

Headquarters
United States Army Europe
Wiesbaden, Germany

Army in Europe
Regulation 550-56*

Headquarters
United States Army Installation Management Command,
Europe Region
Sembach, Germany

Headquarters
U.S. Naval Forces Europe/U.S. Naval Forces Africa/
U.S. Sixth Fleet
Naples, Italy

CNE-CNA-C6F
Instruction 5820.13G*

Headquarters
United States Air Forces in Europe/
United States Air Forces Africa
Ramstein, Germany

USAFE-AFAFRICA
Instruction 51-705*

14 November 2014

Foreign Countries

Exercise of Jurisdiction by German Courts and Authorities Over U.S. Personnel

***This publication supersedes Army in Europe Regulation 550-56/USNAVEUR Instruction 5820.13F/
USAFE Instruction 51-705, 3 September 2003.**

For the Commander:

MARKUS T. LAUBENTHAL
Brigadier General, GS
Chief of Staff



DWAYNE J. VIERGUTZ
Chief, Army in Europe
Document Management

Summary. This publication prescribes policy, procedures, and responsibilities for protecting the rights of U.S. personnel subject to German civil and criminal jurisdiction. This publication also implements the aspects of the “Agreement to Supplement the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces with Respect to Foreign Forces Stationed in the Federal Republic of Germany of 3 August 1959” as amended by the Agreements of 21 October 1971, 18 May 1981, 18 March 1993, and the last Amending Agreement effective 28 March 1998 (Revised NATO SOFA SA) that are applicable to the exercise of legal jurisdiction.

Summary of Change. This revision—

- Updates organization names, office symbols, telephone numbers, and other administrative information throughout.
- Updates the purpose to clarify the role of commanders ([paras 1c\(3\) and \(4\)](#)).

- Clarifies unit commanders responsibilities for—
 - Confirming the servicing of legal documents (paras 4a(1) and (4)).
 - Controlling the departure of personnel with pending legal actions (para 4b(1)).
 - Notifying local legal liaison authorities (LLAs) of incidents involving their personnel and coordinating actions with LLA thereafter (para 4c).
 - Safeguarding the personal property of incarcerated Servicemembers (para 4j(2)).
- Prescribes Army in Europe procedures to be used in Germany for deciding whether to prosecute under the provisions of the Military Extraterritorial Jurisdiction Act (para 11).
- Provides revised formats and templates for correspondence associated with jurisdiction by German courts and consolidates them in one appendix (app D, figs D-1 thru 4).
- Updates the format for providing information to U.S. personnel awaiting trial by German court (app E).
- Updates the sample of a German request for transfer of custody at trial (app F).
- Updates the samples of DD Form 1936 (fig D-3) and DD Form 1602 (fig G-1).
- Revises instructions for preparing trial observer reports (app H).
- Prescribes revisions of AE Form 550-56A, AE Form 550-56B, and AE Form 550-56C.

Applicability. This publication applies to—

- “U.S. personnel” (glossary) stationed in, on temporary duty in, or passing through Germany.
- Commanders of U. S. personnel stationed in, on temporary duty in, or passing through Germany.
- Commanders of all DOD units stationed outside Germany when members of their commands are involved in incidents in Germany.

Records Management. Records created as a result of processes prescribed by this publication must be—

- Identified, maintained, and disposed of by Army in Europe units according to AR 25-400-2. Record titles and descriptions are available on the Army Records Information Management System website at <https://www.arims.army.mil>.
- Identified, maintained, and disposed of by CNE-CNA-C6F organizations according to Navy records-management policy.
- Maintained by USAFE/AFAFRICA units in accordance with Air Force Manual 33-363, Management of Records, and disposed of in accordance with the Air Force Records Disposition Schedule located in the Air Force Records Information Management System at <https://www.my.af.mil/gcss-af61a/afrims/afrims/rim.s.cfm>.

Supplementation. Commanders will not supplement this publication without approval of the Foreign Law Branch, International Law and Operations Division, Office of the Judge Advocate, HQ USAREUR.

Forms. This publication prescribes [AE Form 550-56A](#), [AE Form 550-56B](#), and [AE Form 550-56C](#). AE and higher-level forms are available through the Army in Europe Library & Publishing System (AEPUBS) at <https://aepubs.army.mil/>. For members of USAFE/AFAFRICA, this publication is affected by the Privacy Act of 1974 and therefore each form required by this publication that is subject to the provisions of AF Instruction 37-132 must contain a Privacy Act Statement.

Suggested Improvements. The proponent of this publication is the Foreign Law Branch, International Law and Operations Division, Office of the Judge Advocate, HQ USAREUR (mil 337-4760). Users may suggest improvements to this publication by sending DA Form 2028 to the USAREUR Judge Advocate (AEJA-ILO-FL), Unit 29351, APO AE 09014-9351.

Distribution. This publication is available only electronically and is posted in the AEPUBS at <https://aepubs.army.mil/>.

CONTENTS

1. Purpose
2. References
3. Explanation of Abbreviations and Terms
4. Commanders' Responsibilities
5. LLA Responsibilities
6. *Land* LLAs
7. Local LLAs
8. Custody in Criminal Cases: Commander and LLA Responsibilities
9. Release of Information
10. Reports
11. Military Extraterritorial Jurisdiction Act Prosecutions

Appendixes

- A. References
- B. List of State Courts and Associated Local Legal Liaison Authorities
- C. Service of Civil Process
- D. Correspondence Formats and Samples
- E. Information for U.S. Personnel Awaiting Trial by German Court
- F. Sample of a German Request for Transfer of Custody at Trial
- G. Visitation Reports and Debriefing Statements
- H. Instructions for Preparing Trial Observer Reports

Tables

1. *Land* LLAs
- B-1. State Courts and Associated Local LLAs—Baden-Württemberg
- B-2. State Courts and Associated Local LLAs—Bayern (Bavaria)
- B-3. State Courts and Associated Local LLAs—Berlin, Brandenburg, Bremen, Hamburg, Hessen, Mecklenburg-Vorpommern, Niedersachsen, (Freistaat) Sachsen, Sachsen-Anhalt, Schleswig-Holstein, and Thüringen
- B-4. State Courts and Associated Local LLAs—Nordrhein-Westfalen

[B-5. State Courts and Associated Local LLAs—Rheinland-Pfalz](#)

[B-6. State Courts and Associated Local LLAs—Saarland](#)

Figures

[C-1. Format for a Transmittal Letter Returning Documents](#)

[D-1. Format for Notification of Recall of Criminal Jurisdiction \(Army\)](#)

[D-2. Format for Notification of German Criminal Jurisdiction \(Civilians\)](#)

[D-3. Sample DD Form 1936 \(Individual Case Report\)](#)

[D-4. Format for a Notification of the Result of a German Trial \(Army\)](#)

[E-1. Factsheet for U.S. Personnel Awaiting Trial by German Court](#)

[E-2. Factsheet Enclosure—Provisions of Agreements Pertaining to Trials of U.S. Personnel by German Courts](#)

[F-1. Sample of a German Request for Transfer of Custody at Trial](#)

[G-1. Sample DD Form 1602 \(Report of Visit\)](#)

[G-2. Format for a Debriefing Statement \(Memorandum For Record\)](#)

Glossary

1. PURPOSE

This publication—

a. Implements U.S. Government, DOD, and USEUCOM policy to—

(1) Ensure criminal jurisdiction over U.S. military personnel is exercised by the United States Forces (USF) to the maximum extent possible.

(2) Protect, to the maximum extent possible, the rights of “U.S. personnel” ([glossary](#)) who are subject to the exercise of jurisdiction by German courts or authorities.

b. Prescribes USF policy and procedures.

(1) The CG, USAREUR, is the designated commanding officer (DCO) for Germany.

(2) The USAREUR Judge Advocate (JA) will represent the DCO and is authorized to act on the DCO’s behalf. The USAREUR JA will ensure compliance with pertinent U.S. policy when German courts exercise criminal jurisdiction over military members of the USF (hereafter, USF personnel ([glossary](#))).

(3) The DCO or the USAREUR JA will—

(a) Be the single POC to coordinate with German Federal authorities and with the American Embassy, Berlin, on matters covered by this publication.

(b) Appoint U.S. trial observers in Germany, approve or disapprove trial observer reports, and make conclusions for submission to The Judge Advocate General of the service concerned regarding the compliance with procedural safeguards during and the fairness of trials by German courts of USF personnel.

(c) Approve or disapprove requests to transfer custody of USF personnel to German authorities.

(d) Take action when German authorities request the United States to waive its primary right of jurisdiction in a case.

c. Establishes the responsibilities of commanders of Army, Navy, Marine Corps, and Air Force personnel to—

(1) Inform personnel subject to German criminal jurisdiction of their obligation to comply with German law.

(2) Provide information and assistance to USF legal liaison authorities (LLAs).

(3) Process administrative and disciplinary actions arising from incidents involving German criminal jurisdiction, which includes the timely reporting and processing of traffic and other administrative agency fines, reminders, and similar related correspondence.

(4) Take action to ensure compliance with USF duties, obligations, and rights under the North Atlantic Treaty Organization Status of Forces Agreement (NATO SOFA) and the “Agreement to Supplement the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces with Respect to Foreign Forces Stationed in the Federal Republic of Germany of 3 August 1959” as amended by the Agreements of 21 October 1971, 18 May 1981, 18 March 1993, and the last Amending Agreement effective 28 March 1998 (revised German NATO SOFA Supplementary Agreement (SA); hereafter, identified as the NATO SOFA SA).

d. Establishes liaison channels and procedures between the USF and German judicial authorities.

e. Establishes policy, procedures, and requirements applicable to Army, Navy, Marine Corps, and Air Force personnel.

f. Establishes procedures for service of German civil process.

2. REFERENCES

[Appendix A](#) lists references.

3. EXPLANATION OF ABBREVIATIONS AND TERMS

The [glossary](#) defines abbreviations and terms.

4. COMMANDERS’ RESPONSIBILITIES

a. Command Participation. Persons subject to this publication must observe the policy and procedures prescribed by the U.S. Government, DOD, and USEUCOM concerning foreign criminal jurisdiction. The legal liaison system is the primary means for ensuring persons observe these policies and procedures. Accordingly, commanders will—

(1) Fully cooperate with and support the LLA, to include submitting accurate reports and providing confirmation of their service of both criminal and civil process documents, including traffic tickets, in a timely manner. [Appendix B](#) lists German state courts and which local LLA is assigned the responsibility for all coordination with that court.

(2) If their staff judge advocate (SJA) exercises German state (*Land* or *Bundesland*) liaison responsibility ([para 5](#)), inform their subordinate commanders about the legal liaison system and this publication in order to help USF personnel react to incidents properly.

(a) Subordinate commanders may also be kept informed through JA instructions, commanders conferences, and other sources.

(b) To deter misconduct that might involve German criminal jurisdiction, all unit commanders will routinely remind unit members that they, and their Family members ([glossary](#)), are subject to the exercise of such jurisdiction under the NATO SOFA and the NATO SOFA SA.

(3) Not communicate directly with German judicial and prison officials, unless directed or approved by their servicing LLA.

(a) An LLA will respond in all cases involving German jurisdiction over USF personnel.

1. The local LLA is the single POC for coordinating with German judicial counterparts at the public prosecutor, district or state court level, as well as the confinement facilities. Local LLAs are also the POCs for the various German offices authorized to issue administrative fines.

2. The *Land* LLA is the POC with German judicial counterparts at the applicable *Länder* (or *Bundesländer*) ministries of justice and at the higher regional court, state superior court, and public prosecutor-general level ([table 1](#)).

(b) USF LLAs may communicate with commanders across command and military service lines. This communication ensures personnel meet the time requirements established in the NATO SOFA, the NATO SOFA SA, and in U.S. criminal and administrative procedures.

(4) Cooperate with the local LLA to ensure that civil, criminal, and traffic tickets issued by German authorities are properly served in a timely manner on their unit personnel, the related proof of service of process documents are properly returned in a timely manner to the issuing authority, and the LLA is kept informed accordingly.

b. Retention in Command.

(1) Except for minor traffic incidents, unit commanders will flag or administratively hold military personnel and will place an administrative hold on civilians and Family members who are involved in an incident where action by German authorities is proposed or initiated ([\(2\) below](#)). In these cases, commanders will not permit, fund, or assist military personnel pending German criminal charges to leave Germany for any reason (for example, emergency leave, leave, pass, transfer, proposed medical evacuation). Nor will commanders allow, facilitate, or fund the departure of civilian employees or Family members pending German criminal charges without coordination with the local LLA and approval of the USAREUR JA (AEJA-ILO-FL).

(2) The local LLA will monitor personnel who are pending German criminal charges. U.S. personnel are pending German criminal charges when they—

(a) Are awaiting the German legal authority's decision regarding recalling the waiver of jurisdiction.

(b) Must appear as the accused in a German criminal court.

(c) Are the subject of a case in which the public prosecutor or an intervenor appeals a decision of the German criminal court.

(d) Are in the status of having an uncompleted German sentence (this includes: unpaid administrative fines, penal orders, or other fines).

(3) If commanders report “as absent without leave” personnel against whom German criminal proceedings are pending, the commander will immediately notify the local LLA who will notify the USAREUR JA (AEJA-ILO-FL). The commander will also notify the local LLA of personnel approaching their date of expiration term of service (ETS) (that is, 180 or fewer days before the ETS date) so that the LLA can start procedures regarding retention beyond ETS for Army personnel (AR 635-200, para 1-29), extension of enlistment for Navy and Marine Corps personnel (NAVPERS 15560D (MILPERSMAN)), or voluntary extension of enlistment for Air Force personnel (Air Force Instruction 36-3208 (AFI 36-3208), para 2.7).

c. Reports and Reporting Requirements.

(1) Incident Reports. The unit commander will immediately notify the local LLA, by telephone or e-mail, of all incidents involving German jurisdiction. Commanders will report serious incidents according to AR 190-45 and send a copy of the report to the local LLA. These notifications and reports are the first step in obtaining release of primary German jurisdiction. The 21-day recall period does not begin until the local LLA notifies the appropriate German public prosecutor of the incident according to [AE Regulation 550-50/CNE-C6F Instruction 5820.8K/USAFE Instruction 51-706](#).

(2) Serious Offense Involving Primary U.S. Jurisdiction. The unit commander will immediately notify the local LLA when a member of the USF is believed to have committed a serious offense ((b) below) for which the USF have primary jurisdiction under Article VII of the NATO SOFA. The LLA will inform the local prosecutor of the incident, unless by doing so is determined to be unnecessary by a relevant local, working, technical arrangement between the two parties.

(a) The USF have primary jurisdiction under Article VII of the NATO SOFA over offenses committed by Servicemembers solely against the property or security of the United States, offenses committed solely against U.S. personnel, and offenses arising out of any act or omission done in the performance of official duty.

(b) Serious offenses include espionage against the United States, offenses causing the death of a human being, and offenses of robbery, rape, or an attempt to commit or take part in such an offense.

d. Court Process.

(1) Criminal Process. The unit commander will immediately notify the local LLA regarding any foreign criminal court document (app C) received by a member of his or her command that was not served by SJA personnel, so that the SJA can take appropriate action. Unit commanders and supervisors will further ensure that members of their command respond promptly to requests of local LLAs to appear for service of documents. Commanders will also encourage the individual being served to see a servicing legal assistance attorney to review the document.

(2) Administrative Fining Process. Unit commanders and supervisors will—

(a) At the request of the local LLA, serve German administrative orders that impose fines on members of their commands and send the issuing German authority a certificate of service showing that the order was served.

(b) Immediately notify the local LLA of any administrative order imposing a fine for actions performed or omitted in the performance of official duty that was not served by the local LLA office.

(3) Civil Process. Unit commanders and supervisors will ensure that members of their command or their dependents respond promptly to requests of local LLAs, or coordinating agencies at the servicing office of the SJA, to appear for service of documents.

(a) In some cases, service of court documents by German authorities or service by publication may be authorized by Article 36 of the NATO SOFA SA ([paras 7f](#) and [C-3b](#)).

(b) The unit commander will immediately notify the Foreign Law Branch (AEJA-ILO-FL), International Law and Operations Division, Office of the Judge Advocate, HQ USAREUR (USAREUR Foreign Law Branch), of all German civil court documents received by a member of their command or their dependents.

(c) The LLA must be informed when U.S. personnel receive a court document so that appropriate action may be taken in response.

(4) Summons and Subpoenas. Commanders and supervisors will—

(a) Take all measures necessary to ensure that U.S. personnel appear as required before German courts or other German authorities in any criminal, administrative or civil proceedings, unless directed otherwise by the local LLA or supporting SJA after considering the provisions of AR 27-40, paragraph 7-17.

(b) Immediately notify the local LLA and request withdrawal of the summons or subpoena if the subpoenaed individual cannot attend the hearing because of a military exigency (for example, deployment).

(5) Non-German Court Process. Commanders will refer requests from U.S. Federal or State courts for service of process to the USAREUR Foreign Law Branch. The same applies for requests for service of civil process from courts located outside the boundaries of Germany. Commanders will send requests for service of criminal or administrative fining-process documents to the local LLA.

e. Restraint of U.S. Personnel.

(1) The unit commander of the applicable individual or of the sponsor of the applicable Family member will immediately inform the local LLA when German authorities detain or confine U.S. personnel for any reason. Under the NATO SOFA SA, Article 22, the USF have the right to retain custody of military personnel in criminal cases until acquittal or final conviction, even if German authorities exercise jurisdiction (para 8). Unit commanders will retrieve and take custody of such personnel in coordination with the Office of the Provost Marshal, HQ USAREUR.

(2) When German authorities temporarily detain USF personnel, commanders will coordinate and cooperate with the local LLA to expeditiously retrieve and take custody of those individuals.

(3) German courts or authorities may detain or confine U.S. personnel in civil and criminal cases. In civil cases, however, German courts or authorities may do so only to punish the individual for contempt of court or to ensure compliance with a decision or judicial order that the subject has culpably failed to obey. In addition, civil confinement may be ordered only when the act or omission that is the subject of the order did not arise in the performance of an official duty. If military personnel or civilian employees are to be confined, confinement may take place only after the commander or supervisor has arranged for a work replacement for the person to be confined.

(4) German authorities may request that the USF place an accused Servicemember into U.S. pre-trial confinement until German jurisdiction is waived or until the German trial or courts-martial. AR 27-10 and [AE Regulation 27-10](#) establish the considerations and procedures for pre-trial confinement.

f. Criminal Investigation and Waiver of Immunity.

(1) To the maximum legal extent possible, commanders will support German requests for information regarding investigations in order for the United States to remain in compliance with obligations established by the NATO SOFA and the NATO SOFA SA.

