

N° 4032.

ROYAUME-UNI
DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
ET ÉGYPTE

Convention relative aux immunités et
privilèges dont jouiront les forces
britanniques en Égypte. Signée à
Londres, le 26 août 1936.

UNITED KINGDOM
OF GREAT BRITAIN
AND NORTHERN IRELAND
AND EGYPT

Convention concerning the Immuni-
ties and Privileges to be enjoyed
by the British Forces in Egypt.
Signed at London, August 26th,
1936.

No. 4032. — CONVENTION BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE EGYPTIAN GOVERNMENT CONCERNING THE IMMUNITIES AND PRIVILEGES TO BE ENJOYED BY THE BRITISH FORCES IN EGYPT. SIGNED AT LONDON, AUGUST 26TH, 1936.

English official text communicated by His Majesty's Secretary of State for Foreign Affairs in Great Britain. The registration of this Convention took place January 6th, 1937.

THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND and THE EGYPTIAN GOVERNMENT desiring, in accordance with Article 9 of the Treaty¹ of Alliance signed this day, to settle the position as regards jurisdictional and fiscal matters of the Forces in Egypt of His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India (hereinafter referred to as His Majesty), have agreed as follows :

1. In this Convention the expression " British Forces " includes :

(a) Every person subject to the Naval Discipline Act, the Army Act and the Air Force Act of the United Kingdom (or the corresponding Acts of other parts of His Majesty's Dominions) who is stationed with, or attached to, the forces of His Majesty, who are present in Egypt in accordance with the provisions of the Treaty of Alliance ;

(b) Every civilian official of British nationality accompanying or serving with the said Forces in Egypt of the Navy, Army and Air Force Institutes, who is either granted relative status as an officer, or holds a pass designating his status, issued by the Appropriate British Authority as hereinafter defined, and who is paid from the funds of any part of the Dominions of His Majesty, or the Navy, Army and Air Force Institutes ;

(c) Wives, and children under 21 years of age, of the persons mentioned in paragraphs (a) and (b) hereof.

2. (a) The expression " Appropriate British Authority " means :

(i) In the case of members of His Majesty's Naval Forces, the Senior Naval Officer for the time being within the territorial waters of Egypt ; or in cases where the matter is not within his cognizance, the Commander-in-Chief or other Officer for the time being commanding the Mediterranean Station ;

(ii) In the case of members of His Majesty's Land Forces, the General or other Officer for the time being commanding the British Troops in Egypt ;

(iii) In the case of members of His Majesty's Air Forces, the Air or other Officer for the time being commanding the Royal Air Force in Egypt.

¹ See page 401 of this Volume.

¹ TRADUCTION. — TRANSLATION.

N^o 4032. — CONVENTION ENTRE LE GOUVERNEMENT DU ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD ET LE GOUVERNEMENT ÉGYPTIEN RELATIVE AUX IMMUNITÉS ET PRIVILÈGES DONT JOUIRONT LES FORCES BRITANNIQUES EN ÉGYPTÉ. SIGNÉE A LONDRES, LE 26 AOUT 1936.

Texte officiel anglais communiqué par le secrétaire d'Etat aux Affaires étrangères de Sa Majesté en Grande-Bretagne. L'enregistrement de cette convention a eu lieu le 6 janvier 1937.

LE GOUVERNEMENT ÉGYPTIEN ET LE GOUVERNEMENT DU ROYAUME-UNI DE GRANDE-BRETAGNE ET DE L'IRLANDE DU NORD désirant, en conformité de l'article 9 du Traité² d'alliance signé aujourd'hui, régler la situation en ce qui a trait aux questions juridictionnelles et fiscales des forces se trouvant en Egypte de Sa Majesté le Roi de Grande-Bretagne, d'Irlande et des Dominions britanniques au delà des Mers, Empereur des Indes (ci-après dénommé Sa Majesté) sont convenus de ce qui suit :

1. Dans la présente convention, l'expression « Forces britanniques » comprend :

a) Toute personne régie par le « Naval Discipline Act », « Army Act » ou « Air Force Act » du Royaume-Uni (ou des « Acts » correspondants des autres parties des Dominions de Sa Majesté), qui cantonne avec ou qui est attachée aux forces de Sa Majesté se trouvant actuellement en Egypte en conformité des dispositions du Traité d'alliance.

