

N° 4822.

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ÉTATS-UNIS D'AMÉRIQUE  
ET ÉGYPTÉ

Accord relatif à l'immunité de juridiction pénale  
des membres des Forces américaines en  
Égypte. Le Caire, le 2 mars 1943.

*Textes officiels anglais, français et arabe communiqués par le sous-secrétaire  
d'Etat aux Affaires étrangères du Royaume d'Égypte. L'enregistrement a  
eu lieu le 17 juillet 1943.*

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UNITED STATES OF AMERICA  
AND EGYPT

Agreement concerning Immunity from Jurisdic-  
tion in Criminal Matters of Members of the  
United States Forces in Egypt. Cairo,  
March 2nd, 1943.

*English, French and Arabic official texts communicated by the Under-Secretary  
of State for Foreign Affairs of the Kingdom of Egypt. The registration  
took place July 17th, 1943.*

No. 4822. — AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND EGYPT CONCERNING IMMUNITY FROM JURISDICTION IN CRIMINAL MATTERS OF MEMBERS OF THE UNITED STATES IN EGYPT. CAIRO, MARCH 2ND, 1943.

MINISTÈRE DES AFFAIRES ÉTRANGÈRES.

No. P.4.—55.9/137 C.

YOUR EXCELLENCY,

CAIRO, *March 2nd*, 1943.

With reference to the request which you have addressed to me in the name of the Government of the United States of America, I have the honour to inform you that the Egyptian Government has decided to accord, for the duration of the war, immunity from jurisdiction in criminal matters to members of the United States Forces in Egypt, in accordance with the following procedure :

The expression " United States Forces " will include all persons subject to the military and naval law of the United States who are members of the United States armed Forces on Egyptian territory as well as all civilian employees of American nationality who are accompanying the said Forces or serve with them and who are bearers of certificates issued by the competent American authority defining their status. It is understood that the wives and children of the members of the United States Forces do not benefit hereby from any immunity from jurisdiction and will be amenable to the jurisdiction of Egyptian courts.

The immunity from jurisdiction accorded by the Egyptian Government will cover crimes, misdemeanors and police offences committed in Egypt by the members of the United States Forces. However, when the infraction will have been committed by a civilian employee referred to above, the Egyptian Government reserves the right, either to turn over the offender to the Egyptian courts or to hand him over to the competent American military authorities.

In cases in which members of the civilian population are victims, a competent American military court sitting in Egypt will judge the case without delay and in public session, unless sittings behind closed doors are necessary for reasons of security. The sentence will be communicated to the Ministry of Foreign Affairs through the good offices of the Legation of the United States.

The American military courts shall not assume jurisdiction over members of the civilian population of Egypt.

The Egyptian Government will undertake, on the written request of the interested American authority, the investigation, arrest and delivery of any member of the United States Forces declared deserter or absent without leave.

Except in cases provided for in the preceding paragraph, the members of the United States Forces may be arrested by the Egyptian authorities only in circumstances which would justify the arrest of civilians of American nationality.

When a member of the United States Forces has been arrested by the Egyptian authorities, the following procedure will apply :

Notification of the arrest will be made immediately to the competent American military authority together with data regarding the name and other details concerning the person arrested and information regarding the nature of the infractions for which the said person has been arrested. Except when the case is to be submitted to the Egyptian

<sup>1</sup> Came into force March 2nd, 1943.

courts, the offender will be delivered to the interested American authority. Complete details of the charges brought against the suspect with the names and addresses of the witnesses and data concerning them will be handed or sent to the interested American authority.

When a member of the United States Forces has been accused of having committed an infraction for which he has not been arrested, the details of this suspected infraction, with the procès-verbal, will be communicated as quickly as possible to the competent American military authorities.

The two Governments will extend to each other mutual assistance in investigations concerning infractions which may have been committed by members of the United States Forces or of which they may have been the victims. The Egyptian Government will take, at the request of the competent American military authority, all reasonable measures to the end that persons amenable to its jurisdiction appear as witnesses before the American military courts in Egypt; likewise the Government of the United States will take all reasonable measures to assure the presence of any member of the United States Forces as witnesses at the sessions of the Egyptian courts, and this on request made by the competent official of the Ministry of Justice or by the President of the competent court.

It must be expressly understood that the exceptional regime provided for above is accorded only because of the special situation resulting from the war and that it will terminate in all respects at the end of the war to permit the return to normal law.

In case of acceptance, the present letter and your reply will be considered as constituting an agreement binding our two Governments and will be published in the *Official Journal*. In my capacity of Military Governor General, I will not fail to take thereafter the necessary internal measures to put this agreement into effect.

I take this opportunity to renew to Your Excellency the assurances of my high consideration.

*Minister of Foreign Affairs,*  
(Signed) Moustapha EL-NAHAS.

His Excellency  
Mr. Alexander Kirk,  
Envoy Extraordinary and Minister Plenipotentiary  
of the United States of America.  
Cairo.

LEGATION OF THE UNITED STATES OF AMERICA.

No. 759.

EXCELLENCY,

CAIRO, *March 2nd, 1943.*

Referring to your letter No. P. 4.—55.9/137 C. of March 2nd, 1943, in which Your Excellency has been so good as to inform me that the Egyptian Government had decided to accord immunity from jurisdiction in criminal matters to the members of the United States Forces in Egypt, I have the honour to advise you in the name of the Government of the United States of its full agreement on the various provisions of your letter and to express to Your Excellency the appreciation and thanks of the United States Government for the cooperation of the Egyptian Government in this matter.

I hasten to assure you that the United States military authorities will take all necessary measures for the prosecution and punishment of all infractions committed in Egypt by members of the United States Forces.

It is also expressly understood that the exceptional regime provided for above has been accorded by the Egyptian Government only because of the special situation resulting from the war and that it will terminate in all respects at the end of the war to permit the return to normal law.

I am in addition in agreement that Your Excellency's letter and this reply be considered as constituting an agreement binding our Governments.

I take this opportunity to renew to Your Excellency the assurances of my highest consideration.

(Signed) Alexander KIRK.

His Excellency  
Moustapha El-Nahas Pacha,  
Prime Minister and Minister for Foreign Affairs,  
Cairo.

Pour copie certifiée conforme :

*Le Ministre plénipotentiaire,  
Directeur du Département politique et économique  
au Ministère des Affaires étrangères du Royaume d'Égypte :*  
Awad El-Bahraoui.

Le Caire, le 17 juin 1943.