(2) According to Article 40 of the NATO SOFA SA, the archives, documents, official mail recognizable as such, and property of the USF are immune from search and seizure. German requests to search U.S. Government offices or search and seize U.S. Government records, official mail, or other property will not be honored unless the commander exercising area jurisdiction, acting in coordination with the command's SJA, has waived immunity under Article 40 of the NATO SOFA SA and authorized a search by German authorities or a search by and temporary release to German authorities.

g. Pretrial Action.

(1) Commanders who are aware of incidents involving foreign criminal jurisdiction will determine if the incidents warrant disciplinary action. If appropriate, the commander will begin the action immediately. The convening authority may refer a case for trial by court-martial subject to waiver of jurisdiction ([AE Reg 27-10, para 7c](#)). Cases subject to host-nation jurisdiction will not be tried, nor will commanders impose nonjudicial punishment or take other final action in such a case (to include the dismissal of charges) until the local LLA advises the appropriate commanders that German authorities have decided not to exercise jurisdiction.

(2) If advised that U.S. personnel under their authority are involved in an incident, commanders will take appropriate administrative action (for example, flagging, suspension or revocation of driving privileges, suspension of military exchange or commissary privileges).

(3) Commanders will ensure that the pay and allowances of an accused Servicemember in German confinement are terminated under provisions of the Department of Defense Financial Management Regulation (DOD FMR) (vol 7A, para 010302, table 1-12 (rule 6), and table 1-13 (rule 6)) on the date the accused entered German confinement. For circumstances under which payment of allowances (such as basic allowance for quarters) may continue, commanders should refer to DOD FMR (vol 7A, para 260501B) and applicable military service directives (that is, for Army personnel: AR 37-104-4, chap 15).

(4) Whether the accused is in U.S. custody or is transferred to German pretrial confinement, the commander will continue to provide support when requested by the local LLA. If the return of Family members of the accused to CONUS is necessary or appropriate, the commander will do so based on applicable regulations (for example, Joint Federal Travel Regulations (vol I , para U5240-D), AR 55-46 for Army personnel, other service directives for personnel of other services).

h. Judicial Proceedings. When requested by the local LLA, unit commanders will—

- (1) Provide transportation and guards or escorts for accused Servicemembers.
- (2) Ensure the accused is present and in proper attire at German judicial proceedings.
- (3) Arrange for the accused's release from U.S. confinement.
- (4) Provide the local LLA with necessary logistic support during the proceedings.

i. Disposition of Cases.

(1) **United States.** When the local LLA requests a status update, unit commanders will provide the local LLA with information about the case disposition by military authorities so that the local LLA can notify the local prosecutor.

(2) **German.** If a commander receives a notification ([fig D-4](#)) that a German court or authority has convicted a Servicemember, the commander will ensure that all appropriate administrative actions are taken (for example, suspension or revocation of military exchange, commissary, and driving privileges; reduction in grade; administrative separation from the service).

(a) Reductions in Grade. The following provide conditions for reduction in grade:

1. For Army personnel, AR 600-8-19.
2. For Navy and Marine Corps personnel, NAVPERS 15560D (MILPERSMAN) (vol 1450).
3. For Air Force personnel, AFI 36-2502.

(b) Discharges. A Servicemember in foreign confinement may be discharged (or administratively separated) in accordance with appropriate service regulations, with service component (that is, HQDA for the Army) approval, only after German authorities have taken final action.

1. Applicable service regulations include AR 635-200 (chap 14) for the Army, NAVPERS 15560D (MILPERSMAN) (vol 1900 thru 1999) for the Navy and the Marine Corps, and AFI 32-3206 or AFI 3208 for the Air Force.

2. Unless authorized by the Secretary of the service component, discharges approved according to the regulations listed in [1 above](#) may not take effect until the Servicemember has served his or her sentence and has returned to CONUS.

3. Units will send a copy of any approved administrative separation to the local LLA.

j. Personnel Records and Safeguarding the Accused Servicemember's Personal Property.

(1) **Personnel Records.** The unit of the accused will provide the local LLA with copies of pertinent personnel records including a service record brief and the documents changing the status to being in civil confinement. The unit will provide the LLA with the organization name and contact information for the organization that will retain and manage the actual personnel file of the Servicemember during the confinement.

(2) **Safeguarding Property.** When an accused Servicemember enters host-nation confinement, the commander will inventory (provide a copy to the Servicemember) and securely store (normally in a locked or banded container with a serial-numbered seal) the accused's personal property. Commanders are also responsible for ensuring the proper accountability of personal property for civilian employees and Family members, and will assist in making appropriate arrangements for transportation, storage, or both.

(a) For Army personnel who are in U.S. pretrial confinement, AR 190-47, paragraph 5-7a(4), also requires inventory and secure storage of personal property. For personnel of other services, the commander should consult appropriate service directives for requirements to safeguard property during pretrial confinement.

(b) At the request of the accused and if local prison authorities agree, the accused's personal property may be transferred to the local prison. Units will coordinate any property transfers through the local LLA.

(3) **Unit Inactivations.** If the accused or convicted Servicemember's unit will inactivate while the Servicemember is in confinement, the unit will transfer the personal property, property records, and, if applicable, personnel records to the next higher headquarters or other service-designated unit that is responsible for the inactivating unit's property and records.

k. Removal of Personnel and Family Members. At the request or with the approval of German authorities, commanders are responsible for ensuring that the USF remove Servicemembers from Germany and provide assistance to entitled civilian personnel and Family members to depart from Germany ([para 7i](#)) either before or after the German trial, when their removal would terminate further criminal proceedings or would ensure an early release from a sentence to confinement. Units will complete removals by 72 hours after the earliest authorized release date. The LLA will provide guidance and assistance as necessary. Commanders of Servicemembers remain responsible for ensuring prompt removal of Family members even after the sponsor has left the command.

5. LLA RESPONSIBILITIES

a. *Land* and local LLAs will designate an attorney, preferably language-qualified, as the legal liaison officer. The legal liaison officer is principally responsible for performing liaison duties and will be provided adequate resources and time for this purpose.

b. Successful implementation of the criminal jurisdiction provisions of the NATO SOFA and the NATO SOFA SA requires close, continuous, frank, and personal communication between some or all of the following parties:

(1) Legal liaison officers and the LLA personnel.

(2) German judicial authorities.

(3) Commanders

(4) Unit SJAs.

(5) Appropriate military authorities concerned with the administration of German criminal jurisdiction over U.S. personnel.

6. LAND LLAs

Table 1 provides a list of the German states (*Länder*) and their associated *Land* LLAs.

Table 1 <i>Land</i> LLAs	
German States (<i>Bundesländer</i> or <i>Länder</i>)	<i>Land</i> LLAs
Berlin, Brandenburg, Bremen, Hamburg, Hessen, Mecklenburg-Vorpommern, Niedersachsen, Nordrhein-Westfalen, Sachsen, Sachsen-Anhalt, Schleswig-Holstein, and Thüringen	SJA, HQ USANATO* Unit 29351 APO AE 09014-9351
Bayern (Bavaria)	SJA, JMTC Unit 28130 APO AE 09114-8130
Baden-Württemberg, Rheinland-Pfalz, and Saarland	SJA, 21st TSC Unit 23203 APO AE 09263-3203
*NOTE: The DCG, USAREUR, also serves as the CG, USANATO, (not to be confused with the Cdr, USANATO Bde). The action office for SJA, USANATO, is the Wiesbaden Legal Center, International Law Branch, Unit 29351, Box 32, APO AE 09014-9351.	

a. *Land* LLA Liaison Responsibilities. The *Land* LLAs, or their representatives, are the USF POCs for interaction with the following agencies or persons in their associated *Länder*:

(1) *Land* minister of justice (*Landesjustizminister*).

(2) Prosecutors general.

(3) State superior courts.

(4) Other judicial authorities of the applicable *Land* for legal liaison actions necessary at the *Land* level that relate to exercising criminal jurisdiction over USF personnel, the civilian component, and their Family members.

b. Responsibilities for Supervising Local LLAs. *Land* LLAs will also supervise the local LLAs in their assigned *Länder*.

c. Liaison Objectives. In contacts with German judicial authorities, *Land* LLAs will—

(1) Tactfully and vigorously represent U.S. interests in cases involving U.S. personnel who hold SOFA status.

(2) Diligently seek the full protection of the rights of U.S. personnel who hold SOFA status.

(3) Support local LLAs in representing the interests of U.S. personnel who hold SOFA status with German authorities at the *Land* level.

(4) Enter technical implementing arrangements regarding Article VII of the NATO SOFA and related NATO SOFA SA provisions with appropriate *Land*-level officials, as authorized by the USAREUR JA (AEJA-ILO-FL).

7. LOCAL LLAs

Appendix B (tables B-1 thru B-6) lists local courts in the various German states (*Länder*) and the associated local LLAs that are responsible for all local-level coordination for the USF.

a. Liaison Responsibilities. Local LLAs are the single USF POCs for coordination with local-level German judicial and prison authorities in their assigned geographic areas. Additionally, local LLAs are the USF POCs for coordination with German offices that are authorized to issue administrative orders imposing fines (*Bußgeldbescheide*). In these roles, local LLAs will—

(1) Maintain appropriate relationships with German judicial authorities through personal visits.

(2) Seek proper consideration by German judicial authorities of cases involving U.S. personnel and the full protection of the rights of those personnel.

(3) Monitor each case occurring in their area (except for cases that have been transferred to another local LLA) until its final disposition.

(4) Respond to inquiries or requests from German authorities regarding the removal from Germany of U.S. personnel who hold SOFA status.

(5) Ensure the accused and U.S. witnesses attend the trial.

(6) Arrange for U.S. trial observers to attend criminal proceedings, when required.

(7) Make and coordinate required liaison visits to German prisons located in their assigned area.

(8) Ensure commanders are aware of requirements under the NATO SOFA, the NATO SOFA SA, this publication, and other applicable USF regulations.

(9) Contact the *Land* LLA or the USAREUR JA (AEJA-ILO-FL) when assistance is needed.

(10) Enter technical implementing arrangements regarding Article VII of the NATO SOFA and any related NATO SOFA SA provisions with the appropriate local officials, as authorized by the USAREUR JA (AEJA-ILO-FL).

b. Responsibilities for Jurisdiction Process, Notification, and Reporting. Local LLAs will—

(1) Ensure prompt reporting of incidents involving U.S. personnel that occur within their area of responsibility.

(2) As required by Articles 18A and 19 of the NATO SOFA SA and other applicable international agreements, make appropriate notification—subject to local agreements—to German authorities including notification of—

(a) USF intent to exercise jurisdiction over serious offenses involving primary U.S. jurisdiction.

(b) The general court-martial convening authority (GCMCA) decision to refer a case for trial by a court-martial authorized to pronounce a death sentence.

(c) Cases falling under the general waiver of primary German jurisdiction.

(3) Monitor cases requiring retention-in-command action according to [paragraph 4b](#).

(4) Take the following actions after receiving a written recall of the general waiver of jurisdiction of an accused Servicemember:

(a) By 2 workdays after receipt, notify the USAREUR JA (AEJA-ILO-FL) by telephone or e-mail regarding the information required on DD Form 1936 (items 1 thru 22). Appendix D provides an example ([fig D-3](#)).

(b) By 10 workdays after receipt, send DD Form 1936 (completed thru item 22), as prescribed in [paragraph 10g](#), to the USAREUR JA (AEJA-ILO-FL).

(c) Send a copy of the DD Form 1936 to the *Land* LLA.

(d) Provide the information in items 23 through 25 of the DD Form 1936 to the USAREUR JA (AEJA-ILO-FL) by telephone or e-mail as soon as possible after the information is available. By 10 workdays after the information is available, send an updated DD Form 1936 to the USAREUR JA (AEJA-ILO-FL) with items 23 through 25 and any other known information completed.

(5) Take the following actions when German authorities exercise jurisdiction over accused U.S. personnel in a concurrent jurisdiction case:

(a) If the accused is a U.S. Servicemember, notify the unit commander in writing ([fig D-1](#)) and send a copy to each of the agencies in [1 through 3](#) below.

1. The *Land* LLA associated with the *Land* in which the incident occurred ([table 1](#)).

2. The USAREUR JA (AEJA-ILO-FL), Unit 29351, APO AE 09014-9351. If not sent electronically as a digitally signed document, two copies must be sent.

3. The GCMCA who exercises area jurisdiction:

a. For Army personnel: the appropriate GCMCA (AEXX) [SJA office symbol].

b. For Navy and Marine Corps personnel: the Commander, Naval Region Europe, Africa, Southwest Asia (CNEURAFSWA) (OGC).

c. For Air Force personnel: the HQ 3 AF (JAI) and the HQ USAFE/AFAFRICA (JAO).

(b) If the accused is a civilian employee or Family member, make a notification similar to the one described in (a) above in writing (fig D-2) to the appropriate U.S. Army garrison commander, the sponsor, and the commander of the sponsor, and send a copy to each of the agencies in (a) 1 through 3 above.

(6) Immediately after the German trial of USF personnel, advise the unit commander, through the command SJA, of the results of the trial. For Army personnel, local LLAs will use the format in figure D-4. The local LLA may use a format similar to the one in figure D-4 for notifications involving Navy and Marine Corps or Air Force personnel.

(7) By 2 workdays after the trial, prepare the final DD Form 1936 (completed thru part IV) and send copies of the final report as described in (8)(b) below.

(8) Take the following actions when the local LLA learns that German authorities have detained or arrested other U.S. personnel—

(a) Notify the USAREUR JA (AEJA-ILO-FL) by telephone or e-mail.

(b) By 2 workdays after receipt of information, prepare and send DD Form 1936 (completed through item 22) to the USAREUR JA (AEJA-ILO-FL) and send a copy to the *Land* LLA. Initial and follow-up reports on civilian employees and Family members are not required if the individual has been released from German custody and the offense is minor. Major offenses are offenses that—

1. Result in serious personal injury or extensive property damage.

2. Would normally result in the offender being sentenced to confinement.

c. Support to the Accused. If the local LLA is notified that German authorities intend to exercise jurisdiction over USF personnel, the local LLA will—

(1) By 5 workdays after notification, brief the accused on German criminal procedures and the right to apply for U.S. Government-retained counsel.

(2) Provide the accused a factsheet of information based on the format in appendix H (with case-specific information appropriately modified in the final factsheet). The accused will sign a document acknowledging receipt of this information.

(3) If the accused is on active duty, verify the Servicemember's ETS and determine if the German criminal proceedings can reasonably be completed before the ETS date. If not, the local LLA will counsel the accused about retention in the service ((a) thru (c) below). If the accused Servicemember executes an affidavit requesting retention or extension, the local LLA will provide the USAREUR JA (AEJA-ILO-FL) and the *Land* LLA with a copy of the affidavit. The LLA will provide counsel as follows:

(a) For Army personnel, voluntary retention beyond the ETS (AR 635-200, para 1-29).

(b) For Navy and Marine Corps personnel, extension of enlistment (NAVPERS 15560D (MILPERSMAN)).

(c) For Air Force personnel, voluntary extension of term of service (AFI 36-3208).

(4) Contract with private attorneys to represent USF personnel tried by German criminal courts according to [AE Regulation 550-50/CNE-C6F Instruction 5820.8K/USAFE Instruction 51-706, paragraph 18](#). The U.S. Government will pay authorized court costs and attorney fees (including intervenor fees).

d. Information. The local LLA will, on request—

(1) Provide the local prosecutor with a timely notice of the time and location of U.S. court-martial trials.

(2) Advise the local prosecutor of actions taken by U.S. authorities.

e. Counsel, Bail, and Court Costs. U.S. personnel will send requests in writing to the local LLA for the U.S. Government to retain counsel, provide bail bond, or pay court costs or other expenses relating to German criminal or civil proceedings according to AR 27-50/SECNAVINST 5820.4G/AFJI 51-706, chapter 2. [AE Regulation 550-50/CNE-C6F Instruction 5820.8K/USAFE Instruction 51-706, paragraph 18](#), establishes the criteria and procedures for such action.

(1) The local LLA will provide the applicant a list of English-speaking German defense counsels for the local area.

(2) The applicant must inform the local LLA of the counsel selected so that the local LLA can comply with appropriate contracting procedures.

(3) The local LLA will obtain funds according to [AE Regulation 550-50/CNE-C6F Instruction 5820.8K/USAFE Instruction 51-706, paragraph 18](#).

f. Service of German Judicial Process.

(1) Criminal and Administrative Fining Process.

(a) At the request of German courts or authorities, the local LLA will serve process in German criminal proceedings including the German administrative fine assessments according to the NATO SOFA SA, Article 19, paragraph 6b. The local LLA will immediately notify the requesting court or authority in writing when service is effected. At the request of the local LLA, unit commanders will support service of process by ensuring the presence of the individual for service of process.

(b) According to the NATO SOFA SA, Article 37, the USF must ensure the attendance of U.S. personnel who are summoned to appear before a German court or authority in civil or criminal proceedings, provided the USF are requested to serve the summons or receive timely notice of the summons and its contents from the German court or authority. SJAs will make provisions to ensure that testimony would not be precluded according to AR 27-40 or other service directives as applicable.

(c) If the request is not related to a NATO SOFA case, such as a Mutual Legal Assistance Treaty (MLAT) case, the LLA should seek guidance from USAREUR JA (AEJA-ILO-FL).

(d) Traffic tickets issued by countries other than Germany will be served through the Wiesbaden Legal Center.

(2) Civil Process.

(a) General. [Appendix C](#) explains civil process procedures. Although German courts and authorities routinely request the USF liaison agency to serve documents in civil cases, under the NATO SOFA SA, Article 32, they are not required to do so if they notify the appropriate USF liaison agency of the document and the person to be served. SJAs will ensure that the USAREUR JA (AEJA-ILO-FL) (for cases involving Army or Navy and Marine Corps personnel) or HQ USAFE/AFAFRICA (JAIS) (for cases involving Air Force personnel) is notified immediately when U.S. personnel in their geographic areas receive civil legal documents that have not been processed through the USF central liaison agency.

(b) U.S. Interest Cases. For U.S. personnel who are summoned to appear before a German court or authority in cases with U.S. interest, compliance with the summons is normally considered performance of official duties. The individual does not have to use leave or personally pay costs to attend court. Travel and per diem expenses will be charged to local command funds. In these cases,—

1. AR 27-40, paragraph 7-17b, provides additional guidance for Army personnel.
2. Navy and Marine Corps personnel should consult their service directives for additional guidance.
3. AFI 51-301 provides additional guidance for Air Force personnel.

(c) Summons for Civil Suits Against Germany. In German civil suits arising from an official duty incident, the U.S. Government is not routinely named as the defendant. The injured party sues Germany as the nominal defendant on behalf of the United States. The United States is, however, the real party in the litigation. The NATO SOFA SA (Art 37), AR 27-40 (para 7-17b), and AFI 51-301 (para 9.18), require receipt of a summons for U.S. personnel to appear in court in such a case.

g. Trial Observers and Trial Observer Reports.