b) Tout fonctionnaire civil britannique accompagnant lesdites forces en Egypte ou servant avec elles, ou avec l'armée navale ou les forces aériennes, et qui, soit s'est vu octroyer un statut comme officier, soit détient un permis désignant son statut, permis émis par l'autorité britannique compétente telle qu'elle est définie ci-bas, et qui est rétribué sur les fonds d'une partie quelconque des Dominions de Sa Majesté, ou sur les fonds de la marine, de l'armée ou des forces aériennes.

c) Les femmes et les enfants âgés de moins de 21 ans des personnes mentionnées aux paragraphes a) et b) ci-dessus.

2. a) L'expression « autorité britannique compétente » signifie :

(i) Dans le cas des personnes faisant partie des forces navales de Sa Majesté, l'officier naval supérieur pour le temps où il sera dans la zone des eaux territoriales de l'Egypte ou, dans les cas survenant hors de la zone qui lui est assignée, le commandant en chef ou autre officier commandant pour le moment la station méditerranéenne ;

(ii) Dans le cas des personnes faisant partie des forces de terre de Sa Majesté, le général ou autre officier commandant pour le moment les troupes britanniques en Egypte ;

(iii) Dans le cas des personnes faisant partie des forces aériennes de Sa Majesté, l'officier d'aviation ou autre commandant pour le moment le Royal Air Force en Egypte.

¹ Traduction du Gouvernement égyptien.

¹ Translation of the Egyptian Government.

² Voir page 401 de ce volume.

(b) Any authority given to, or any act or thing to be done by, to or for, any Appropriate British Authority may be exercised by, or done by, to or for, any other person for the time being authorised in that behalf according to the custom of the particular service of His Majesty concerned.

3. (a) The expression " British Camps " means :

The areas or places which, by virtue of Article 8 of the Treaty and the Annex thereto, have been allocated to the Forces of His Majesty and such other areas as may be so allocated by agreement of both Governments either in addition to or in substitution for the aforesaid areas, and including the temporary camps and bivouacs in the training and manœuvre areas authorised by the Treaty when being used as such.

(b) The expression " service aircraft " means any aircraft of His Majesty's Forces.

4. No member of the British Forces shall be subject to the criminal jurisdiction of the Courts of Egypt, nor to the civil jurisdiction of those Courts in any matter arising out of his official duties. If any civil proceeding is instituted against a member of the British Forces before any Egyptian Court, notification of the proceedings shall be given to His Majesty's Ambassador, and no further steps shall be taken until twenty-one days have elapsed from the date of notification. This period shall be extended if His Majesty's Ambassador states that it has not been possible to conclude the necessary investigations in the above time. A statement to the Court by His Majesty's Ambassador that the proceedings arise out of official duties will be considered as conclusive evidence of that fact.

5. Without prejudice to the fact that British camps are Egyptian territory, the said camps shall be inviolable and shall be subject to the exclusive control and authority of the Appropriate British Authorities.

6. In pursuance of the provisions of the Treaty of Alliance, the Egyptian Government hereby consents to the enjoyment by the British Forces of :

(a) Freedom of movement between British camps, and to or from the ordinary points of access to Egyptian territory by water, land or air ; there would of course be consultation with the Egyptian Authorities as regards movements of large bodies of men, stores or vehicles on railways and roads used for general traffic ;

(b) Unrestricted communication by radio or other telegraphy, telephony or any other means howsoever ; and the necessary facilities for maintaining such communications whether inside or outside of British camps, including the laying of cables and land lines ; it is understood that the telegraph and telephone cables and lines herein referred to will be situated in the areas where the British Forces are stationed, and that any connection with the Egyptian system of telegraphs and telephones will be subject to arrangement with the Egyptian Authorities ;

(c) The right within British camps to generate light and power for use in British camps, and to transmit and distribute such light and power between the place of generation and any other British camp by means of cables, pipes or in any other way whatsoever ;

