

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.

## TABLE OF CONTENTS

	<i>Page</i>
FOREWORD .....	iii
PREFACE .....	v
INTRODUCTION .....	xi
 <b>Chapter</b>	
I. JURISDICTION .....	1
Territorial Jurisdiction .....	2
Extraterritoriality .....	15
II. IMMUNITIES .....	25
Personal Immunity .....	26
Official Acts .....	32
III. JURISDICTION OVER MERCHANT VESSELS AND SEAMEN .....	43
IV. WARSHIPS AND THEIR CREWS .....	55
The Bases of Immunity .....	55
Immunity of the Ship .....	59
Immunity—Acts on Board .....	62
A. The Crew .....	62
B. Strangers .....	68
Immunity of the Crew—Acts on Shore .....	69
V. LAND FORCES .....	79
Theoretical Bases for Immunity .....	82
A. The Interests of the Sending State .....	82
B. The Interests of Individuals .....	96
C. The Interests of the Receiving State .....	101
VI. THE PRACTICE OF STATES UP TO 1945 .....	111
VII. THE TREATY ERA .....	141
Agreements for Exclusive Jurisdiction .....	150
The NATO Agreement .....	154
VIII. CLASSES OF PERSONS COVERED BY STATUS OF FORCES AGREEMENTS .....	157
Members of the Armed Forces .....	158
Civilians .....	162
The Impact of <i>Reid v. Covert</i> .....	176

## TABLE OF CONTENTS—Continued

Chapter	<i>Page</i>
IX. <i>INTER SE</i> OFFENSES .....	185
X. ON-BASE OFFENSES .....	197
XI. DUTY-CONNECTED OFFENSES .....	211
Acts in the Performance of Duty .....	211
Acts While on Duty .....	218
Determination That the Offense was Duty-Connected .....	232
XII. WAIVER .....	239
XIII. ENFORCEMENT .....	247
Police Power .....	249
Custody .....	253
Witnesses .....	256
Civil Rights of the Accused .....	258
XIV. CONCLUSION .....	263
INDEX .....	387

## Appendices

<b>Appendix</b>	<i>Page</i>
I. NATO Status of Forces Agreements .....	267
II. Iceland. Annex to Defense Agreement .....	273
III. The Netherlands. Annex to Agreement Implementing NATO Agreement .....	277
IV. Greece. Agreement Implementing NATO Agreement .....	279
V. Turkey. Agreement Implementing NATO Agreement .....	281
VI. Germany. Convention on Rights and Obligations of Foreign Forces, as Amended .....	283
VII. Germany. Agreement Supplementing NATO Agreement .....	293
VIII. Germany. Protocol of Signature to Supplementary Agreement .....	309
IX. Germany. Agreement on the Status of Persons on Leave.....	313
X. Greenland. Agreement with Denmark on Defense of Greenland .....	315
XI. Japan. Agreement Under Article VI of the Treaty of Mutual Cooperation and Security, and Agreed Minutes .....	319
XII. Leased Bases. Agreement with Great Britain on Leased Naval and Air Bases .....	327
XIII. Revised Leased Bases. Agreement with Great Britain Revising Leased Bases Agreement .....	331
XIV. Canada. Agreement Relating to Application of NATO Agreement to Leased Bases in Canada .....	337
XV. Bahama Islands. Agreement with Great Britain Relating to Long-Range Proving Ground .....	339
XVI. Dominican Republic. Agreement Relating to Long-Range Proving Ground .....	347
XVII. Philippines. Agreement Concerning Military Bases .....	349
XVIII. Korea. Agreement on Jurisdiction .....	353
XIX. Ethiopia. Agreement Concerning Defense Installations .....	355
XX. Libya. Agreement on Defense Facilities in Agreed Areas.....	359
XXI. Libya. Memorandum of Understanding .....	363
XXII. Saudi Arabia. Agreement Concerning Dhahran Airfield .....	365
XXIII. Spain. Procedural Agreement No. 16 to the 26 September 1953 Agreements .....	367
XXIV. West Indies Federation. Agreement Concerning United States Defence Areas .....	375
XXV. Australia. Agreement Concerning the Status of United States Forces in Australia .....	381