(1) SJAs who are responsible for the trial observer mission will request that the USAREUR JA appoint appropriate personnel as U.S. trial observers. Requests will include the following information concerning the individual:

- (a) Full name.
- (b) Rank.
- (c) Social Security number (last five digits).
- (d) Unit of assignment and current duty assignment.
- (e) Education (that is, for the highest completed level of education, the name of the school, the degree, and the year awarded).
- (f) Previous assignments.
- (g) Date of attendance at a USAREUR Trial Observer Continuing Legal Education course.
- (h) SJA assessment of the nominee's capability to perform trial observer duties.

(2) Except as indicated in (3) through (5) below, the U.S. trial observer will observe proceedings including the trial, appellate hearings, and, when permitted, pretrial proceedings pertaining to U.S. personnel.

(a) The U.S. trial observer will report his or her observations of initial convictions and appellate decisions and will determine if the process failed to remain in compliance with the procedural safeguards in the NATO SOFA, the NATO SOFA SA, German law, or other applicable international agreements.

(b) The U.S. trial observer will prepare a separate memorandum for record expressing an opinion as to whether or not the accused received a fair trial and enclose the memorandum with the report.

(3) Trial observers and trial observer reports are not required when an individual is tried for a minor offense. Trials for minor offenses include the following types of trials:

(a) A trial by simplified juvenile proceedings.

(b) A trial following a protest of an administrative fine or penal order.

(c) A trial in which, according to German law, no sentence to confinement is normally imposed.

(4) An attorney who has served as a counsel for or as a prosecutor of an accused may not later act as a U.S. trial observer for the same accused. An attorney who acts as a U.S. trial observer will not represent the accused at proceedings relating to that trial.

(5) U.S. trial observers are official U.S. Government representatives at German trials. U.S. trial observers will not take an active part in the proceedings (for example, as a witness or an expert) without approval of the USAREUR JA (AEJA-ILO-FL).

(6) After they successfully complete approved trial observer training, the USAREUR JA will issue U.S. trial observers an AE Form 550-56C and a memorandum of appointment signed by the USAREUR JA. U.S. trial observers are appointed for a 5-year period. At the expiration of the appointment, the SJA may request reappointment of the same individual by following the procedures in (1) above after the individual attends approved trial observer training again.

h. Restraint of U.S. Personnel.

(1) Restriction. For U.S. personnel placed on restriction, at least once every 30 days, the local LLA and the accused's commander will review imposed restrictions to determine whether or not continuation of those restrictions are warranted. If the local prosecutor requests that the Servicemember be placed in pre-trial confinement, the command will follow the procedures established in AR 27-10, chapter 17, for Army personnel or other appropriate service regulations for Navy and Marine Corps or Air Force personnel.

(2) U.S. Confinement. At least once every 30 days, a representative of the local LLA will visit accused military personnel who face a German trial and who are confined in a U.S. confinement facility. The local LLA where the incident occurred is normally the responsible local LLA.

(a) The local LLA will ensure the accused is fully advised of the progress of his or her case.

(b) The responsible local LLA may make a written request (with a copy to the USAREUR JA (AEJA-ILO-FL)) to the local LLA nearest the confinement facility to perform these visits on his or her behalf. Unless specifically requested, the local LLA performing the visit will not send a formal report of the visit.

(3) Confinement in German Facilities.

(a) The local LLAs will—

1. Notify the USAREUR JA (AEJA-ILO-FL) (b(8)(a) above) when Army personnel are confined in German confinement facilities.

2. Monitor, coordinate, and report visits to U.S. personnel in foreign confinement within their area of responsibility. Paragraph 10c describes the format and distribution of foreign confinee visitation reports. Foreign confinement includes any facility used to deprive liberty; this includes city jails, hospitals, prisons, and psychiatric institutions.

3. Ensure a representative of the LLA office visits the confinee by 30 days after foreign confinement begins and at least once every 30 days thereafter.

4. Visit U.S. personnel (of all Services) for whom they have legal liaison jurisdiction and ensure the foreign standards of confinement (a and b below) are as equivalent as possible to U.S. standards. As possible, the local LLA will ensure that U.S. personnel in German confinement receive—

a. The same treatment, rights, privileges, and protection as U.S. military personnel confined in U.S. military facilities. If visitation personnel note deficiencies that endanger the physical, mental, or moral well-being of a prisoner or a group of prisoners, the local LLA will immediately report the deficiency to the confinement authorities, to appropriate medical authorities (if appropriate), and to the Land LLA. If the deficiency is not corrected after a reasonable period, the local LLA will notify the USAREUR JA (AEJA-ILO-FL).

b. Treatment and privileges that are no less favorable than those of other prisoners in the same facility.

5. Request timely visits by other personnel (for example, chaplains, commanders, educational personnel, military dentists, military psychiatrists) as appropriate. Commanders of prisoners must act on any requests for assistance by the local LLA.

(b) By 30 days after foreign confinement begins and once every 90 days thereafter, or more often if medically necessary, the commander of the medical unit in support of the prisoner's parent unit is responsible for sending a medical officer, a physician's assistant, or a member of the Nurse Corps to visit confined U.S. personnel to ensure that they are receiving proper care.

(c) Chaplains will visit confined U.S. personnel at least once every 30 days and will advise the appropriate local LLA of visit results.

(d) Only the CG, USAREUR, or the USAREUR JA (AEJA-ILO-FL) may grant exceptions to the composition or requirements of visitation personnel. When necessary, the USAREUR JA (AEJA-ILO-FL) will help the local LLA coordinate for visitation personnel from other agencies.

(e) The USAREUR JA (in coordination with the local LLA) will arrange for payment of health and comfort money for confined Army personnel, if applicable, and in the amounts as authorized by DODI 1325.07, enclosure 2, paragraph 8a; the DOD FMR, chapter 27; AR 27-50/SECNAVINST 5820.4G/AFJI 51-706, paragraph 3-6; Chairman of the Joint Chiefs of Staff messages; and HQDA messages on this subject. When authorized according to the above Joint references and other applicable service directives, health and comfort supplies (or alternatively health and comfort money) will be provided for Navy, Marine Corps, and Air Force personnel.

(f) When confined personnel transfer between two German confinement facilities, the losing local LLA will—

1. Promptly notify the gaining local LLA and the USAREUR JA (AEJA-ILO-FL) by telephone.

2. Provide the gaining local LLA a copy of the trial observer report, a copy of the approved discharge (if applicable and only for military personnel), the DD Form 1936, and the most recent DD Form 1602. The losing local LLA will advise the gaining local LLA of any procedures necessary to obtain the prisoner's next health and comfort allowance ((e) above).

i. Removal.

(1) With the consent of the German judicial authority, the USF will remove U.S. military and authorized civilian personnel and their Family members from Germany either before or after the German trial, when removal would terminate further criminal proceedings or would ensure an early release from sentence of confinement. The USF will accomplish removals by 72 hours after the earliest authorized release date.

(2) The local LLA will coordinate with appropriate command authorities to ensure the timely removal of military and entitled civilian personnel and their Family members. If a Servicemember who is being removed from Germany does not have an approved discharge, the local LLA will send the following documents to the IMCOM-Europe G1, Unit 23103, APO AE 09136-3103, with copies to the USAREUR JA (AEJA-ILO-FL) and the USAREUR G1 (AEPE-C or AEPE-AG as appropriate), Unit 29351, APO AE 09014-9351, as soon as possible and before the requested removal date:

(a) The letter from the German authority requesting removal (provided by the local LLA, with a translation if applicable).

(b) Two copies of DA Form 2A and DA Form 2-1 (provided by the unit commander).

NOTE: When necessary to meet the 72-hour deadline, the local LLA (or unit on behalf of the local LLA) may need to hand-carry the documents to the USAREUR G1, the IMCOM-Europe G1, and the USAREUR JA (AEJA-ILO-FL).

j. Discharge and Termination of Employment.

(1) To support administrative discharge actions, the local LLA will provide the USAREUR JA (AEJA-ILO-FL) a copy of the initial German judgment, appellate decisions, an English translation of the announced judgment, the certification by the court, and a copy of the personnel documents needed for discharge. If appellate action is withdrawn, the local LLA will send the USAREUR JA (AEJA-ILO-FL) a copy of the withdrawal request.

(2) U.S. military authorities will not discharge U.S. military personnel in German confinement until German judicial proceedings are complete and all terms of confinement are completed. The Secretary of the military department concerned may, in unusual cases, grant exceptions to this policy. Unit commanders are responsible for conducting and documenting any voluntary extensions of enlistment of their confined Servicemembers. The local LLA will monitor voluntary extensions of enlistment according to AR 635-200, NAVPERS 15560D (MILPERSMAN) (vol 1160), and AFI 36-3208.

(3) The USF will normally continue administrative support, including trial observation and prison visits, for civilian personnel and Family members even if a loss of status may occur after the offense (for example, an accused civilian employee's employment may be terminated after he or she is prosecuted or a the sponsor of a Family member may leave Germany). For Army civilian personnel or Family members, administrative support will continue until all rights to appeal are exhausted or until the individual loses SOFA status, whichever occurs later. At that time, the local LLA will send a memorandum to the closest U.S. Consulate describing the prisoner's status so that the consulate can initiate visitation.

k. Retirement of Files. The local LLA will notify the USAREUR JA (AEJA-ILO-FL) of individual case files that should be retired. The USAREUR JA (AEJA-ILO-FL) will retire files on final acquittal, removal of the accused from Germany, or completion of the adjudged sentence including fines and probation periods. When retired, the file will include two copies of DD Form 1936 completed through part V. The local LLA may make a written request to the USAREUR JA (AEJA-ILO-FL) for an exception to these procedures.

l. Release. After completion of sentence, the local LLA will coordinate with USF and German authorities for the release of the individual.

8. CUSTODY IN CRIMINAL CASES: COMMANDER AND LLA RESPONSIBILITIES

Except as stated below, U.S. military authorities will retain custody of accused military personnel until German judicial proceedings are complete. If German authorities, on completion of their preliminary investigative procedures, refuse to release military personnel who they have apprehended, the unit commander or the military police station commander will notify the local LLA immediately.

a. Army Personnel. When Army personnel are detained, the local LLA will immediately request the release of the detained Soldier to the control of the USF under the provisions of the NATO SOFA SA, Article 22, paragraph 2(a). The local LLA will request release, normally by telephone, to the office of the public prosecutor having jurisdiction over the alleged offense for which the Soldier is being detained. The local LLA will notify the USAREUR JA (AEJA-ILO-FL) by telephone or e-mail as soon as he or she learns that a U.S. Soldier has been arrested and that German authorities will detain the Soldier after their investigative processing is complete. Subparagraphs [c](#) and [d below](#) provide additional Army-specific procedures for temporary and nontemporary custody, respectively.

b. Navy and Marine Corps or Air Force Personnel. The Commander, CNE-CNA-C6F, for Navy and Marine Corps personnel and the Commander, USAFE/AFAFRICA, for Air Force personnel will determine transfer of (temporary and nontemporary) custody as required and, if necessary, provide any service-specific instructions for temporary or nontemporary custody of their service's personnel that differ from Army procedures ([c](#) and [d below](#)).

c. Temporary Custody of Army Personnel. If the U.S. confinement facility or the accused's unit is a significant distance from the German hearing site the local LLA may arrange to temporarily transfer custody of military personnel to German authorities for either of the following reasons provided that the USAREUR JA (AEJA-ILO-FL) concurs by telephone:

(1) Medical or psychiatric examination.

(2) Conduct of the German trial. The temporary custody should begin no earlier than the day of or weekend immediately before the German trial and may continue for any number of days until immediately after the trial.

d. Nontemporary Custody of Army Personnel.

(1) Policy. The USAREUR JA (AEJA-ILO-FL) has sole authority to approve requests to transfer custody of Army personnel. If the local or *Land* LLA receives a request, the LLA will send the request to the USAREUR JA (AEJA-ILO-FL), Unit 29351, APO AE 09014-9351, by 10 days after receipt.

(a) Custody-transfer requests made before the trial verdict is announced are a significant exception to USF policy and will rarely be approved. The USAREUR JA will consider them only if all of the following apply:

1. German authorities have jurisdiction over the accused according to the NATO SOFA SA, Article 19.

2. A valid German arrest warrant (or other form of legal process requiring confinement under German law) exists for the accused.

3. Military authorities have placed the accused in pretrial confinement according to charges under the Uniform Code of Military Justice for the offense.

4. The proposed custody transfer serves the interests of justice.

(b) The USAREUR JA will consider custody-transfer requests made on announcement of initial conviction only if all of the following conditions are met:

1. The judgment of the court includes an unsuspended sentence to confinement.

2. A valid German arrest warrant exists for the accused.

3. German authorities present the local LLA with a request for the immediate transfer of custody, which should provide a valid reason why USF should transfer custody before final sentencing.

4. The trial observer makes an initial determination that the accused received a fair trial.

(c) The USAREUR JA will consider custody-transfer requests made during German appellate proceedings only if all of the following conditions are met:

1. A valid German arrest warrant exists for the accused.

2. A significant development has occurred since the initial conviction to indicate that U.S. custody of the accused, either in or out of confinement, would be harmful to the interests of justice.

(2) Procedures. When local LLAs receive requests to transfer custody to German authorities (app F, fig F-1, provides an example), the local LLA will do the following:

(a) For custody-transfer requests received before the trial verdict is announced, send a transmittal memorandum from the local LLA with the German letter of request (with a translation) and the German arrest warrant (with a translation) enclosed, as well as an endorsement from the area GCMCA responsible for the accused Servicemember to the USAREUR JA (AEJA-ILO-FL) for a decision.

1. The memorandum from the local LLA will briefly summarize the case. The summary will include the dates that German jurisdiction and U.S. pretrial confinement (if any) were exercised, a description of the disciplinary record of the accused, information relevant to the request (for example, the ETS date of the accused, a statement of whether or not the accused is under military charges), and a recommendation from the local LLA. The memorandum must be signed by the SJA who has liaison responsibility with the German court district from which the request was received or the supervisor over the local LLA responsible for the court district.

2. The endorsement will include the recommendation and signature of the GCMCA. Recommendations from the *Land* LLA or from immediate commanders are not required.

(b) For custody-transfer requests received after the initial conviction is announced, promptly forward the request (by telephone or e-mail) to the USAREUR JA (AEJA-ILO-FL) for a decision. To expedite the request, the local LLA should determine the public prosecutor's intentions concerning custody transfer at the trial and relay those intentions to the USAREUR JA (AEJA-ILO-FL) by 2 workdays before the final (scheduled) day of the trial. No transfer will be made without USAREUR JA (AEJA-ILO-FL) approval.

1. If the USAREUR JA approves, the local LLA will send the USAREUR JA (AEJA-ILO-FL) copies (with translations) of the German arrest warrant and custody-transfer request.

2. If the request cannot be approved by telephone or e-mail, the local LLA will send the request to the USAREUR JA (AEJA-ILO-FL), Unit 29351, APO AE 09014-9351, for decision. The local LLA will send the information required in (a) above, but may omit the GCMCA endorsement.

(c) For requests received during the appeal, include any information about post-conviction developments with the information required in (2)(a) above and send the request to the USAREUR JA (AEJA-ILO-FL) for a decision.

(d) For requests that do not meet the criteria in 8d(1)(a) and (b) above that are not denied by the *Land* LLA, send the request to the USAREUR JA (AEJA-ILO-FL), Unit 29351, APO AE 09014-9351 for decision. The appropriate *Land* LLA may deny, by memorandum, requests for transfer of custody not meeting these criteria after giving sympathetic consideration to the request as required by NATO SOFA SA (art 22, para 2(b)(ii)). The requirements of (2)(a) above apply except that the personal signature of the GCMCA is not required.

(3) Response. The USAREUR JA (AEJA-ILO-FL) will initially provide the initiating local LLA an immediate notification of the decision made in response to the German transfer request. The initial response will be provided by telephone or by e-mail. The USAREUR JA will provide the formal notification in writing later.

(a) The immediate (by telephone or e-mail) notification of decision by the USAREUR A (AEJA-ILO-FL) is sufficient authority for final action by the local LLA.

(b) If the USAREUR JA approves the transfer request, the local LLA will coordinate with command and confinement facility personnel to arrange for the transfer. Once the transfer is made, the visitation requirements apply ([para 7h](#)). The local LLA will ensure that German authorities requesting the transfer meet all of the following conditions:

1. They are aware of the military authorities' requirement to make prisoner visits.
2. They will cooperate with the USF.
3. They intend to fulfill the assurances they provided in the transfer request.

e. Service of Sentence. When German courts convict accused military personnel and sentence them to unsuspended confinement, the local LLA will—

(1) Coordinate transfer of custody of the accused for service of adjudged confinement.

(2) Notify the USAREUR JA (AEJA-ILO-FL) before the transfer.

(3) Obtain copies of U.S. military documents (for example, DA 4187) that change the individual's duty status to "civil confinement."

f. Physical Examinations. The local LLA will coordinate with the accused's unit or the military confinement facility, as appropriate, to ensure a physical examination, as required by AR 27-50/SECNAVINST 5820.4G/AFJI 51-706, paragraph 3-4a, is conducted during the 48-hour period before nontemporary transfer of the accused to German custody.

g. Reports to German Prosecutors. The local LLA will provide information to the local prosecutors about the progress of important released cases, as needed.

9. RELEASE OF INFORMATION

a. Press Releases and Media Inquiries. The Office of the Chief, Public Affairs, HQ USAREUR (OCPA), has primary responsibility for releasing information to the news media. USF personnel will not provide information to the news media concerning cases pending trial in German courts or concerning U.S. military personnel, U.S. civilian personnel, or their Family members who are in German confinement without USAREUR JA (AEJA-ILO-FL) and OCPA approval.

(1) For information about Air Force personnel, USF personnel will also comply with the requirements of AFI 51-201.

(2) For information about Navy and Marine Corps personnel, USF personnel will also consult and comply with the appropriate service and service component command directives.

b. Official Inquiries. For requests from nonmedia, civilian (non-DOD), official (Government) sources (for example, the President of the United States, members of the Congress, state or local officials) for information about cases subject to German jurisdiction, the information request will be referred promptly to the military agency designated by service directives to respond.

(1) For Army personnel, information requests will be sent to the Army in Europe Congressional & Special Interest Inquiries Office, Theater Personnel Services Support Branch, Garrison Support Element, IMCOM-Europe, Unit 23103, APO AE 09136-3103 (mil 496-5802).

(2) For Navy and Marine Corps personnel, information requests will be processed in compliance with the applicable service and service component command directives.

