

International Law Studies – Volume 52

Criminal Jurisdiction Over Visiting Armed Forces

Roland J. Stanger (Editor)

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 IX

GERMANY. AGREEMENT ON THE STATUS OF PERSONS ON LEAVE

Agreement between the Federal Republic of Germany and the United States on the Status of Persons on Leave, August 3, 1959. TIAS 5352.

THE FEDERAL REPUBLIC OF GERMANY
and
THE UNITED STATES OF AMERICA
HAVE AGREED AS FOLLOWS:

ARTICLE 1

With respect to members and civilian employees of the United States Armed Forces, who are stationed in Europe or North Africa and outside the Federal territory and Berlin, and dependents who accompany them,

(a) Articles II, III, VII, VIII, X, XI, XII, XIII, XIV of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed at London on 19 June 1951 (hereinafter referred to as the "NATO Status of Forces Agreement") and,

(b) Article 2; sub-paragraphs (c) and (d) of paragraph 1 and sub-paragraphs (a) and (c) of paragraph 2 of Article 5; Articles 6, 8, 15, 16, 17, 19, 22 through 25; paragraph 2 of Article 26; paragraph 2 of Article 36; Articles 39, 41, 59, 64, 66, 68, 69, 74 and 75 of the Agreement to supplement the NATO Status of Forces Agreement with respect to Foreign Forces stationed in the Federal Republic of Germany, signed at Bonn on 3rd August 1959 (hereinafter referred to as the "Supplementary Agreement")

shall apply when such persons are temporarily in the Federal territory on leave, provided they are in possession of documentation identifying their duty station (hereinafter referred to as "persons on leave").

ARTICLE 2

1. Where a person on leave commits an offense against German interests, and provided that the United States military authorities are competent to exercise criminal jurisdiction, they will hold or return the accused for trial before a United States military court in the Federal territory except with respect to offenses of minor importance punishable through the exercise of disciplinary jurisdiction, or except in cases of military exigency.

2. In a case of military exigency the provisions of subparagraph (b) of paragraph 1 of Article 26 of the Supplementary Agreement shall apply *mutatis mutandis*.

3. The United States military authorities shall notify the German authorities of the disposition of all cases referred to in this Article.