Government shall, upon request, assist in the collection of evidence and in the carrying out of all necessary investigations. Necessary arrangements will be made by the appropriate authorities of Ethiopia to secure the presence of Ethiopian nationals and other persons in Ethiopia (except members of the United States forces) as witnesses for official investigations and for military tribunals, and, in appropriate cases, to seize and hand over evidence, exhibits and objects connected with the offense. The United States authorities shall, in like manner, carry out the collection of evidence from members of the United States forces and assist the Ethiopian authorities in the case of an offense to be tried in the Ethiopian courts.

5. Ethiopian authorities may arrest members of the United States forces outside the Installations for the commission or attempted commission of an offence, but, in the event of such an arrest, the member or members shall be immediately turned over to the United States authorities. Except for Ethiopian nationals and other persons normally resident in Ethiopia, any person fleeing from the jurisdiction of the United States forces and found in any place outside the Installations may, on request, be arrested by the Ethiopian authorities and turned over to the United States authorities.

6. The United States authorities shall deliver to the Ethiopian authorities for trial and punishment all Ethiopian nationals and other persons normally resident in Ethiopia who have been charged by the Ethiopian or the United States authorities with having committed offenses within the limits of the Installations.

7. The Government of the United States shall have the right to police the Installations and to take all appropriate measures to assure the maintenance of discipline, order and security in such Installations.

8. Outside the Installations, members of the United States forces may be employed for police duties by arrangement with the appropriate authorities of the Imperial Ethiopian Government insofar as such employment is necessary to maintain discipline and order among the United States forces. In such cases, Ethiopian security forces with whom members of the United States forces may be serving on police duty shall have paramount

authority with respect to the person or property of persons subject to Ethiopian jurisdiction.

9. Each Government undertakes that persons subject to the jurisdiction of its courts who commit contempt or perjury in connection with courts-martial proceedings or proceedings of other military tribunals, shall be subjected to appropriate punitive action by its courts.

10. The Imperial Ethiopian Government undertakes to establish such measures of control or zones of access adjacent to such Installations as may, from time to time, in the opinion of the two Governments be essential for maintenance of the internal and external security of the Installations as well as the sanitation and health conditions of those Installations.

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ARTICLE XXIV

The term "United States forces" includes members of the armed forces of the United States (including dependents of all such members) and persons accompanying, serving with, or employed by said armed forces (including dependents of all such persons) who are subject to the military laws of the United States, but excluding indigenous Ethiopian nationals and other persons ordinarily resident in Ethiopian territory provided that such nationals or other persons are not dependents of members of the United States forces.