(3) For Air Force personnel, information requests will be processed in compliance with AFI 51-201.

c. Nonmedia Civilian Inquiries. For requests from civilian nonmedia and non-Governmental sources (for example, individual private inquiries, non-governmental organizations), the information request will be sent to the applicable service's Freedom of Information Act officer with copies sent to the USAREUR JA (AEJA-ILO-FL) and the OCPA.

d. Next-of-Kin Notification. Notification of the next of kin regarding the exercise of foreign criminal jurisdiction over U.S. military personnel will be made according to service directives (that is, AR 190-9 for Army personnel, AFI 151-1001 for Air Force personnel, Navy Judge Advocate General Instruction 5800.7F (JAGMAN) for Navy and Marine Corps personnel). With the consent of the accused, the local LLA may provide additional information directly to the next of kin, but must provide the USAREUR JA (AEJA-ILO-FL) a copy of the correspondence.

e. U.S. Records and Documents.

(1) For the types of information that are normally provided during a court-martial and in accordance with service directives, USF authorities will, when requested, make the information available to local German prosecutors, judicial officials, and defense counsel. Military authorities will not, however, provide security information or information about recommendations or conclusions made by investigative personnel or other U.S. personnel. If German authorities request medical information that is—

(a) About Army personnel, USF personnel will also comply with AR 40-66 when releasing any information.

(b) About Navy and Marine Corps personnel, USF personnel will also comply with applicable service and service component command directives when releasing any information.

(c) About Air Force personnel, USF personnel will also comply with AFI 51-201 when releasing any information.

(2) The local LLA will send requests from German authorities for the records of civilian agencies, or for military documents not locally releasable, to the USAREUR JA (AEJA-ILO-FL), Unit 29351, APO AE 09014-9351.

(3) The USAREUR JA (AEJA-ILO-FL) is the records release authority for trial observer reports filed by the USAREUR JA or by USAREUR subordinate commands.

e. USF Disposition of Cases. Information concerning actions taken by USF in concurrent jurisdiction cases may be released only to German prosecutors and judicial authorities by the appropriate *Land* or local LLA. Release of such information by or to any other agency, except as prescribed in this publication or other appropriate service regulation, is prohibited without SJA or USAREUR JA (AEJA-ILO-FL) approval.

10. REPORTS

a. Military Police Reports. The responsible Army military police (MP) or Air Force security forces (SF) agency will provide MP or SF reports (to include complaints referred to the servicing Army criminal investigation division (CID) or to the local Air Force office of special investigations (OSI)) to the local LLA who has liaison responsibility for the judicial district where the incident occurred. MP, SF, CID, or OSI personnel handling the case will immediately notify the local LLA of known facts and keep the local LLA informed of the status of the case as the investigation progresses.

(1) For Army personnel, MP, SF, CID and OSI personnel will also comply with AR 190-45 (chap 4) and [AE Reg 190-45 \(para 8\)](#).

(2) For Navy and Marine Corps personnel, MP, SF, CID and OSI personnel will also comply with OPNAVINST 3100.6J.

(3) For Air Force personnel, MP, SF, CID and OSI personnel will also comply with AFI 10-206.

b. Serious Incidents. Each unit commander, on receiving notice of a serious incident, will immediately report the incident in accordance with AR 190-45 to the local LLA that is responsible for the geographic area where the incident occurred.

c. DD Form 1602 (Report of Visit).

(1) Distribution of Report. By 10 workdays after a visit by officials to U.S. personnel in a foreign penal institution, the official will send an original and one copy (if digitally signed, a single electronic copy suffices) of the Report of Visit (DD Form 1602) to the USAREUR JA (AEJA-ILO-FL), Unit 29351, APO AE 09014-9351. The official will also send a copy to the unit commander of the prisoner through the following as appropriate:

(a) The area GCMCA for Army personnel.

(b) The Commander, U.S. Naval Activities, United Kingdom (COMNAVACTUK) for Navy and Marine Corps personnel.

(c) The HQ 3 AF (JA), and HQ USAFE/AFAFRICA (JAI), for Air Force personnel.

(2) Composition of Report. [Appendix G](#) provides instructions for completing DD Form 1602 ([para G-1](#)) and a sample of a completed DD Form 1602 ([fig G-1](#)).

d. Debriefing Statement. As soon as USF personnel are to be released from foreign confinement, the local LLA will get a statement from the prisoner regarding the prisoner's treatment by U.S. and foreign authorities while in confinement.

(1) [Figure G-2](#) provides a memorandum for record format (that is, the Army format) for a debriefing statement. The actual debriefing statement used will include, as a minimum, the questions listed in [figure G-2](#). The local LLA will ensure that both the prisoner and the debriefing officer sign the statement.

(2) The local LLA will send the debriefing statement to the USAREUR JA (AEJA-ILO-FL) with a copy to CNREURAFSWA (for Navy and Marine Corps personnel) or HQ 3 AF/JA and HQ USAFE-AFAFRICA/JAO (for Air Force personnel). When practicable, the debriefing statement will be an enclosure or attachment to the final visitation report about the prisoner submitted by the local LLA to the USAREUR JA (AEJA-ILO-FL).

(3) The local LLA responsible for visitation of the facility may request that another LLA obtain the debriefing statement.

e. Trial Observer Report. [Appendix H](#) provides instructions for preparing trial observer reports.

f. Annual Reports: AE Form 550-56A (Exercise of Criminal Jurisdiction by Foreign Tribunals Over U.S. Personnel–Feeder Report). By 5 workdays after 30 November each year, local LLAs will send an annual report using AE Form 550-56A. The USAREUR JA (AEJA-ILO-FL) will provide annual instructions for preparing the report. Local LLAs will send reports to the following:

(1) For Army personnel, the USAREUR JA (AEJA-ILO-FL), Unit 29351, APO AE 09014-9351.

(2) For Navy and Marine Corps personnel, the Judge Advocate General (Code 10), 2000 Navy Pentagon, Washington DC 20350-2000 with a copy to the Commander, CNE-CNA-C6F (Force Judge Advocate), PSC 802, Box 2, FPO AE 09499-0802.

(3) For Air Force personnel, HQ USAFE-AFAFRICA/JA, Unit 3050, Box 100, APO AE 09094-0100.

NOTE: On AE Form 550-56A, the term “dependent” is used for “Family member.”

g. DD Form 1936 (Individual Case Report–Exercise of Criminal Jurisdiction by Foreign Tribunals Over U.S. Personnel). [Figure D-3](#) provides a sample DD Form 1936. Local LLAs will process DD Form 1936 as prescribed by AR 27-50/SECNAVINST 5820.4G/AFJI 51-706; and this publication, [paragraph 7b\(2\)](#), and the following:

(1) For Army personnel, local LLAs will—

(a) Send two copies of the DD Form 1936 (individual case report) to the USAREUR JA (AEJA-ILO-FL), Unit 29351, APO AE 09014-9351.

(b) Enter or update the data in the USAREUR FCJ database as soon as new information is available.

(c) Send an updated DD Form 1936 to the USAREUR JA (AEJA-ILO-FL) whenever any significant changes are made.

(2) For Navy and Marine Corps personnel, local LLAs will send—

(a) The individual case report according to AR 27-50/SECNAVINST 5820.4G/AFJI 51-706.

(b) Information copies to the USAREUR JA (AEJA-ILO-FL) and to CNE-CNA-C6F (SJA).

(3) For Air Force personnel, local LLAs will send—

(a) DD Form 1936 to HQ 3 AF (JA). For Air Force personnel being supported by an Air Force local LLA, the local LLA will complete an individual case report and comply with the reporting procedures prescribed by AR 27-50/SECNAVINST 5820.4G/AFJI 51-706, but is not required to use DD Form 1936.

(b) An information copy of the DD Form 1936 or individual case report to the USAREUR JA (AEJA-ILO-FL).

11. MILITARY EXTRATERRITORIAL JURISDICTION ACT PROSECUTIONS

a. Background. In 1999, the Military Extraterritorial Jurisdiction Act (MEJA) (18 USC 3261–3267) was enacted. The MEJA gives U.S. Federal District Courts jurisdiction over cases involving Federal felony-level offenses (that is, offenses with punishment that could include 1 year or more of confinement) committed by civilians accompanying the USF (including U.S. Federal civilian employees, Family members, and employees of contractors with the USF) outside the United States when the host nation has not or does not plan to prosecute.

b. Procedures. DODI 5525.11 provides the DOD procedures for initiating and prosecuting a MEJA case. Commanders and law-enforcement personnel may not initiate MEJA proceedings without SJA approval. In USAREUR, MEJA cases must be coordinated with the USAREUR JA (AEJA-ILO-FL).

(1) LLAs will coordinate to obtain a German prosecutor's confirmation that German justice officials have not tried and do not intend to try the individual in question.

(2) The LLA will send a memorandum requesting prosecution under the MEJA (with the German confirmation as an enclosure) to the USAREUR JA (AEJA-ILO-FL).

(3) USAREUR will send the memorandum to USEUCOM (ECJA) and the Office of The Judge Advocate, DOD.

(4) The United States Department of Justice (DOJ) will ultimately make the decision whether or not to proceed with an MEJA case.

c. POCs. MEJA cases will be coordinated with the DOD Office of the General Counsel (civ 703-695-1055). The DOD Office of the General Counsel will then coordinate the cases with the Department of State, the Diplomatic Security Service (civ 571-345-2270), and the DOJ Domestic Security Section (civ 202-616-5731).

APPENDIX A REFERENCES

SECTION I AGREEMENTS AND PUBLICATIONS

A-1. INTERNATIONAL AGREEMENTS

Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces (NATO Status of Forces Agreement (SOFA)), [4 United States Treaty 1792 (4 UST 1792) (Arts I, III, VII, VIII, and XIII)]

Agreement to Supplement the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces With Respect to Foreign Forces Stationed in the Federal Republic of Germany (NATO SOFA Supplementary Agreement (SA)), [14 UST 531 (Arts 2, 17, 18, 19, 21, 22, 25, 32, 34, 37, 38, 39, 71, 72, and 73)]

Protocol of Signature to the NATO SOFA SA relating to the NATO SOFA (Arts I and VII) and to the NATO SOFA SA (arts 19, 22, 71, and 72) [14 UST 631]

Agreement Between the Federal Republic of Germany and the United States of America on the Status of Persons on Leave [14 UST 694]

Treaty on the Final Settlement With Respect to Germany, [“2 + 4 Agreement”] (Arts 5 and 6)

German Foreign Office Note to U.S. Embassy, Bonn, 25 September 1990, subject: Concerning the Agreement of 19 June 1951 Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces, the Agreement of 3 August 1959 to Supplement That Agreement With Respect to Foreign Forces Stationed in the Federal Republic of Germany (the Supplementary Agreement), and the Agreements Related Thereto (para 4)

German Foreign Office Note to U.S. Embassy, Bonn, 25 September 1990, subject: Regarding the Continued Presence of the Forces of the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the United States of America in Berlin Following the Establishment of German Unity (para 3)

Agreement to Amend the Agreement of 3 August 1959, as Amended by the Agreements of 21 October 1971 and 18 May 1981, to Supplement the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces With Respect to Foreign Forces Stationed in the Federal Republic of Germany, signed in Bonn on 18 March 1993, effective 28 March 1998 (German Supplementary Agreement Revision)

A-2. U.S. LAW

5 United States Code, Section 552a (5 USC 552a), The Freedom of Information Act

18 USC 3261–3267, Criminal Offenses Committed by Certain Members of the Armed Forces and by Persons Employed by or Accompanying the Armed Forces Outside the United States

A-3. DOD AND JOINT PUBLICATIONS

Uniform Code of Military Justice

Joint Federal Travel Regulations (vol 1)

Joint Travel Regulations (vol 2)

DOD 7000.14-R, Volume 7A, Department of Defense Financial Management Regulation

DOD Instruction 1325.07 (DODI 1325.07), Administration of Military Correctional Facilities and Clemency and Parole Authority

DODI 5525.11, Criminal Jurisdiction Over Civilians Employed by or Accompanying the Armed Forces Outside the United States, Certain Service Members, and Former Service Members

AR 27-50/SECNAVINST 5820.4G/AFJI 51-706, Status of Forces Policies, Procedures, and Information

[AE Regulation 190-1/USNAVEUR Instruction 1124.6N/USAFE Instruction 31-202](#), Registering and Operating Privately Owned Motor Vehicles in Germany

[AE Regulation 550-50/CNE-C6F Instruction 5820.8K/USAFE Instruction 51-706](#), Exercise of Foreign Criminal Jurisdiction Over United States Personnel

[AE Pamphlet 550-19/USAFE Pamphlet 30-16](#), Compilation of Selected German Laws

A-4. ARMY PUBLICATIONS

AR 25-400-2, The Army Records Information Management System (ARIMS)

AR 27-40, Litigation

AR 37-104-4, Military Pay and Allowances Policy and Procedures-Active Component

AR 40-66, Medical Record Administration and Health Care Documentation

AR 55-46, Travel Overseas

AR 190-9, Absentee Deserter Apprehension Program and Surrender of Military Personnel to Civilian Law Enforcement Agencies

AR 190-45, Law Enforcement Reporting

AR 190-47, The Army Corrections System

AR 340-21, The Army Privacy Program

AR 600-8-2, Suspension of Favorable Personnel Actions (Flags)

AR 600-8-24, Officer Transfers and Discharges

AR 614-200, Enlisted Assignments and Utilization Management

AR 630-10, Absence Without Leave, Desertion, and Administration of Personnel Involved in Civilian Court Proceedings

AR 635-200, Enlisted Personnel

A-5. ARMY IN EUROPE PUBLICATIONS

[AE Regulation 27-9](#), Misconduct by Civilians

[AE Regulation 27-10](#), Military Justice

[AE Regulation 55-46](#), Travel Overseas

[AE Regulation 600-1](#), Regulated Activities in Europe

A-6 U.S. NAVY PUBLICATIONS

Chief of Naval Operations Instruction (OPNAVINST) 3100.6J, Naval Operational Reporting Instruction

Navy Personnel Command Directive 15560 (NAVPERS 15560D), Naval Military Personnel Manual (MILPERSMAN)

Navy Personnel Command Manual 5000.1 (NAVPERSCOM M-5000.1), Navy Personnel Command (NAVPERSCOM) Administrative Manual (ADMINMAN)

Navy Judge Advocate General Instruction 5800.7F (JAGINST 5800.7F), Manual of the Judge Advocate General (JAGMAN)

A-7. U.S. AIR FORCE PUBLICATIONS

Air Force Instruction (AFI) 10-206, Operational Reporting

AFI 33-332, The Air Force Privacy and Civil Liberties Program

AFI 36-2502, Airman Promotion/Demotion Programs

AFI 36-3208, Administrative Separation of Airmen

AFI 51-201, Administration of Military Justice

AFI 51-301, Civil Litigation

AFI 51-1001, Delivery of Personnel to United States Civilian Authorities for Trial

Air Force Manual (AFMAN) 33-363, Management of Records

SECTION II FORMS

DD Form 1602, Report of Visit—U.S. Personnel in Foreign Penal Institution

DD Form 1936, Individual Case Report—Exercise of Criminal Jurisdiction by Foreign Tribunals Over U.S. Personnel

DA Form 268, Report to Suspend Favorable Personnel Actions (Flag)

DA Form 2028, Recommended Changes to Publications and Blank Forms

DA Form 4037, Record Brief

[AE Form 550-56A](#), Exercise of Criminal Jurisdiction by Foreign Tribunals Over U.S. Personnel (“Feeder Report”)

[AE Form 550-56B](#), Certificate of Service—*Zustellungsnachweis*

[AE Form 550-56C](#), Trial Observer Card—*Gerichtsbeobachterausweis*

USAFE Form 170, Certificate of Service—*Zustellungsnachweis*

APPENDIX B

LIST OF STATE COURTS AND ASSOCIATED LOCAL LEGAL LIAISON AUTHORITIES

This appendix identifies the local legal liaison authority (LLA) associated with the listed German state courts (*landgerichte*). Unless otherwise indicated, the assigned local LLA has responsibility for all services (that is, Army, Navy, Marine Corps, and Air Force).

NOTES: 1. The [glossary](#) defines the abbreviations used in the tables.

2. The DCG, USAREUR, also serves as the CG, USANATO (not to be confused with the Commander, USANATO Brigade). The action office for the SJA, USANATO, is the Wiesbaden Legal Center, International Law Branch, Unit 29351, Box 32, APO AE 09014-9351.

