

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 III

THE NETHERLANDS. ANNEX TO AGREEMENT IMPLEMENTING NATO AGREEMENT

Annex to Agreement between the United States and the Netherlands, Implementing NATO agreement. August 13, 1954. 6 UST 103, 106, TIAS 3174.

With respect to paragraph 4 of the exchange of notes dated August 13, 1954, the United States Government and The Netherlands Government have reached the following understandings between them concerning the implementation in The Netherlands of the Agreement signed at London on June 19, 1951, Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces.

1. The expression "dependent" in paragraph 1(c) of Article I also includes relatives who habitually reside with and are actually dependent on a member of a United States force or civilian component.

* * * * *

3. The Netherlands authorities, recognizing that it is the primary responsibility of the United States authorities to maintain good order and discipline where persons subject to United States military law are concerned, will, upon the request of the United States authorities, waive their primary right to exercise jurisdiction under Article VII, except where they determine that it is of particular importance that jurisdiction be exercised by the Netherlands authorities. The United States assumes the responsibility for custody pending trial. The United States authorities will make these people immediately available to Netherlands authorities upon their request for purposes of investigation and trial and will give full attention to any other special wishes of the appropriate Netherlands authorities as to the way in which custody should be carried out.

4. The Netherlands Government confirms that persons subject to United States military law, prosecuted under Netherlands

jurisdiction, will be entitled to have a representative of the United States Government present during their trial, which will be public except when the court decrees otherwise in accordance with Netherlands law.

5. In applying paragraph 10(a) of Article VII to areas jointly used by the forces of the United States and The Netherlands, internal security measures will be a matter of joint consultation between the authorities of these forces.