(d) Transmission, subject to the payment of the usual charges, of telegrams and messages over the Egyptian State Telegraphs and Telephones, in clear, in code or in cypher ;

(e) Use of the Egyptian State Railways upon the terms and subject to the conditions now in force ;

(f) The supply, maintenance and use of telephones as required, as part of and connected with the Egyptian State Telephones service and system, at the rates and upon the conditions now in force ;

(g) Entry into and departure from Egypt of members of His Majesty's Forces at all times without let or hindrance, subject only to the production of a certificate showing

membership of the British Forces in cases when such members do not arrive or leave by a British Man of War, Troopship, Freightship, or Service Aircraft, Service Transport or as a formed body under command of an Officer, Warrant Officer, Non-Commissioned Officer, or Petty Officer ;

(h) The use of roads, bridges, canals, streams, lakes, waterways and other bodies of water without the payment of dues, tolls or charges either by way of registration or otherwise for vehicles or water-borne craft used on His Majesty's Service ;

(i) Port facilities free of payment for His Majesty's Men of War, Troopships, Freightships and Service Aircraft of an amphibian or seaplane character ;

(j) The same immunity regarding the official correspondence of the British Forces and their couriers as is enjoyed in International Law by the Diplomatic representatives of foreign States.

7. (a) Members of the British Forces who are owners of real property shall pay the same taxes, registration and transfer fees in respect of such property and its produce as civilians of British nationality ;

(b) Members of the British Forces shall pay in respect of any privately owned radio receiving or transmitting apparatus the tax or licence fee for the time being in force and applicable to such apparatus ;

(c) Members of the British Forces shall pay the fee for the time being in force for the registration of a private water-borne craft and (subject to the provisions of Article 6 (h) hereof, also all dues, charges and tolls leviable in consequence of the user of such craft ;

(d) Members of the British Forces shall pay the tax or registration fee for the time being in force for a private motor vehicle used on any public road maintained by the Egyptian Government or for any privately owned aircraft ;

(e) The Agreement between the Egyptian Government and the British Military Authorities dealing with imports and exports by the British Naval, Military and Air Force Authorities as well as with imports by individual members of His Majesty's Forces and by the Navy, Army and Air Force Institutes, dated the 14th July, 1921, as amended up to the date hereof, shall remain in full force and effect ; provided, however, that, in the event of a change in the tariff, either party to the said Agreement shall have a right to demand a revision of the *ad valorem* rates which have been accepted by mutual consent as equivalent to the actual duties and dues chargeable under the tariff now in force. The principle of an *ad valorem* equivalent shall be maintained ;

Save as above provided, British camps, the British Forces and the members thereof shall be immune from all taxation, other than Municipal rates for services enjoyed, and from all registration fees or charges unless there has been an agreement between the two Governments to the contrary.

8. The Egyptian Government freely offers every assistance to British aircraft in distress, and will accord full facilities to His Majesty's personnel and stores to proceed to and from the salvage of any aircraft in distress that may have made a forced landing in Egyptian territory.

9. The Appropriate British Authority will surrender, on receipt of an application signed by the appropriate official of the Egyptian Ministry of Justice, persons not being members of His Majesty's Forces and who are within any British camp, and

(a) Against whom a warrant of arrest has been issued in respect of any offence triable by a court in Egypt ; or

(b) Against whom an order of imprisonment has been made by any court in Egypt ;
or

(c) Against whom an order has been issued by an appropriate Egyptian military authority for desertion or absence without leave from the Egyptian army ; and

(d) Who are not immediately ejected therefrom as would ordinarily be done in the case of such persons who take refuge therein from the Police.

Every application for the surrender of an offender, under these provisions shall be accompanied by a certified true copy of the warrant of arrest or order of imprisonment as the case may be, and by such information as is available as to the identity and whereabouts of the person whose surrender is desired.

10. The Egyptian Government will ensure :

(a) The searching for, apprehending and handing over of any members of the British Forces who are claimed as deserters or absentees without leave, upon request made in writing by the Appropriate British Authority ;

(b) The prosecution of persons accused of acts in relation to the British Forces which, if committed in relation to the Egyptian Forces, would have rendered them liable to prosecution.