Table B-1	
State Courts and Associated Local LLAs—Baden-Württemberg	
State Court	Local LLA
Baden-Baden	OIC, Stuttgart Legal Center, 21st TSC, APO AE 09107-0401
Ellwangen a.d. Jagst	OIC, Stuttgart Legal Center, 21st TSC, APO AE 09107-0401
Freiburg	OIC, Stuttgart Legal Center, 21st TSC, APO AE 09107-0401
Hechingen	OIC, Stuttgart Legal Center, 21st TSC, APO AE 09107-0401
Heidelberg	OIC, Stuttgart Legal Center, 21st TSC, APO AE 09107-0401
Heilbronn	OIC, Stuttgart Legal Center, 21st TSC, APO AE 09107-0401
Karlsruhe	OIC, Stuttgart Legal Center, 21st TSC, APO AE 09107-0401
Konstanz	OIC, Stuttgart Legal Center, 21st TSC, APO AE 09107-0401
Mannheim	OIC, Stuttgart Legal Center, 21st TSC, APO AE 09107-0401
Mosbach	OIC, Stuttgart Legal Center, 21st TSC, APO AE 09107-0401
Offenburg	OIC, Stuttgart Legal Center, 21st TSC, APO AE 09107-0401
Ravensburg	OIC, Stuttgart Legal Center, 21st TSC, APO AE 09107-0401
Rottweil	OIC, Stuttgart Legal Center, 21st TSC, APO AE 09107-0401
Stuttgart	OIC, Stuttgart Legal Center, 21st TSC, APO AE 09107-0401
Tübingen	OIC, Stuttgart Legal Center, 21st TSC, APO AE 09107-0401
Ulm	OIC, Stuttgart Legal Center, 21st TSC, APO AE 09107-0401
Waldshut	OIC, Stuttgart Legal Center, 21st TSC, APO AE 09107-0401

Table B-2	
State Courts and Associated Local LLAs—Bayern (Bavaria)	
State Court	Local LLA
Amberg	SJA, JMTC, APO AE 09114-8130
Ansbach	SJA, JMTC, APO AE 09114-8130
Aschaffenburg	SJA, JMTC, APO AE 09114-8130
Augsburg	SJA, JMTC, APO AE 09114-8130
Bamberg	SJA, JMTC, APO AE 09114-8130
Bayreuth	SJA, JMTC, APO AE 09114-8130
Coburg	SJA, JMTC, APO AE 09114-8130
Deggendorf	SJA, JMTC, APO AE 09114-8130
Hof	SJA, JMTC, APO AE 09114-8130
Ingolstadt	SJA, JMTC, APO AE 09114-8130
Kempten	SJA, JMTC, APO AE 09114-8130
Landshut	SJA, JMTC, APO AE 09114-8130
Memmingen	SJA, JMTC, APO AE 09114-8130
München (Munich)	SJA, JMTC, APO AE 09114-8130
Nürnberg-Fürth	SJA, JMTC, APO AE 09114-8130
Passau	SJA, JMTC, APO AE 09114-8130
Regensburg	SJA, JMTC, APO AE 09114-8130

Table B-2—Continued State Courts and Associated Local LLAs—Bayern (Bavaria)	
State Court	Local LLA
Schweinfurt	SJA, JMTC, APO AE 09114-8130
Traunstein	SJA, JMTC, APO AE 09114-8130
Weiden	SJA, JMTC, APO AE 09114-8130
Würzburg	SJA, JMTC, APO AE 09114-8130

Table B-3 State Courts and Associated Local LLAs—Berlin, Brandenburg, Bremen, Hamburg, Hessen, Mecklenburg-Vorpommern, Niedersachsen, (Freistaat) Sachsen, Sachsen-Anhalt, Schleswig-Holstein, and Thüringen	
State Court	Local LLA
All	SJA, USANATO, APO AE 09136-82302

Table B-4 State Courts and Associated Local LLAs—Nordrhein-Westfalen	
State Court	Local LLA
Aachen	(Army and Navy) SJA, USANATO, APO AE 09136-82302 (Air Force) SJA, 470th ABS, APO AE 09104-3485
Arnsberg	(Army and Navy) SJA, USANATO, APO AE 09136-82302 (Air Force) SJA, 52d FW, APO AE 09126-0205
Bielefeld	SJA, USANATO, APO AE 09136-82302
Bochum	(Army and Navy) SJA, USANATO, APO AE 09136-82302 (Air Force) SJA, 470th ABS, APO AE 09104-3485
Bonn	(Army and Navy) SJA, USANATO, APO AE 09136-82302 (Air Force) SJA, 470th ABS, APO AE 09104-3485
Detmold	SJA, USANATO, APO AE 09136-82302
Dortmund	(Army and Navy) SJA, USANATO, APO AE 09136-82302 (Air Force) SJA, 470th ABS, APO AE 09104-3485
Düsseldorf	(Army and Navy) SJA, USANATO, APO AE 09136-82302 (Air Force) SJA, 470th ABS, APO AE 09104-3485
Duisburg	(Army and Navy) SJA, USANATO, APO AE 09136-82302 (Air Force) SJA, 470th ABS, APO AE 09104-3485
Essen	(Army and Navy) SJA, USANATO, APO AE 09136-82302 (Air Force) SJA, 470th ABS, APO AE 09104-3485
Hagen	(Army and Navy) SJA, USANATO, APO AE 09136-82302 (Air Force) SJA, 470th ABS, APO AE 09104-3485
Hessisch-Oldendorf	(Army and Navy) SJA, USANATO, APO AE 09136-82302 (Air Force) SJA, 470th ABS, APO AE 09104-3485
Kleve	(Army and Navy) SJA, USANATO, APO AE 09136-82302 (Air Force) SJA, 470th ABS, APO AE 09104-3485
Köln (Cologne)	(Army and Navy) SJA, USANATO, APO AE 09136-82302 (Air Force) SJA, 470th ABS, APO AE 09104-3485
Krefeld	(Army and Navy) SJA, USANATO, APO AE 09136-82302 (Air Force) SJA, 470th ABS, APO AE 09104-3485
Mönchengladbach	(Army and Navy) SJA, USANATO, APO AE 09136-82302 (Air Force) SJA, 470th ABS, APO AE 09104-3485
Münster	SJA, USANATO, APO AE 09136-82302
Paderborn	SJA, USANATO, APO AE 09136-82302
Siegen	(Army and Navy) SJA, USANATO, APO AE 09136-82302 (Air Force) SJA, 52d FW, APO AE 09126-0205
Wuppertal	(Army and Navy) SJA, USANATO, APO AE 09136-82302 (Air Force) SJA, 470th ABS, APO AE 09104-3485

Table B-5	
State Courts and Associated Local LLAs—Rheinland-Pfalz	
State Court	Local LLA
Bad Kreuznach	(Army and Navy) SJA, 21st TSC, APO AE 09263-3203 (Air Force) SJA, 86th AW, APO AE 09094-0325
Frankenthal	(Army and Navy) SJA, 21st TSC, APO AE 09263-3203 (Air Force) SJA, 86th AW, APO AE 09094-0325
Kaiserslautern	(Army and Navy) SJA, 21st TSC, APO AE 09263-3203 (Air Force) SJA, 86th AW, APO AE 09094-0325
Koblenz	SJA, 21st TSC, APO AE 09263-3203
Landau	(Army and Navy) SJA, 21st TSC, APO AE 09263-3203 (Air Force) SJA, 86th AW, APO AE 09094-0325
Mainz	(Army and Navy) SJA, USANATO, APO AE 09136-82302 (Air Force) SJA, 86th AW, APO AE 09094-0325
Trier	SJA, 52d FW, APO AE 09126-0205
Zweibrücken	(Army and Navy) SJA, 21st TSC, APO AE 09263-3203 (Air Force) SJA, 86th AW, APO AE 09094-0325

Table B-6	
State Courts and Associated Local LLAs—Saarland	
State Court	Local LLA
All	SJA, 21st TSC, APO AE 09263-3203

APPENDIX C

SERVICE OF CIVIL PROCESS

C-1. NONCRIMINAL DOCUMENTS

The United States Forces (USF) will process documents received from German courts or authorities under provisions of the North Atlantic Treaty Organization Status of Forces Agreement [German] Supplementary Agreement (NATO SOFA SA), Articles 32 through 37, and involving noncriminal matters as prescribed in this appendix. These documents include, but are not limited to, the following:

- a. Payment order (*Mahnbescheid*).
- b. Writ of execution (*Vollstreckungsbescheid*).
- c. Request for assistance in execution proceedings (*Ersuchen um Unterstützung bei der Durchführung der Zwangsvollstreckung*).
- d. Summons and complaint (*Ladung und Klage*).
- e. Judgment (*Urteil*).
- f. Default judgment (*Versäumnisurteil*).
- g. Order of attachment (*Arrestbefehl*).
- h. Subpoena (*Zeugenladung*).
- i. Request to appear for voluntary acknowledgment of paternity (*Ladung zur Freiwilligen Anerkennung der Vaterschaft*).
- j. Acknowledgment of paternity (*Anerkennung der Vaterschaft*).
- k. Documents pertaining to divorce proceedings (*Schriftstücke in Ehescheidungssachen*).
- l. Costs demand (*Gerichtskostenrechnung*).
- m. Costs decision (*Kostenfestsetzungsbeschuß*).
- n. Tax demand (*Steuerbescheid*).
- o. Garnishment and remittance order (*Pfändungs- und Überweisungsbeschuß*).

C-2. LIAISON AGENCIES

Under the NATO SOFA SA, Article 32, paragraph 1(a), the service of court process or other documents that initiate noncriminal proceedings before a German court or authority on U.S. personnel ([glossary](#)) may be made through a liaison agency that has been established or designated by the USF. The USF have designated two liaison agencies for this purpose:

- a. For Army, Navy, and Marine Corps personnel, the Office of the Judge Advocate (OJA), HQ USAREUR (AEJA-ILO-FL), Unit 29351, APO AE 09014-9351.
- b. For Air Force personnel, the Office of the Staff Judge Advocate, HQ USAFE-AFAFRICA (JA), Unit 3050, Box 100, APO AE 09094-0100.

C-3. DIRECT SERVICE OF PROCESS

a. German courts may request the liaison agency to directly serve the initiating document and subsequent documents in civil cases involving U.S. personnel, although the initiating document may be served according to German law (through postal channels or, in limited circumstances, by publication). Direct service is authorized by the NATO SOFA SA, provided that the liaison agency receives the serving notice of the document in writing before or immediately on the service of process and the person to be served from the court or authority. An initiating document served through postal channels or by publication may lead to a judgment that is enforceable under German law.

b. German law authorizes service by publication on U.S. personnel if the location of the person to be served is unknown and cannot be determined. Service by publication will be made by posting an extract of the process on the public notice board of the court and, if necessary, publication of the extract in the German Federal Register (*Bundesanzeiger*). The court may order that the publication be repeated. The NATO SOFA SA, Article 36, requires that a copy of the publication notice be sent to the appropriate service-liaison agency of the service in which the person being served is thought to belong. On receipt, the liaison agency will prominently post the notice and make reasonable efforts to locate the recipient.

(1) If the person to be served can be located, the liaison agency will send a copy of the publication notice with a written explanation that service by publication has been initiated. The explanation must also state that on expiration of not more than 2 weeks after the date the extract was posted on the court's notice board, or 30 days after the date the extract was last published in the German Federal Register, service will be deemed to have been effected.

(2) If the liaison agency is unable to identify or locate the person to be served, a written report will be made of the actions taken to locate the person to be served. A copy of this report and a copy of the publication notice will be kept in the liaison agency files.

(3) The extract ([b above](#)) must identify the trial court, the parties to, and the subject of the litigation. The petition or operative portion of a decision may also be required in the extract.

(a) If the process consists of or includes a summons, the extract must provide the time of and the purpose for the appearance.

(b) If the process includes a trial court's decision to hold preliminary written procedures (German Code of Civil Procedure, sec 276, para 1), the extract must include the decision and an explanation of legal consequences if the defendant fails to respond to the complaint by the end of the applicable period.

C-4. SERVICE OF PROCESS THROUGH A LIAISON AGENCY

a. The liaison agency will send documents received from German courts and authorities to a judge advocate office to be served on U.S. personnel by a judge advocate officer, U.S. civilian attorney, German attorney, or legal clerk employed by the USF. The servicing judge advocate office will effect service and send a certificate of service (AE Form 550-56B for Army and Navy cases, USAFE Form 170 for Air Force cases) to the German court or authority.

b. The following rules apply when service cannot be effected:

(1) If service cannot be effected because the individual is physically within Germany, but has been transferred, is on temporary duty (TDY), hospitalized, or confined in an area served by another judge advocate, the documents to be served will be forwarded to the applicable judge advocate office with an information copy to the liaison agency.

(2) If the individual to be served has been transferred out of Germany or service is not possible for any other reason (for example, the person to be served cannot be located or identified using the information provided), the documents will be returned by a transmittal letter to the originating court or authority using the format at [figure C-1](#) (for Army and Navy and Marine Corps cases) or another Service-defined (similar) format of a letter (for Air Force cases) with an explanation of the reason why service cannot be effected.

C-5. RESPONSIBILITIES OF COMMANDERS

Unit commanders will—

a. Ensure that personnel notified to appear at a judge advocate office for service of a document will report to that office at a specified time or before the end of a specified period. Commanders and supervisors will order such appearance as necessary.

NOTE: In order to comply with U.S. treaty obligations, commanders are authorized to order Servicemembers to appear at the judge advocate office to receive a document.

b. Ensure that sponsors accompany their Family members.

c. If applicable, comply with instructions of the servicing judge advocate concerning assistance to German bailiffs levying execution on the debtor's funds or property and appearance in German court proceedings.

Letterhead

[Use the German PLZ address, not the U.S. APO address.]

Mmmmm DD, YYYY

Judge Advocate Office *[name of servicing JA office and subordinate to organization in letterhead]*

German Requesting Agency Office
German Requesting Agency Name
Street Address
[PLZ] CITY

Subject: Xxxx Xxxx Xxxxxxx *[Provide the subject from the original correspondence.]*

File Number: ##### *[Provide the case number from the original correspondence.]*

Dear Sir: *[alternatively, Madam, Ladies and Gentlemen]*

We are returning the enclosed document *[or, documents]* that you sent to our office in your letter of Mmmmmm DD, YYYY, for the reasons indicated below:

- (___) The person to be served was transferred out of Germany and cannot be served.
- (___) The person to be served cannot be located or identified using the information provided.
- (___) Other: _____.

We further advise you of the following information: *[if applicable]*

- Xxxx xxxx.
- Xxxx xxxx.

For further inquires on this matter, you may contact us by telephone at 0611-705-4760, e-mail: *usarmy.wiesbaden.usareur.mbx.ojasample@mail.mil*, or by writing directly to our office at—

Office of the Judge Advocate (AEJA-XX)
HQ USAREUR
Postfach 42 02 24
65103 WIESBADEN

Sincerely,

First MI. Last
Rank, U.S. Army
Position Title

Figure C-1. Format for a Transmittal Letter Returning Documents

APPENDIX D

CORRESPONDENCE FORMATS AND SAMPLES

Appendix D provides formats and samples of the most common correspondence that may occur between representatives of the German legal system, the United States Forces (USF) legal community, and the USF units.

D-1. FIGURE D-1.

[Figure D-1](#) provides a format for the local legal liaison authority (LLA) to notify a unit of the recall of criminal jurisdiction by German legal authorities of an Army Soldier. Local LLAs should use a similar format, subject to theater service component command supplementary requirements for personnel of a Navy, Marine Corps, or Air Force unit.

D-2. FIGURE D-2.

[Figure D-2](#) provides a format for the local LLA to notify a unit commander that Germany is exercising criminal jurisdiction over U.S. Government civilian employees or Family members of military members or civilian employees of the USF (formatted for when the sponsoring personnel or employee belongs to an Army unit). Local LLAs should use a similar format, subject to theater service component command supplementary requirements for personnel of a Navy, Marine Corps, or Air Force unit.

D-3. FIGURE D-3.

[Figure D-3](#) provides a sample DD Form 1936 (Individual Case Report–Exercise of Criminal Jurisdiction by Foreign Tribunals over U.S. Personnel) prepared for a case in Germany of an Army Soldier. Local LLAs should use this format, subject to theater service component command supplementary requirements for Navy, Marine Corps, or Air Force personnel.

D-4. FIGURE D-4.

[Figure D-4](#) provides a format for the local LLA to notify a unit of the result of a German trial (formatted for personnel of an Army unit). Local LLAs should use a similar format, subject to theater service component command supplementary requirements for personnel of a Navy, Marine Corps, or Air Force unit.

Letterhead

[Use the U.S. APO address.]

S: (Suspense date)

AEXX-XXX *[Office symbol]*

DD Mmmmm YYYY

MEMORANDUM FOR Commander, Unit-name, Unit #####, APO, AE 09XXX-XXXX

SUBJECT: Recall of Jurisdiction in the Case of Grade, Name (XXX-X#-#### *[SSN last 5]*, Unit-name, Unit #####, APO, AE 09XXX-XXXX)

1. Reference, letter, State Court Location-name, City, Germany, Mmmmm DD, YYYY, subject: Xxxxxx *[use identifying information from letter]*.
2. By letter (ref), the public prosecutor at the named state court informed this office that German authorities have recalled the general waiver of jurisdiction in the above case. The subject individual is suspected of committing the offense of Xxxxxx on DD Mmmmm YYYY.
3. According to applicable international agreements, the United States must hold this individual in Germany until completion of proceedings in the case. As the unit commander, you must take the following actions:
 - a. If not already done, initiate a flagging action as prescribed by AR 600-8-2 and send a copy of DA Form 268 (Report to Suspend Favorable Personnel Actions (FLAG)), which must show that the individual is pending charges before a German court and may not leave Germany, to this headquarters (AEXX-XXX).
 - b. Comply with AE Regulation 27-10, paragraph 7. This regulation requires, if appropriate, that you initiate and expeditiously process action under the Uniform Code of Military Justice (UCMJ). However, you may not take final action (for example, trial by court-martial; imposition of punishment under the UCMJ, Art 15). Initial UCMJ action is necessary in the case of either or both of the following circumstances:
 - (1) German authorities return the case to the U.S. Forces for disposition. If warranted, military authorities must be ready to proceed immediately to court-martial or initiate proceedings under the UCMJ, Art 15).
 - (2) You determine pretrial confinement is necessary or the subject is initially convicted by German authorities and is sentenced to confinement. Confinement in a U.S. military confinement facility (in a pretrial status or pending appeal) for an offense over which German authorities have exercised jurisdiction usually can be effected only if court-martial charges concerning the offense have been preferred and have not been dismissed.
 - c. Send a memorandum providing the following information pertaining to the accused to this headquarters (AEXX-XXX) with an information copy to the USAREUR JA (AEJA-ILO-FL), Unit 29351, APO AE 09014-9351:
 - (1) Date of birth.
 - (2) Place of birth.
 - (3) Home of record.
 - (4) Race.
 - (5) Number of Family members in the command.

FOR OFFICIAL USE ONLY

Figure D-1. Format for Notification of Recall of Criminal Jurisdiction (Army)

AEXX-XXX

SUBJECT: Recall of Jurisdiction in the Case of Grade, Name (XXX-X#-####), Unit-name, Unit #####, APO, AE 09XXX-XXXX)

(6) The expiration term of service and (normal) date eligible for return from overseas.

(7) Name and address of parent or next of kin.

(8) Type of restraint (for example, confinement, restriction) and date restraint was imposed.

(9) Previous military or civilian convictions and punishments under the UCMJ, Article 15.

d. If the accused is confined by German authorities, advise the servicing finance section of the date of confinement and German exercise of jurisdiction and take the following additional actions:

(1) Request that the finance section terminate pay and allowances under DOD Financial Management Regulation, paragraph 010302, table 1-12 (rule 6), and table 1-13 (rule 6).

(2) Provide this headquarters the address and telephone numbers of the servicing finance section.

e. Arrange for counseling of the accused by a chaplain. If the accused is a minor, ensure that the parents, spouse, or next of kin, as appropriate, are notified, subject to the limits imposed by the Privacy Act according to AR 340-21.

f. If applicable, provide this office with the name of the Article 32 investigating officer, the date the Article 32 investigation was initiated, and the exact nature of the charges being investigated. If not completed by the above suspense date, send a copy of the report immediately after completion to this office. If an Article 32 investigation is not contemplated, indicate whether or not charges have been preferred under the UCMJ and what disposition has been made.

3. You are advised that—

a. The accused will not be transferred from or granted leave outside Germany without coordination with this command's staff judge advocate until final action in the case has been taken by German authorities.

b. If the case is referred for trial before a German court, the unit commander will be responsible for the security and attendance of the accused.

