

USER: AADAMI

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From: DOD, ARMY, ORGANIZATIONS, ARMY OPERATIONS CENTER, AOC CAT
OPSWATCH G3 DAMO AOC(MC)

Subj: ALARACT FOREIGN NATIONALS EMPLOYED BY OR ACCOMPANYING ARMY FORCES
OCONUS MAY BE SUBJECT TO U.S. CRIMINAL JURISDICTION

UNCLASSIFIED//FOR OFFICIAL USE ONLY.

RELEASE ON BEHALF OF THE JUDGE ADVOCATE GENERAL OF THE ARMY

REF/A/DOC/DODI 5525.11/03MAR05

AMPN/REF A IS A DOD INSTRUCTION CONCERNING CRIMINAL JURISDICTION OVER
CIVILIANS EMPLOYED BY OR ACCOMPANYING THE ARMED FORCES OUTSIDE THE
UNITED STATES, CERTAIN SERVICE MEMBERS AND FORMER SERVICE MEMBERS.

REF/B/DOC/18 USC 3261-3267

AMPN/REF B IS CHAPTER 212, SECTIONS 3261-3267 OF TITLE 18, U.S. CODE,
THE MILITARY EXTRATERRITORIAL JURISDICTION ACT (MEJA), AS AMENDED.

NARR/REF A IMPLEMENTS POLICIES AND PROCEDURES AND ASSIGNS
RESPONSIBILITIES UNDER REF B AND IS APPLICABLE TO ALL COMMANDS.
IMMEDIATE COMPLIANCE IS REQUIRED. REFS A AND B ADDRESS CRIMINAL
JURISDICTION AS APPLIED TO CERTAIN CIVILIANS EMPLOYED BY DOD, EMPLOYED
BY OTHER FEDERAL AGENCIES OR ANY PROVISIONAL AUTHORITY TO THE EXTENT
THEIR EMPLOYMENT IS SUPPORTING THE MISSION OF DOD, OR ACCOMPANYING
U.S. ARMED FORCES OUTSIDE THE U.S., CERTAIN MEMBERS OF THE ARMED
FORCES, AND CERTAIN FORMER MEMBERS OF THE ARMED FORCES.

REMARKS/1. PENDING PROMULGATION OF ANY DA IMPLEMENTING REGULATIONS
AND ANY COMBATANT COMMAND INSTRUCTIONS, THIS MESSAGE:

A. PROVIDES INTERIM GUIDANCE TO ALL ARMY ACTIVITIES ON THE IMMEDIATE
NOTIFICATION REQUIREMENTS OF REF A.

B. DIRECTS THAT ARMY STAFF JUDGE ADVOCATES (SJA) AND/OR LEGAL
ADVISORS OUTSIDE THE U.S. PROVIDE ELECTRONIC NOTICE THRU TECHNICAL
CHANNELS TO THE JUDGE ADVOCATE GENERAL (TJAG) OF THE ARMY OF ANY
PENDING CASE UPON INITIAL COORDINATION WITH HIGHER HEADQUARTERS, THE
APPLICABLE COMBATANT COMMAND, DOD GENERAL COUNSEL, OR DOJ FOR
POTENTIAL CRIMINAL PROSECUTION IAW REF B. SUCH NOTICE IS FOR
INFORMATIONAL PURPOSES ONLY AND DOES NOT SUPPLANT OTHER NOTICE AND
REPORTING REQUIREMENTS ESTABLISHED BY REF A.

. NOTICE REQUIREMENTS TO FOREIGN NATIONALS:

A. WITHIN 60 DAYS OF THE ISSUANCE OF THIS MESSAGE, ALL ARMY
ACTIVITIES SHALL NOTIFY PERSONS CURRENTLY EMPLOYED BY OR ACCOMPANYING
ARMY FORCES OUTSIDE THE U.S. WHO ARE NOT NATIONALS OF THE U.S. (EXCEPT
THOSE THAT ARE NATIONALS OR ORDINARILY RESIDENT IN THE HOST NATION)
THAT THEY ARE POTENTIALLY SUBJECT TO THE CRIMINAL JURISDICTION OF THE
U.S.

B. WITHIN 60 DAYS OF THE ISSUANCE OF THIS MESSAGE, ALL ARMY
CONTRACTING ACTIVITIES SHALL NOTIFY CONTRACTORS AND CONTRACTOR

EMPLOYEES EMPLOYED BY OR ACCOMPANYING ARMY FORCES OUTSIDE THE U.S. WHO ARE NOT NATIONALS OF THE U.S. (EXCEPT THOSE THAT ARE NATIONALS OR ORDINARILY RESIDENT IN THE HOST NATION) THAT THEY ARE POTENTIALLY SUBJECT TO THE CRIMINAL JURISDICTION OF THE U.S.

C. NOTICE TO FOREIGN NATIONALS IS MANDATED BY CONGRESS IN REF B AND DOD IN REF A, BUT FAILURE TO PROVIDE NOTICE IAW THIS MESSAGE SHALL NOT DEFEAT THE JURISDICTION OF A U.S. COURT OR PROVIDE A DEFENSE IN ANY JUDICIAL PROCEEDING ARISING UNDER REF B.

3. POC FOR THIS MESSAGE IS LTC EDWARD K. LAWSON, INTERNATIONAL LAW ATTORNEY, HQDA, OFFICE OF THE JUDGE ADVOCATE GENERAL, INTERNATIONAL AND OPERATIONAL LAW DIVISION, AT COMM (703) 588-0132, DSN (312) 425-0132, OR VIA E-MAIL AT EDWARD.LAWSON@HQDA.ARMY.MIL.

4. EXPIRATION DATE CANNOT BE DETERMINED.

TO Addressees

(OR1) TAYZ3, PTSC, ALARACTRA

(DN1) DOD, ARMY, ORGANIZATIONS, DA PENTAGON TELECOMMUNICATIONS(UC), ALA AUTHORITY(UC)

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Originator-DN - DOD, ARMY, ORGANIZATIONS, ARMY OPERATIONS CENTER, AOC CAT C

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Signers-DN - DoD, ARMY, Organizations, ARMY OPERATIONS CENTER, AOC CAT OPSWATC

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