



HEADQUARTERS, UNITED STATES FORCES KOREA
UNIT #15237
APO AP 96205-5237

REPLY TO
ATTENTION OF:

FKJA

15 MAY 2002

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Immediate Questioning of USFK Personnel Apprehended by Korean Authorities – Area Commander's Responsibilities

1. Area Commanders must ensure immediate response whenever a Status of Forces Agreement (SOFA) - status person is apprehended by Republic of Korea (ROK) authorities. Lack of prompt response delays their questioning, impedes ROK criminal investigations, and is inconsistent with our obligations under the SOFA. Area Commanders must therefore ensure that they have an adequate number of "United States Representatives" trained, and ready and able to respond to SOFA incidents on a 24-hour a day basis.

2. Therefore, the following procedures are effective immediately:

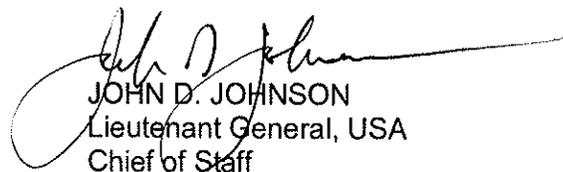
a. All Area Commanders will ensure they have adequate numbers of pre-designated, pre-trained United States Representatives available on quick recall at all times. They must be ready to respond throughout that Commander's designated area when the ROK authorities desire immediate questioning of any apprehended individuals with SOFA status. This is true whether the accused is military, civilian, invited contractors, or dependents, and whether they are assigned to that Commander's area or not. The goal is for United States Representatives to respond not later than two hours from Korean National Police notification of an incident to the relevant Provost Marshal's Office.

b. United States Representatives must, at a minimum, be United States personnel, in the grade of E-6 or above, or the civilian equivalent, and unrelated to the suspect by blood or marriage.

c. All United States Representatives will obtain from their staff judge advocate's office completed copies of CJ Form 5 (USFK Reg 1-44, Appendix J), appointing them as a United States Representative for any cases arising within their respective areas of responsibility. They must be briefed by their staff judge advocate's office regarding United States Representative's duties IAW USFK Reg 1-44, paragraphs 6k(1) and (2).

3. This policy is effective immediately and will remain in effect until a revised USFK Reg 1-44 is published.

FOR THE COMMANDER:


JOHN D. JOHNSON
Lieutenant General, USA
Chief of Staff

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