FOR THE LOCAL LEGAL LIAISON AUTHORITY:

FIRST MI. LAST
Rank, BR (or USA, if applicable)
Position Title

CF:

USAREUR JA (AEJA-ILO-FL), Unit 29351, APO AE 09014-9351 (2 copies)

GCMCA (if either the area GCMCA, command GCMCA, or both are other than local LLA)

2

FOR OFFICIAL USE ONLY

Figure D-1. Format for Notification of Recall of Criminal Jurisdiction (Army)—Continued

Letterhead

[Use the U.S. APO address.]

S: (Suspense date)

AEXX-XXX *[Office symbol]*

DD Mmmmm YYYY

MEMORANDUM FOR Commander, Unit-name, Unit #####, APO, AE 09XXX-XXXX

SUBJECT: Exercise of Jurisdiction in the Case of Name (XXX-X#-#### *[if appropriate, SSN last 5]*, *[Sponsor's]* Unit-name, Unit #####, APO, AE 09XXX-XXXX)

1. Reference, letter, State Court Location-name, Mmmmm DD, YYYY, subject: Xxxxxx *[use identifying information from letter]*.

2. By letter (ref), the public prosecutor at the named state court has informed this office that German authorities will exercise criminal jurisdiction in the above case. The subject individual is suspected of the offense of Xxxxx on DD Mmmmm YYYY.

3. According to applicable international agreements, the United States must ensure that this individual remains in Germany until completion of proceedings in the case. As the (commander concerned/commander of the Family member's sponsor), you should take the following actions:

a. Provide this headquarters (AEXX-XXX) information about any change of status involving the accused that might affect his or her availability for German criminal proceedings.

(1) Family Members. Sponsors of Family members are responsible for cooperating with the United States Army garrison (USAG) commander and German authorities. The USAG commander should initiate action according to AE Regulation 27-9, paragraph 7, if appropriate. The unit and USAG commanders should inform this headquarters (AEXX-XXX) of the actions that they have taken.

(2) Civilian Employees. Initiate administrative action through the appropriate civilian personnel advisory center and inform this headquarters (AEXX-XXX) of the actions you have taken.

b. Send a memorandum providing the following information pertaining to the accused to this headquarters (AEXX-XXX) with an information copy to the USAREUR JA (AEJA-ILO-FL), Unit 29351, APO AE 09014-9351:

- (1) Birth date.
- (2) Place of birth.
- (3) Home of record.
- (4) Race.
- (5) The number of relatives or Family members in the command.

FOR OFFICIAL USE ONLY

Figure D-2. Format for Notification of German Criminal Jurisdiction (Civilians)

(Office symbol)

SUBJECT: Exercise of Jurisdiction in the Case of Name (XXX-X#-####, Unit-name, Unit #####, APO, AE 09XXX-XXXX)

(6) If a Family member, the sponsor's expiration of term of service and (normal) date eligible for return from overseas. If a civilian employee, the date of the employee's expected return to CONUS.

(7) The name and address of parents or next of kin.

(8) If applicable, the type of restraint (for example, confinement, restriction) and date imposed.

(9) All previous military or civilian convictions and military punishments under Article 15 of the Uniform Code of Military Justice.

(10) The passport number and issuing country.

c. Arrange for a chaplain to counsel the accused. If the accused is a minor, ensure the parents, spouse, or next of kin, as appropriate, are notified. This policy is subject to the limits imposed by the Privacy Act according to AR 340-21.

3. You are advised that—

a. The accused will not be transferred out of Germany without coordination with this headquarters (AEXX-XXX) until German authorities have taken final action in the case.

b. If the case is referred for trial before a German court, the sponsor of a Family member is responsible for the security and attendance of the accused. If the accused is a member of the civilian component, the unit must notify the appropriate civilian personnel advisory center in order to take the steps necessary to ensure the accused attends.

FOR THE LOCAL LEGAL LIAISON AUTHORITY:

FIRST MI. LAST
Rank, BR (or USA, if applicable)
Position Title

CF:

USAREUR JA (AEJA-ILO-FL), Unit 29351, APO AE 09014-9351 (2 copies)

GCMCA (if either the area GCMCA, command GCMCA, or both are other than local LLA)

2

FOR OFFICIAL USE ONLY

Figure D-2. Format for Notification of German Criminal Jurisdiction (Civilians)—Continued

INDIVIDUAL CASE REPORT - EXERCISE OF CRIMINAL JURISDICTION BY FOREIGN TRIBUNALS OVER U.S. PERSONNEL		REPORT CONTROL SYMBOL DD-GC(AR)708
TO: HQ USAREUR (AEJA-IL-FL) Unit 29351 APO AE 09014-9351		FROM: HQ, 2d Cavalry Regiment (AFZH-JA) Unit 28920 APO AE 09112-8920
PART I - ACCUSED DATA		DATE
1. LAST NAME - FIRST NAME - MIDDLE INITIAL SMITH, JOSEPH A.		2. GRADE PFC
3. ELIGIBLE FOR RETURN FROM OVERSEAS 1 DEC 2014		
4. SOCIAL SECURITY NO. 123-45-6789	5. ORGANIZATION HHC, 2d CR APO AE 09112-8920	
6. OF FLAGGING ACTION/LEGAL HOLD 23 JUN 2014		
7. STATUS <input checked="" type="checkbox"/> MIL <input type="checkbox"/> CIV <input type="checkbox"/> DEP	8. LAST HOME ADDRESS 735 42d Street New York, NY 12233-1111	
9. EXPIRATION OF TERM OF SERVICE 8 DEC 2017		
10. RACE CAU	11. PRIOR MILITARY OR CIVILIAN CONVICTIONS AND PUNISHMENT UNDER ARTICLE 15, UCMJ Art 15, DUI - Mar 2013	
PART II - PRETRIAL DATA		DATE
12. NATURE OF OFFENSE 7 aggravated robberies in Grafenwoehr and Garmisch, violations of the German Criminal Code, Sections 25, 53, 249, 250.		13. OF OFFENSE 6 DEC 2013 - 23 JAN 2014
14. APPREHENDED 23 JAN 2014 in Garmisch		
15. NAME OF CO-ACCUSED GNM MUSTERMANN, KARL; PVT BAKER, ABEL		16. REQUEST(S) FOR U.S. CUSTODY 23 JAN 2014
17. PLACE OF OFFENSE Grafenwoehr Garmisch-Partenkirchen.		18. OF PRETRIAL CONFINEMENT 23 JAN 2014
19. PLACE(S) OF PRETRIAL CONFINEMENT <i>(Chronological)</i> 23 JAN 14: JVA Garmisch-Partenkirchen; 25 JAN 14: USACF Mannheim; 25 MAY 14: JVA Weiden.		20. REQUEST(S) FOR WAIVER OF JURISDICTION 25 MAR 2014
21. CHARGES UNDER UCMJ Art 122, UCMJ (Robbery with firearm)		22. ACTION ON REQUEST(S) FOR WAIVER 3 APR 2014
23. RESULTS OF ARTICLE 32 INVESTIGATION Recommend trial by GCM		24. OF INDICTMENT 3 JUN 2014
PART III - TRIAL DATA		
25. NAME OF CIVILIAN ATTORNEY WILHELM SCHMIDT, Landstrasse 1,		26. DATE TRIAL COMMENCED 15 JUN 2014
27. NAME AND LOCATION OF COURT State Court (Landgericht) Weiden		28. ESTIMATED TRIAL DURATION 1 day
29. OFFENSES OF WHICH FOUND GUILTY Armed robbery, 4 counts; attempted armed robbery, 1 count; receiving stolen property, 1 count.		30. DATE TRIAL COMPLETED 15 JUN 2014
DD Form 1936, APR 74		
		Reset

Figure D-3. Sample DD Form 1936 (Individual Case Report)

Letterhead

[Use the U.S. APO address.]

AEXX-XXX [Office symbol]

DD Mmmmm YYYY

MEMORANDUM THRU Commander, Unit-name, Unit #####, APO, AE 09XXX-XXXX [if applicable]

FOR Commander, Unit-name, Unit #####, APO, AE 09XXX-XXXX

SUBJECT: Result of Trial by German Court in the Case of Grade, Name (XXX-X#-#### [SSN last 5], Unit-name, Unit #####, APO, AE 09XXX-XXXX)

1. On DD Mmmmm YYYY, the German court name in City, Germany, tried a member of your command for the following offense committed on DD Mmmmm YYYY, at City [location of offense]: Xxxxx [offense].

2. The named individual was found (guilty/not guilty) of the offense and was sentenced as follows: Xxxxx [sentence].

3. The hold order dated DD Mmmmm YYYY, (will/will not) remain in effect pending execution of the sentence or other appropriate disposition (for example, appeal, petition for clemency). Take appropriate action to ensure the named individual does not leave Germany until further notice. If his or her departure from Germany is required for any reason, please contact this office (para 6) immediately.

4. You should consider taking administrative action under any of the following regulations as appropriate:

- a. AR 600-8-24 for discharge of commissioned and warrant officers convicted of specified offenses.
- b. AR 614-200, chapter 6, for reduction in grade for conviction by civil court (domestic or foreign).
- c. AR 635-200, chapter 14, section II, for discharge of enlisted persons convicted of specified offenses.

d. AE Regulation 190-1, chapter 2, section II, for suspension or revocation of drivers license, if the offense is directly related to the use of motor vehicles.

5. Remarks: Xxxxxxx xxxx.

6. The POC is *rank last-name*, military 314-xxx-xxxx, civilian (0049) xxx-xx-xxxx, or e-mail: *first.mi.last.mil@mail.mil*.

FOR THE LOCAL LEGAL LIAISON AUTHORITY:

FIRST MI. LAST
Rank, BR (or USA, if applicable)
Position Title

CF:
USAREUR JA (AEJA-ILO-FL), Unit 29351, APO AE 09014-9351

FOR OFFICIAL USE ONLY

Figure D-4. Format for a Notification of the Result of a German Trial (Army)

APPENDIX E

INFORMATION FOR U.S. PERSONNEL AWAITING TRIAL BY GERMAN COURT

E-1. PURPOSE

This appendix provides a format for the information that the local legal liaison authority (LLA) is required to provide to an individual facing trial by a German criminal court. The information in this appendix summarizes the following subject areas:

- a. A summary of German criminal law and procedure ([fig E-1](#)).
- b. A general analysis of basic differences between the German and U.S. legal systems ([fig E-1](#)).
- c. A summary of international agreements applicable to trials of U.S. personnel by German courts ([fig E-2](#)).

E-2. LOCAL LLA RESPONSIBILITY

The local LLA will revise the italicized information in [figure E-1](#) (that is, paras 4a, 4d, and 4d(1)) to provide the defendant with information applicable to the specific case. The local LLA will ensure the defendant receives a factsheet and enclosure with the appropriate information ([fig E-1](#) with data completed and [fig E-2](#)) and acknowledges receipt in writing.

FACT SHEET
INFORMATION FOR U.S. PERSONNEL AWAITING TRIAL BY GERMAN COURT

1. PURPOSE

This fact sheet and enclosure (based on AE Reg 550-56, app E, figs E-1 and E-2) will provide you with information about the following subject areas:

- a. A summary of German criminal law and procedure.
- b. A general analysis of the basic differences between the German and U.S. legal systems.
- c. A summary of international agreements applicable to trials of U.S. personnel by German courts (encl).

2. JURISDICTION

Under the North Atlantic Treaty Organization Status of Forces Agreement (NATO SOFA), German courts may exercise criminal jurisdiction over you, even though you are a member of the United States Forces (USF). This is the general rule.

- a. Overall authority of the German Government to try its own citizens or foreigners is based on its sovereignty. Sovereignty is the power of a nation to make and enforce its laws within its own borders.
- b. As an exception to this rule, the NATO SOFA and related agreements allow the United States to bring U.S. Servicemembers to trial in Germany. German authorities will determine whether they or the U.S. military will try U.S. Servicemembers. The U.S. military can only request that Germany give jurisdiction to the U.S. authorities.
- c. For U.S. civilian employees and Family members, German jurisdiction is exclusive. U.S. trials for offenses committed by these individuals are not possible in Germany.

3. YOUR DEFENSE COUNSEL

- a. The right of an accused to be represented by defense counsel is carefully protected under German law. In some cases, when the accused is charged with a major offense (*Verbrechen*) punishable with confinement of 1 year or more, German law requires counsel to be provided by the court on its own initiative, even if the accused does not want counsel. In other cases, counsel may be appointed when the accused person requests one. Under certain circumstances, German courts will provide counsel free of charge. Additionally, in certain cases (for example, when the sentence normally imposed includes confinement, whether or not suspended), the U.S. Government will pay the cost of retaining a defense counsel for military personnel.
- b. If your case involves anything more serious than the smallest traffic violation, you should have a German defense counsel. A German lawyer is not as active in court as an American lawyer is because of the prominent role of the presiding judge. Nevertheless, your defense counsel will argue your case for you and attempt to convince the court to interpret the facts and apply the law favorably toward you.

Figure E-1. Factsheet for U.S. Personnel Awaiting Trial by German Court

c. This factsheet will not answer all your questions about your case. Your German attorney is your primary source of advice. You should regard your German attorney as though he or she were an American attorney defending you in an American court. Ask your German attorney any questions you have about the case and listen carefully to the advice you are given. Your German attorney is trained in German law and has the duty to defend you to the best of his or her ability.

4. INITIAL PROCESS

a. The Offense of Which You Are Charged. As you read this, the German public prosecutor at the state court has exercised or is considering whether or not to exercise German jurisdiction over your case. German authorities have charged that you committed the offense of _____ (*offense*) at _____ (*City, State [location]*) on _____ *DD Mmmmm YYYY*, for which German law provides a maximum penalty of _____ (*sentence*). Because of the nature of the alleged offense, the _____ (*type of court*) probably will handle your case in the event of a German trial. Under German law, as under American law, you are presumed innocent until you are proven guilty.

b. Custody.

(1) When German authorities assume jurisdiction, military authorities have the right to retain custody of an accused Servicemember until final action in the case has been taken, even if a German arrest warrant is issued. Final action means acquittal or, if you are convicted, when all appeals have been decided and the judgment becomes final. Your unit commander will determine whether or not to place you in or release you from U.S. pretrial confinement pending disposition of the case. The general court-martial convening authority (GCMCA) is the approval authority for the decision as prescribed by rules applicable to trials by court-martial, depending on the circumstances of the alleged offense. At the request of German authorities and if approved by the Judge Advocate (JA), USAREUR (AEJA-ILO-FL), U.S. military authorities may approve pretrial confinement in a German facility. If your expiration term of service (ETS) will occur during the time required for German authorities to bring your case to trial, you may request retention in service (Army or Navy and Marine Corps) or voluntary extension (Air Force) until completion of your case to keep privileges as a member of the USF. These privileges include—

- (a) U.S. Government financial assistance to retain German defense counsel and pay court costs.
- (b) Attendance of a U.S. trial observer at the trial.
- (c) Monthly visitations.
- (d) Payment of a monthly gratuity if you are convicted and are confined in a German facility.

(2) Civilians are not subject to court-martial. Accused civilian employees and Family members are therefore subject to German custody before, during, and, if convicted, after their trial. Under certain circumstances, German authorities may request that the accused surrender his or her passport to ensure he or she stays in Germany. In more serious cases, German authorities may place the accused civilian in pretrial confinement in a German facility.

c. Servicemembers and Competent Interpreters. U.S. personnel should use a competent interpreter or translator when they receive judicial documents or are requested to make statements concerning the case. The local legal liaison authority (LLA) and his or her staff may help in this matter. Under international rules, German courts must provide a competent interpreter during judicial proceedings.

d. Liaison Authority for Your Case. The Staff Judge Advocate, (location) , is the local LLA and is the single POC between the USF and the German prosecutor or German court handling your case.

(1) The local LLA has appointed an international affairs representative (name, address, telephone number) who will monitor your case until final disposition by the German authorities. The international affairs representative will keep you informed about developments in the case, help you obtain a German defense counsel, and answer your questions concerning the various aspects of your case.

(2) Depending on your status (that is, military member, DOD civilian employee, other member of the USF, or Family member), aspects of jurisdiction by German authorities may include the loss of privileges in U.S. facilities, interrogations by the defense counsel or prosecutor's office, loss of support from the command or other channels, or administrative discharge from the service, if convicted.

(3) At your request, the local LLA will write to your Family to explain the circumstances of your case.

(4) You should receive all official German correspondence relating to your case through the U.S. liaison office. Notify the local LLA office promptly if you receive official German correspondence from another agency.

e. U.S. Trial Observer. The U.S. area LLA will ensure a U.S. trial observer is present during significant pretrial investigative hearings, the trial, and appellate proceedings.

(1) The trial observer will note the progress of these proceedings and will report observations and conclusions concerning fairness to the USAREUR JA (AEJA-ILO-FL). If necessary, the trial observer will assist your German defense counsel to ensure your rights under applicable treaties and agreements are protected.

(2) Remember, however, that the trial observer is not your defense counsel and may not be involved in the proceedings.

5. BASIC FEATURES OF GERMAN ADMINISTRATION OF JUSTICE

The German legal system provides many safeguards to ensure the investigation and possible trial in your case are conducted fairly. In addition, the NATO SOFA has additional provisions designed to ensure that you receive a fair trial. U.S. legal specialists have carefully studied the German legal system and determined it provides for a fair trial. The most important German safeguards for an accused person are described in the following subparagraphs (a thru f).

a. Interrogation of Accused. When German authorities question you, they must advise you that any statement you make may be used against you.

(1) Results of interrogations are normally included in the police record provided to the prosecutor and to the judge. These interrogation results are frequently used at trial to check the consistency of your pretrial and in-court statements.

(2) Under German law, you have the absolute right to make a statement or to remain silent without mental or physical torture, force, fraud, or undue influence to obtain a statement or confession.

(3) If you are suspected of a drug- or alcohol-related offense, you may, despite your objection, have your stomach pumped or your blood taken for testing purposes by a medical authority, provided this action does not endanger your health.

b. Pretrial Investigation. The first phase of German criminal prosecution is the pretrial investigation. This investigation determines if there are grounds for a formal indictment against a person suspected of having committed an offense.

(1) The investigation is normally conducted by the public prosecutor or by police authorities under the supervision of the public prosecutor. Evidence relating to the alleged offense is collected, whether in favor of or against the accused.

(2) German authorities methodically complete each stage of pretrial proceedings. German authorities will ensure, however, that you receive a prompt and speedy trial under German law.

(a) The case file is developed by obtaining judicial statements of witnesses, opinions from various experts, police investigative summaries, photographs, sketches, laboratory reports, and other evidence. German authorities take longer to bring a case to trial than if the case were tried by a USF court-martial.

(b) When a psychiatric issue exists, the pretrial proceedings may be further delayed for psychiatric examination of the accused.