11. (1) Subject to the provisions of sub-paragraph (a) of the preceding Article, members of the British Forces shall be liable to arrest by the Egyptian Authorities only in such circumstances as would justify the arrest of civilians of British nationality. Should any member of the British Forces be arrested the following procedure will be adopted :

(a) Notification of the arrest giving the name and other particulars of the person arrested, together with information as to the nature of the offences for which the said person was arrested, will be sent forthwith to the Appropriate British Authority ;

(b) A similar notification will also immediately be sent to the office of the nearest British Consular Officer ;

(c) The alleged offender will be handed over on demand to the Appropriate British Authority ;

(d) Full particulars of the charges against the alleged offender together with the names, addresses and statements of the relevant witnesses will be delivered or sent by registered post to the Appropriate British Authority within 48 hours of the arrest ;

(2) When it is alleged that a member of the British Forces has committed an offence for which he has not been arrested, particulars of such alleged offence together with the *procès-verbal* will be sent with all convenient speed to the Appropriate British Authority.

12. The British Forces will send an armed escort into any part of Egypt for the purpose of taking over and escorting to a British camp, any member of the British Forces arrested under the provisions of Articles 10 and 11 hereof.

13. (a) The Egyptian Government undertakes at the request of the Appropriate British Authority to take all reasonable steps to secure the attendance of persons amenable to its jurisdiction as witnesses before His Majesty's military tribunals in Egypt (courts-martial, courts of inquiry, committees of adjustment, and boards of officers or other service tribunals) convened and assembled by the Appropriate British Authority.

(b) The Government of the United Kingdom undertakes to take all reasonable steps to secure the attendance of any member of the British Forces as a witness at any proceedings before the Egyptian Courts, including the Mixed Courts, courts-martial, disciplinary tribunals or courts of enquiry, upon application being made to the Appropriate British Authority signed by the appropriate official of the Ministry of Justice or the President of the Tribunal concerned.

14. The Egyptian Government and the Government of the United Kingdom agree that it is desirable that any person, ordered to attend a British military tribunal under Article 13 (a) above

and who is accused of any of the following offences, should be amenable to prosecution before the appropriate Egyptian Court, that is to say :

- (i) Being duly summoned makes default in attending ; or
- (ii) Refuses to take oath or make a solemn declaration legally required to be taken or made ; or
- (iii) Refuses to produce any document in his power or control legally required to be produced by him ; or
- (iv) Refuses when a witness to answer any question to which the tribunal may legally require an answer ; or
- (v) Is guilty of contempt of the tribunal by using insulting or threatening language or by causing interruption or disturbance in the proceedings of such tribunal ; or
- (vi) When examined on oath or solemn declaration before the tribunal wilfully gives false evidence.

Similarly it is desirable that a person ordered to attend an Egyptian tribunal under Article 13 (*b*) above who commits any of the offences specified above, shall be amenable to prosecution before the appropriate British military tribunal.

The exact manner and the extent, however, to which effect can be given to the two preceding paragraphs of this Article depends upon the laws of the United Kingdom and of Egypt respectively, and the two Governments agree that there shall be further discussion at a later date in regard to this matter.

15. Each Government shall pay to the other on demand all reasonable expenses incurred in execution of the provisions of Articles 8, 9, 10 (*a*), 13 (*a*) and 13 (*b*) hereof.

16. The privileges and immunities provided for in the present Convention only apply to persons stationed with or attached to those forces of His Majesty who are present in Egypt in accordance with the provisions of the Treaty of Alliance and as further defined in Article 1 above.

As regards military and air force personnel, the limitations as to numbers provided for in the said Treaty (without prejudice to the provisions of Article 7 thereof) apply.

In witness whereof the undersigned Plenipotentiaries being duly authorised to this effect by their respective Governments have signed the present agreement and affixed thereto their seals.

Done at London in duplicate this 26th day of August, 1936.

For the Government of the United Kingdom of Great Britain
and Northern Ireland :

(*L. S.*) Anthony EDEN.

For the Egyptian Government :

(*L. S.*) Moustapha EL-NAHAS.