(c) If you desire, the U.S. area LLA monitoring your case may request German authorities to bring your case to trial as soon as possible. You should consult your defense counsel before asking U.S. authorities to intervene since your defense counsel may believe that the passage of time would be to your advantage.

(d) German authorities normally bring cases involving U.S. personnel to trial more rapidly than cases involving German nationals. Your German defense counsel can explain the various stages of procedure in your case.

(3) After the preliminary investigation, the public prosecutor will determine if there is enough evidence to warrant a formal indictment. The evidence consists of a summary of the investigation, a review of the applicable law, and a list of the offenses. If the public prosecutor decides to file the indictment, he or she will transfer the case to the appropriate German court. The presiding judge will determine if there is enough evidence to warrant a trial. If the bill of indictment is admitted by the judge, the bill will be translated into English and provided to you.

(4) If you are tried by a German court, you will receive the normal protection of an accused person under German law and the NATO SOFA. The enclosure to this factsheet provides references to the applicable articles of the NATO SOFA. You should inform your attorney of these references if he or she is not already aware of these rights.

c. The Trial.

(1) Under the NATO SOFA and German law, you will be informed, before the trial, of the charges against you. At least 1 week must pass between the time you are officially notified of the charges and the date of the trial. If you do not receive a notice of trial within a reasonable period of time before the trial start date or if more time is needed to prepare your defense, your attorney may make a postponement motion.

(2) If your case reaches the trial stage, a German court will try you. Your trial will be open to the public unless the public is excluded because of public order, public morals, or national security reasons.

(3) In the United States, a judge will have little or no knowledge of the facts of the case until evidence has been introduced in the courtroom. In Germany, however, a judge will have read the case file before the trial. This file will include copies of pretrial investigations, actions, statements, records, and other pertinent documents relating to your case. You can expect your German trial to be shorter than an equivalent U.S. civilian-court trial.

(4) Formal pleas of “guilty” or “not guilty” do not exist in German trials. The German legal system does not permit an accused to plead guilty to receive a lesser punishment.

(5) Hearsay evidence and, under certain conditions, depositions (for example, sworn written statements taken before a judge) of absent witnesses can be admitted as evidence in a German court. This allows the prosecution and defense to introduce statements of absent or unavailable witnesses. Your counsel should be aware that the NATO SOFA, Article VII, paragraph 9, specifically entitles you to confront all the witnesses against you. If you and your counsel find it necessary, compulsory process may be secured under German law for the attendance of witnesses or the production of other evidence.

(6) In a German trial, the judge, not the defense counsel or the prosecutor, obtains the testimony of the witnesses. After the judge has completed his or her questioning, he or she will permit the

prosecutor and the defense counsel to question witnesses. The emphasis is to obtain the truth from witnesses by direct questioning rather than through the examination and cross-examination method generally used in a U.S. trial.

(7) Contrary to U.S. law, the German Code of Criminal Procedure allows the victim of the offense or his or her survivors the right to take part in the trial as an intervenor (or as a private prosecutor). The intervenor is usually represented by his or her own counsel and may produce evidence related to the case and question witnesses. A victim usually would join the proceedings to reinforce his or her chances of success in subsequent civil litigation.

(8) Under German law, you cannot be forced to testify against yourself. The court will never require you to testify. You may make an unsworn statement if you wish. If you make a statement, it may be used in determining your guilt or innocence. Under certain circumstances, your refusal to make a statement can be considered by the court as an indication of guilt. Discuss this point with your defense counsel.

d. Conduct of Trial. The sequence of events during the trial normally is as follows:

(1) The presiding judge calls the names of the accused and the witnesses to determine if they are present. Depending on the severity of the crime, there may be more than one judge.

(2) The judge questions the accused concerning his or her background (for example, place of birth, education, marital status).

(3) The judge reads the order committing the accused for trial.

(4) The prosecutor reads the charges in the indictment.

(5) The judge asks the accused if he or she wants to reply to the charges. The judge normally warns the accused to tell the truth before he or she replies. The accused may choose to remain silent or make an unsworn statement.

(6) The judge then calls the witnesses and receives their testimony. Witnesses are excluded from the courtroom before their testimony. Expert witnesses (for example, doctors, psychiatrists, automotive engineers) may, however, stay in the courtroom and the court may permit them to question the accused and the witnesses. After each witness has testified, the judge will ask the accused if he or she wishes to make a statement or question the witness.

(7) After the court has heard the evidence, including the accused's final statement, the public prosecutor and the defense counsel will sum up the case in their closing arguments. The accused can then make a final statement.

(8) After the closing arguments, the professional judges and the lay judges withdraw from the courtroom for deliberation. Two thirds of the professional and lay judges must find the accused guilty to constitute a conviction. If the judges have reasonable doubt concerning the guilt of the accused, the court cannot find the accused guilty.

e. Appellate Proceedings.

(1) The public prosecutor, the accused, or the defense counsel must send the appropriate notification for appeal or revision to the trial court within 1 week after the oral announcement of the court judgment. If the accused was not present when the judgment was orally announced, the 1-week period starts when the accused receives the written judgment. The accused or the defense counsel must send a brief supporting the appeal within 30 days after the accused receives the written judgment.

(2) The convicted individual, the public prosecutor ((3) below), or the intervenor may appeal the judgment from any court except the Superior State Court (*Oberlandesgericht*) and the Federal Supreme Court (*Bundesgerichtshof*). If the public prosecutor appeals the amount of punishment imposed, the higher court may increase the punishment adjudged by the lower court. Appeals from the criminal divisions of the District Court (*Amtsgericht*) may result in a new trial (*Berufung*) or in an examination of the sentence, depending on the extent of the appeal requested. Appeals from a penal chamber (*Strafkammer*) of the State Court (*Landgericht*) involve only rehearings on questions of law (*Revision*). If a new trial is ordered, the upper court may omit the testimony of witnesses and expert witnesses heard by the lower trial-court if the upper court believes this testimony would merely be repetitious.

(3) Although German law protects you as the accused from being repeatedly prosecuted or subjected to double jeopardy, an appeal by the prosecution is not considered double jeopardy.

f. Confinement. If the accused is convicted, confinement normally will be served in a German facility. The court usually will credit the entire period of pretrial confinement to the amount of time to be served in post-trial confinement. If the court does not credit the pretrial confinement to the total trial confinement, the judgment must include the reason. Persons sentenced as juveniles normally are entitled to apply for early release when half the sentence, including credit for pretrial confinement, is completed. Post-trial confinement will begin immediately after the judgment of the court is announced at trial, unless there is an appeal. If an appeal is pending, the judgment becomes legally effective only after the appeal is denied or withdrawn.

H-6. CONCLUDING REMARKS

The German legal system grants the procedural and substantive rights necessary for a fair trial. If you have questions concerning German law, discuss these questions with your defense counsel or with the appropriate U.S. LLA.

Encl

1. Provisions of Agreements Pertaining to Trials of U.S. Personnel by German Courts

ENCLOSURE 1 TO FACTSHEET—INFORMATION FOR U.S. PERSONNEL AWAITING TRIAL BY GERMAN COURT:

PROVISIONS OF AGREEMENTS PERTAINING TO TRIALS OF U.S. PERSONNEL BY GERMAN COURTS

1. The Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of their Forces (NATO SOFA), Article VII, paragraph 9, states—

“Whenever a member of a force or civilian component or a dependent is prosecuted under the jurisdiction of a receiving State he shall be entitled—

- a. To a prompt and speedy trial.
- b. To be informed, in advance of trial, of the specific charge or charges made against him.
- c. To be confronted with the witnesses against him.
- d. To have compulsory process for obtaining witnesses in his favor, if they are within the jurisdiction of the receiving State.
- e. To have legal representation of his own for his defense or to have free or assisted legal representation under the conditions prevailing for the time being in the receiving State.
- f. If he considers it necessary, to have the service of a competent interpreter.
- g. To communicate with a representative of the Government of the sending State and, when the rules of the court permit, to have such a representative present at this trial.”

2. The following articles of the Agreement to Supplement the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of their Forces With Respect to Foreign Forces Stationed in the Federal Republic of Germany (the NATO SOFA Supplementary Agreement (SA)) also concern trials of U.S. personnel by German courts. Defense counsel should study them carefully before a trial:

Article	Title
17	Offenses Punishable Under the Law of a Sending State or Under German Law
18	Official Duty
19	Waiver of Jurisdiction
22	Custody of Members of a Force or of a Civilian Component and Dependents
25	Rights of a National Representative to Attend Criminal Proceedings
27	Regulations Governing Procedure in Criminal Jurisdiction

Figure E-2. Factsheet Enclosure—Provisions of Agreements Pertaining to Trials of U.S. Personnel by German Courts

APPENDIX F

SAMPLE OF A GERMAN REQUEST FOR TRANSFER OF CUSTODY AT TRIAL

Figure F-1 provides a sample of a German request (with an English translation) for transfer of custody.

(Bezeichnung der Staatsanwaltschaft)	Ort Datum
Aktenzeichen	
Staff Judge Advocate Local Legal Liaison Authority HQ APO AE #####	
Der Angeklagte <u>Name, Vorname</u> , (<u>XXX-X#-####</u> [<u>letzte 5 Ziffern der Sozialversicherungsnummer</u>]) wurde heute von dem <u>Gericht</u> in <u>Ort</u> wegen <u>Straftat</u> zu einer nicht zur Bewährung ausgesetzten Freiheitsstrafe von <u>Dauer</u> verurteilt. Gegen den Angeklagten wurde am <u>Mmmm DD, YYYY</u> vom <u>Gericht</u> Haftbefehl erlassen.	
Ich bitte hiermit, den Gewahrsam an dem Verurteilten unverzüglich den deutschen Behörden zu übertragen.	
Unterschrift Dienststellung	

(Designation of the Prosecutor's Office)	Place Date
File Number:	
Staff Judge Advocate Local Legal Liaison Authority HQ APO AE #####	
The accused <u>Last name, First name</u> (<u>XXX-X#-####</u> [<u>Social Security number last 5</u>]) was sentenced today by the <u>court</u> in <u>location</u> for <u>offense</u> to unsuspended confinement for <u>duration</u> . An arrest warrant issued by the <u>court</u> dated <u>Mmmm DD, YYYY</u> is outstanding against the accused.	
I request the custody of the sentenced person be transferred to German authorities without delay.	
Signature Position	

Figure F-1. Format of a German Request for Transfer of Custody at Trial

APPENDIX G

VISITATION REPORTS AND DEBRIEFING STATEMENTS

SECTION I

SAMPLE DD FORM 1602

G-1. DD FORM 1602 COMPLETION INSTRUCTIONS

The following instructions for completing DD Form 1602 (Report of Visit) are specific to cases that occur in Germany:

- a. In block 4, indicate the date the prisoner entered foreign confinement.
- b. In block 5, indicate the total sentence adjudged by the German court, with an indication in parentheses as to whether the sentence is adult or juvenile.
- c. When reporting the first visit, indicate in block 6 the scheduled release date based on the confinee serving the full amount of the sentence, even if an appeal is pending. In the second and subsequent visitation reports, calculate the expected release date according to normal German confinement procedures (that is, 1/2 time for juvenile confinees, 2/3 time for adult confinees), even if an appeal is pending.
- d. In block 7, indicate the offense for which the prisoner was convicted. If the case is pretrial, indicate the offense charged.
- e. In block 8, indicate the full mailing address of the prison.
- f. In block 10, describe the treatment of the prisoner and privileges or other special conditions granted, such as access to American Forces Network radio or television.
- g. In block 11, indicate the findings with regard to the prisoner's physical condition if a medical visit has been made, care provided by prison authorities, and adjustment to prison life. If the prisoner refuses medical visits, indicate the refusal in block 11

NOTE: All items were not included on the sample in [fig G-1](#).

- h. In block 12, indicate—
 - (1) If the monthly health and comfort payment was received by the prisoner.
 - (2) If any other items were provided to the prisoner.
 - (3) Significant requests for assistance from the prisoner.
- i. In block 13, describe—
 - (1) Prison food.
 - (2) The amount, kind, and frequency of exercise.
 - (3) Access to religious services.

j. In block 14, indicate—

- (1) If the confinee is in a one-person or multi-person cell.
- (2) The type of work the prisoner is performing.
- (3) Any disciplinary action taken against the confinee during the reporting period.

k. In block 15, list—

- (1) Any persons who accompanied the visitation officer on his or her visit.
- (2) Anyone who visited the prisoner since the previous report (for example, chaplain's name, unit, and date of visit).

l. In block 16 of the first report, indicate—

- (1) Credit granted for pretrial confinement.
- (2) Estimated date of release, considering pretrial confinement.
- (3) Release at 1/2 or 2/3 time as appropriate.

SECTION II

FORMAT FOR A DEBRIEFING STATEMENT

G-2. DEBRIEFING STATEMENT

Figure G-2 provides the format for the debriefing statement. This statement—

- a. Should include at least all of the questions shown in **figure G-2**.
- b. Will normally record this information in a memorandum-for-record format.
- c. Must be signed by both the confinee and the debriefing officer.

REPORT OF VISIT US PERSONNEL IN FOREIGN PENAL INSTITUTION		REPORT CONTROL SYMBOL JAG-59	
		DATE 25 February 2014	
DATA REQUIRED BY THE PRIVACY ACT OF 1974 AUTHORITY: 2 UST 1972, 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: HQ U.S. Army Europe Office of the Judge Advocate (AEJA-ILO-FL) Unit 29351 APO AE 09014-9351		FROM: HQ, 21st TSC The Netherlands Law Center Unit 21602 APO AE 09703-1602	
1. NAME OF PRISONER Jones, James R.		2. GRADE PV2	3. SOCIAL SECURITY NUMBER 111-11-1111
4. DATE CONFINED (YR-MO-DAY) 2013-05-01	5. LENGTH OF SENTENCE 12 years confinement		6. SCHEDULED RELEASE DATE 3 March 2024 (But likely the summer of 2018)
7. OFFENSE Manslaughter Larceny	8. NAME AND LOCATION OF PRISON P.I. de IJssel V.D. Hoopstraat, Krimpen a/d Yssel, NL		9. DATE OF VISIT 29 January 2014
10. TREATMENT OF PRISONER PV2 Jones stated that he continues to be treated very well. He is afforded an array of services and recreational activities and sees a psychologist every 6 weeks. He maintains a positive outlook on his future and regret for his past mistakes.			
11. CONDITION OF PRISONER (Physical and mental) PV2 Jones seems to be in good physical condition; he works out daily. Mentally he is calm, but instability remains apparent.			
12. PRISONER ASSISTANCE (Medical, legal, health, comfort and subsistence) PV2 Jones is satisfied with his yearly comfort payments and with the mental health assistance he receives.			
13. PRISON CONDITIONS (Light, heat, sanitation, food, recreation and religious activities) A prison tour was not conducted; however, the visitor's area is in excellent shape and PV2 Jones described the rest of the facility as in comparable condition. The prisoners are afforded a vast array of recreational and religious activities, as well as opportunities to work. PV2 Jones plays ping-pong, soccer, billiards, and volleyball on nearly a daily basis. He informed us that he meets with every religious representative available, and he has become very spiritual as a result.			
14. PRISONER STATUS (Diminished rations, trustee, solitary confinement, etc.) PV2 Jones is confined in a one-person cell with a private shower and access to a community kitchen area and recreational facilities. He was not subject to solitary confinement since the last prison visit. (See Block 16 for continuation.)			

DD FORM 1602
1 AUG 78

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

This is a locally reproduced version of
DD Form 1602, 1 Aug 78

Figure G-1. Sample DD Form 1602 (Report of Visit)

15. VISITING OFFICIALS 29 January 2014: CPT John Jones, JA, Netherlands Law Center, USAG Schinnen, Netherlands Mr. Uwe Schmidt, HN Attorney, Netherlands Law Center, USAG Schinnen, Netherlands		
16. REMARKS Block 14—Continued: PV2 Jones takes full advantage of the many opportunities the prison offers. He works out a few times a day and is very enthusiastic about yoga. He also takes part in daily ping-pong, billiards, and chess competitions. He is in good physical shape and is generally in good spirits. He also plays in a prison band and performs at concerts and comedy events. Additionally, he again admitted to us that he felt sorry for what he did to his victim and has realized that what he did was deplorable. The rest of the visit was spent discussing what PV2 Jones planned to do once he was released. He anticipates being released in 2 years. He expressed concerns about what the Army would do to him once released from Dutch prison. PV2 Jones is in good shape and is treated very well at the Dutch facility. He is making the most of this situation and seems very positive. He is educated and very spiritual, but his instability remains very noticeable.		
17. REMEDIAL ACTIONS N/A		
18. RESPONSIBLE AGENCY HQ, 21st TSC OSJA Legal Services Center APO AE 09703-1602	19. TYPED NAME OF REPORTING OFFICIAL JOHN R. JONES CPT, JA Chief of Client Services, NELC APO AE 09703-1602	20. SIGNATURE JONES JOHN RICH ARD.1234567890

Reverse of DD Form 1602

Figure G-1. Sample DD Form 1602 (Report of Visit)—Continued

(Prepare on plain bond paper, not on letterhead.)

AEXX-XXX (Office Symbol) DD Mmmmm YYYY

MEMORANDUM FOR RECORD

SUBJECT: Debriefing Statement of *Last-name, First-name MI.*—DD Mmmmm YYYY

1. How would you compare German confinement to U.S. confinement? _____
2. How were you treated by prison guards and other prison personnel? _____
3. How were you treated compared to the German prisoners? _____
4. What religious program was provided? _____
5. What entertainment and recreational opportunities were provided? _____
6. What work did you perform in the prison? _____
7. How were the health and sanitation conditions in the prison? _____
8. What is your present physical condition? _____
9. What was your biggest complaint about the prison? _____
10. How would you advise a U.S. prisoner to prepare for German confinement?

11. Additional comments by prisoner:

12. Comments by debriefing officer:

(Signature of Prisoner)
FIRST MI. LAST
Rank, BR (or USA, if applicable)
Confinee

(Signature of Debriefing Officer)
FIRST MI. LAST
Rank, BR (or USA, if applicable)
Position Title

Figure G-2. Format for a Debriefing Statement (Memorandum for Record)

APPENDIX H

INSTRUCTIONS FOR PREPARING TRIAL OBSERVER REPORTS

Trial observer reports will be prepared according to AR 27-50/SECNAVINST 5820.4G/AFJI 51-706, as supplemented by this publication.

H-1. SUSPENSE FOR, DISTRIBUTION OF, AND CONTROL OF REPORTS

Trial observers will send trial-observer reports to the USAREUR Judge Advocate (JA) (AEJA-ILO-FL) within 14 calendar days after the trial ends according to the distribution instructions in [subparagraph a](#) below. Any delays will be briefly summarized in paragraph 2 of a memorandum from the servicing staff judge advocate (SJA) to the USAREUR JA. The USAREUR JA (AEJA-ILO-FL) may grant exceptions to these procedures.

a. Distribution. Trial observers will send—

(1) One original and one copy of the trial-observer report through the local legal liaison authority (LLA) responsible for the German court area where the case was tried to the USAREUR JA (AEJA-ILO-FL), Unit 29351, APO AE 09014-9351.

(a) If the local LLA is not the trial observer's SJA, the trial observer will send the report through the local LLA and then the trial observer's SJA to the USAREUR JA with one copy to each "through" addressee. The trial observer's SJA will approve or disapprove the findings.

(b) The Army will provide the SJA for Navy and Marine Corps personnel.

(c) The SJA for Air Force trial observers is the Staff Judge Advocate, HQ USAFE/AFAFRICA (JAO).

(2) One copy for each accused person to the local LLA.

(3) An electronic version in Microsoft Word format to the USAREUR JA.

(4) One copy to the unit commander concerned with a copy of the transmittal memorandum to the USAREUR JA (AEJA-ILO-FL).

(a) For Army personnel, the unit copy will be sent to the attention of the organizational subelement responsible for personnel actions along with a file containing statements of the accused's character of service and an opinion by the command SJA concerning separation proceedings under AR 635-200, chapter 14, section II, and administrative reduction under AR 614-200.

(b) For Navy, Marine Corps, or Air Force personnel, the unit copy will be sent to the unit commander and in accordance with any other theater service component command directives.

b. Control of Reports.

(1) Trial observers and all organizations that receive a copy of the report will direct requests for release of trial-observer reports to the USAREUR JA (AEJA-ILO-FL).

(2) Individuals and organizations who received copies of the report will not reproduce or release the copies, except as required by administrative proceedings related to the trial.

H-2. FORMAT AND CONTENTS

Trial observers will prepare their trial-observer reports in a memorandum format according to AR 27-50/SECNAVINST 5820.4G/AFJI 51-706, paragraph 4-6a, and the instructions in subparagraphs [a through e](#) below. On request, the USAREUR JA (AEJA-ILO-FL) can provide additional guidance and samples for preparing trial-observer reports.

a. Subject. The proper title of the report is “Trial Observer Report.” Show the requirement control symbol (RCS) according to AR 27-50/SECNAVINST 5820.4G/AFJI 51-706, paragraph 4-6.

b. Addressee of Report. Address the report to the SJA in his or her capacity as the local LLA.

c. Introductory Paragraph. The introductory paragraph (unnumbered) should read as follows:

“According to AR 27-50/SECNAVINST 5820.4G/AFJI 51-706, paragraph 4-6, I submit the following report on the trial of the case against (*name*).”

d. Privacy Act Marking. All copies of the report, cover memorandums, and the Bill of Indictment will be marked as follows:

- “Personal Data–Privacy Act of 1974 (5 USC 552a)” (Place the marking on each page. Although no specific location or font is prescribed, prominent placement in the header or footer is recommended.)
- “FOR OFFICIAL USE ONLY” (Place the marking in the footer of the cover page and all other applicable pages. The font is boldface, 16-point or equal to any larger fonts on the page.)

e. Order of Presentation. Paragraphs should have the titles and include the information indicated below:

(1) Accused. List the accused’s name, grade, Social Security number (last 5), duty organization, and home address. If there is more than one accused, use lettered subparagraphs. If the accused is a juvenile or was tried under Youth Court Law, indicate the accused’s age. If more than one accused are tried in the same trial, use subparagraphs.

(2) Offenses Charged. Do not recite the full circumstances surrounding the offense. Simply state each offense, date, and place, followed in parentheses by citations of the specific statutes violated. The following is an example:

“Rape of German national Maria Mustermann about 2230 on 17 May 2014 in a park adjoining Schillerstraße in Exburg (German Criminal Code, Section 177).”

NOTE: If more than one unrelated offense occurred on different dates, use subparagraphs to list them.

(3) Text of Allegations of Complaint. Enter an appropriate statement such as “See (extract) translation of the indictment enclosed as annex A.”

(4) Citation and Text of Statutes Primarily Involved. Enter an appropriate statement such as, “See (extract) translation of statutes involved at annex B.” In the annex, include the text of statutes involved as found in [AE Pamphlet 550-19](#) such as “Appendix A (German Criminal Code, Section 177, paragraph A-111.” The only sections that need to be photocopied and attached are the sections charged.

(5) Name, Location, and Type of Court; Date and Place of Trial.

(a) Use the most direct and precise wording:

- “The accused was/were tried by _____.
- The trial was held in _____ on _____.”

(b) State the name of the trial court in English and its German title in parentheses. Italicize the German title so that the German word stands out as a foreign-language word in an otherwise English-language text. Use English names of German courts as listed in AE Pamphlet 550-19/USAFE Pamphlet 30-16. Show the composition of the court including the names of court members and other parties to the trial. For example—

- “The accused was tried by the Juvenile Penal Chamber (*Jugendstrafkammer*) of the State Court (*Landgericht*) in Heidelberg, a court consisting of three professional judges and two lay judges. The trial was held on 6 June 2013.”
- “The names of court members and other parties to the trial are as follows:”

Presiding Judge:	Dr. Paul Kögele, Presiding Judge of the District Court
Associate Judge:	Dr. Fritz Fischer, Judge of the State Court
Lay Judges:	Christoph U. Trausel, Wine Merchant, of Karlsruhe Monika L. Erhardt, Housewife, of Karlsruhe
Prosecutor:	Hans Witulski
Defense Counsel:	Klaus Klein
Intervener's Counsel	Emil Schulz

(6) Result of Trial. Be precise and concise. If the accused was found guilty as charged, say only that.

(a) If the accused was found guilty of some offenses and was acquitted of others, indicate that and cite the specific statutes that the accused was found to have violated. For example—

- “The accused was acquitted of rape, but was found guilty of aggravated assault in violation of German Criminal Code, section 223a.”

(b) If the accused was found not guilty of all charges, say—

- “The accused was acquitted of all charges.”

(7) Sentence. This paragraph should state—

(a) The sentence, indicating whether “juvenile” or “adult” confinement, suspended or unsuspended, and credit for pretrial confinement, if appropriate.

(b) Other measures imposed by the court.

(c) The court’s decisions concerning respect to court and other costs. For example—

- “The accused was sentenced to 6 months juvenile confinement, unsuspended, pretrial confinement to be credited against the sentence imposed. Further, the accused was ordered to bear the costs of the proceedings as well as his own expenses.”

(8) Appeal by the Accused Person or by the Prosecution. An appeal must be filed within 1 week after the judgment is announced in open court. You should be able to obtain judgment information before your report is finalized. What matters is that the appeal is filed to prevent the judgment from becoming final on the expiration of the 1-week period. If the defense counsel tells you that he or she may later withdraw the appeal, depending on his or her evaluation of the written judgment, this information should have no bearing on your report.

(9) Defense Counsel. Show the defense counsel’s name and indicate who appointed him or her (court, U.S. Government). Indicate whether the defense counsel spoke English and provided adequate counsel. For example—

- “The English-speaking attorney, Dr. Herrmann Kieffer, retained at U.S. Government expense, was adequate.”

(10) Interpreter. Complete this section as in [\(9\) above](#). For example—

- “The court-appointed interpreter, Mr. Josef Steiger, was adequate.”

(11) Summary of Trial Proceedings. Once witnesses have been instructed as to their responsibilities and have cleared the courtroom, the trial and defense counsel may introduce motions. The judge will take the defendant’s personal data and the prosecutor will read the indictment. The court will advise the accused of his or her right to make a statement or to remain silent and will ask the accused whether he or she wants to make a statement about the allegations in the indictment. If the accused makes a statement, the preliminaries will be written in a short paragraph, followed by subparagraphs showing personal data and the substance of the statement. For example—

- Rights. After personal data was taken and the indictment was read, the accused was advised of his right to remain silent. He elected to make a statement.

(a) Rights.

1. Personal Data:

2. Statement:

(b) Summary of Testimony.

1. Conviction. Follow the general rules for preparing summarized records of trial by special courts-martial.

a. If the testimony of a witness is cumulative, simply state that “the witness was called and testified substantially as follows XXX *[Include a brief summary]*_____.”

b. In identifying police officers testifying in the proceedings, do not attempt to translate their position titles or use the German abbreviation of their titles, since these titles are unintelligible to most recipients of the report. Identify the officers simply as “Police Officer Fritz Fischer” or “Investigator Heinz Schultz.”

2. Acquittal. If the accused is acquitted and there is no appeal, a “resume of the trial proceedings” (AR 27-50, para 4-6(11)) is not required. If the trial involves multiple defendants and some defendants are acquitted while others are convicted, report on all the defendants.

(c) Arguments. Do not repeat the evidence reviewed by the prosecutor and the defense counsel. Say, “Following the review of the evidence, the (prosecutor) (defense counsel) concluded that XXX” and briefly state the speaker’s conclusions (if the evidence warranted conviction or acquittal and why). State each party’s motion as fully as possible, including the sentence and related measures.

(d) Last Word. Indicate if the accused was advised by the court that he or she had the right to make a brief final statement to the court before the court retired for deliberation. Include a summary of the accused person’s response.

(e) Reasons Underlying the Judgment as Stated by the Court. Do not present a narrative of the court’s review of the evidence, but cover the court’s conclusion. Explain in detail why the court—

1. Resolved a conflict between the testimony of a prosecution witness and the accused person’s testimony in favor of the witness.

2. Determined that the accused should be treated as a juvenile or as an adult.

3. Determined that the accused committed the offenses alleged in a state of reduced criminal responsibility or complete absence of criminal responsibility.

4. Declined to credit the accused, in whole or in part, with time spent in pretrial confinement, if appropriate.

5. Imposed a severe sentence under the circumstances.

(12) Procedural Safeguards. Follow the guidelines in AR 27-50/SECNAVINST 5820.4G/AFJI 51-706, paragraph 1-8d. If the accused was substantially prejudiced through denial of procedural guarantees, the trial observer should immediately report by telephone to the USAREUR JA (AEJA-ILO-FL) (mil 314-337-4760 or civ (0049) (0)611-705-4760) before completing the report. If the accused was not substantially prejudiced through denial of procedural safeguards, the report should state—

- “The accused was not denied any of the procedural safeguards secured by the NATO SOFA, other applicable international agreements, or German law.”

H-3. TRIAL OBSERVER REPORT ON APPEAL

The Trial Observer Report on Appeal should conform with the provisions of AR 27-50/SECNAVINST 5820.4G/AFJI 51-706 (para 4-6b). The subject line of the cover memorandums will say “Trial Observer Report on Appeal.”

H-4. TRIAL OBSERVER REPORT ON REHEARING

Follow the general format shown in AR 27-50/SECNAVINST 5820.4G/AFJI 51-706, paragraph 4-6a, but subdivide subparagraph (11) (that is, the “resume of trial proceedings”), to show all of the following:

- a. Original trial: type of court, date and place of trial, findings, and sentence imposed.
- b. Action by the appellate court: extent of rehearing ordered.
- c. Date the trial-observer report on the original trial was sent: DD Mmmmm YYYY.

GLOSSARY

SECTION I ABBREVIATIONS

3 AF	3d Air Force
21st TSC	21st Theater Sustainment Command
52d FW	52d Fighter Wing
86th AW	86th Airlift Wing
470th ABS	470th Air Base Squadron
AEPUBS	Army in Europe Library & Publishing System
AFI	Air Force instruction
AFJI	Air Force joint instruction
AFMAN	Air Force manual
app	appendix
AR	Army regulation
ARIMS	Army Records Information Management System
Art	Article
CG, USAREUR	Commanding General, United States Army, Europe
chap	chapter
CID	criminal investigation division [U.S. Army]
civ	civilian
CNE-C6F	Commander, U.S. Naval Forces Europe/Commander, U.S. Sixth Fleet [obsolete, now CNE-CNA-C6F]
CNE-CNA-C6F	Commander, U.S. Naval Forces Europe/Commander, U.S. Naval Forces Africa/Commander, U.S. Sixth Fleet
CNEURAFSWA	Commander, Naval Region Europe, Africa, Southwest Asia
CONUS	continental United States
DCO	designated commanding officer
dep	dependent [Family member]
DOD	Department of Defense
DOD FMR	Department of Defense Financial Management Regulation
DODI	Department of Defense instruction
DOJ	Department of Justice
ETS	expiration term of service
fig	figure
GCMCA	general court-martial convening authority
HQDA	Headquarters, Department of the Army
IMCOM-Europe	Installation Management Command, Europe Region
JA	judge advocate
JAGINST	Navy Judge Advocate General instruction
JAGMAN	The Manual of the Judge Advocate General
JAI	international law, office of the judge advocate [U.S. Air Force]
JAO	operations law, office of the judge advocate [U.S. Air Force]
JMTC	Seventh Army Joint Multinational Training Command
LLA	legal liaison authority
MEJA	Military Extraterritorial Jurisdiction Act
mil	military
MILPERSMAN	The Naval Military Personnel Manual [U.S. Navy (and Marine Corps)]

MLAT	Mutual Legal Assistance Treaty
MP	military police [U.S. Army]
NATO	North Atlantic Treaty Organization
NATO SOFA	The North Atlantic Treaty Organization Status of Forces Agreement
NATO SOFA SA	The Agreement to Supplement the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of their Forces With Respect to Foreign Forces Stationed in the Federal Republic of Germany
NAVPERS	Navy Personnel Command [publication]
NAVPERSCOM	Navy Personnel Command
OCPA	Office of the Chief of Public Affairs, Headquarters, United States Army Europe
OGC	office of the general counsel
OIC	officer in charge
OPNAVINST	Chief of Naval Operations instruction [U.S. Navy and Marine Corps]
OSI	office of special investigations [U.S. Air Force]
para	paragraph
POC	point of contact
RCS	requirement control symbol
reg	regulation
SA	supplementary agreement
sec	section
SECNAVINST	Secretary of the Navy Instruction
SF	security forces [U.S. Air Force]
SJA	staff judge advocate
SOFA	status of forces agreement
SSN	Social Security number
TDY	temporary duty
UCMJ	Uniform Code of Military Justice
U.S.	United States
USAFE-AFAFRICA	United States Air Forces in Europe/United States Air Forces Africa
USAG	United States Army garrison
USANATO	United States Army North Atlantic Treaty Organization
USANATO Bde	United States Army North Atlantic Treaty Organization Brigade
USAREUR	United States Army Europe
USAREUR G1	Deputy Chief of Staff, G1, United States Army Europe
USAREUR JA	Judge Advocate, United States Army Europe
USC	United States Code
USEUCOM	United States European Command
USF	United States Forces
USNAVEUR	United States Naval Forces, Europe [obsolete, now CNE-CNA-C6F]
UST	United States treaty
vol	volume

SECTION II TERMS

Except as otherwise defined in this section, the terms used in this publication are defined in the North Atlantic Treaty Organization Status of Forces Agreement (NATO SOFA), the Supplementary Agreement (SA) to the NATO SOFA, the implementing agreements of those publications, AR 27-50/SECNAVINST 5820.4G/AFJI 51-706, and [AE Regulation 550-50/CNE-C6F Instruction 5820.8K/USAFE Instruction 51-706](#).

Family member (dependent)

A person who is a lawful spouse, unmarried child (including adopted child or stepchild), ward, or parent (including adoptive parent, stepparent, parent-in-law, and adoptive parent-in-law) and meets the dependency specification in an applicable service directive (for example, AR 600-8-14).

incident

An act or an omission by U.S. personnel involving German or other foreign interests that could result in the exercise of criminal jurisdiction by German authorities over the individual concerned. Minor traffic violations by operators of privately owned vehicles or military vehicles do not apply.

unit commander

- The immediate commander or officer in charge of the military member in cases involving U.S. military personnel or their Family members.
- The commander of the installation where the U.S. civilian is employed in cases involving U.S. civilian employees or their Family members.

United States Forces (USF) personnel

Military members of the United States Armed Forces (all service components). For the purposes of this publication and based on the NATO SOFA use of the term “members of the force,” this includes all military members, but not civilian employees, civilian-contract employees, or other categories of personnel that are included in the definition of U.S. personnel ([below](#)).

U.S. personnel

- U.S. military personnel assigned to a unit in Germany, including those on temporary duty.
- U.S. civilian nationals serving with, employed by (to include DOD and nonappropriated fund employees), and accompanying military members or civilian employees of the United States Forces (USF) in Germany.
- U.S. technical experts in Germany as defined by the NATO SOFA SA, Article 73, and Notes Verbale.
- U.S. nationals who are employed by American organizations and enterprises in Germany that support the USF (for example, American Red Cross, University of Maryland, Community Bank) and who qualify under Article 71 and 72 of the NATO SOFA SA including those under Analytic Support and Troop Care programs.
- Family members of personnel above.
- “Close relatives” of personnel above as defined in the NATO SOFA SA, Article 2, paragraph 2(a).
- U.S. military and civilian employees of USF stationed in Europe (outside Germany) and in North Africa when they are in Germany on leave or temporary duty as well as the Family members of these personnel who travel with them (14 U.S. Treaty 694).

NOTE: This definition does not include U.S. military and civilian personnel who are tourists or who are assigned or attached to U.S. diplomatic or consular offices, military missions, or military assistance advisory groups in Germany who have diplomatic or other special status in Germany. The definition also does not include U.S. civilian personnel employed by non-DOD agencies.

SECTION III GERMAN TERMS

Amtsgericht
district court

Anerkennung der Vaterschaft
acknowledgment of paternity

Arrestbefehl
order of attachment

Berufung
Appeal on questions of fact and law

Bundesanzeiger
Federal Register

Bundesgerichtshof
Federal Supreme Court

Ersuchen um Unterstützung bei der Durchführung der Zwangsvollstreckung
request for assistance in execution proceedings

Gerichtskostenrechnung
costs demand

Jugendstrafkammer
Penal chamber at a youth court

Kostenfestsetzungsbeschuß
costs decision

Ladung und Klage
summons and complaint

Ladung zur freiwilligen Anerkennung der Vaterschaft
request to appear for voluntary acknowledgment of paternity

Land and Länder
German Federal state and German Federal states (also known as *Bundesland* and *Bundesländer*)

Landgerichte
state court

Mahnbescheid
payment order

Oberlandesgericht

superior state court

Pfändungs- und Überweisungsbeschluß

garnishment and remittance order

Revision

appeal regarding questions of law

Schriftstücke in Ehescheidungssachen

documents pertaining to divorce proceedings

Steuerbescheid

tax demand

Strafkammer

penal chamber of the state court (*Landgericht*)

Urteil

judgment

Verbrechen

major offense

Versäumnisurteil

default judgment

Vollstreckungsbescheid

writ of execution

Zeugenladung

subpoena