

**AGREED UNDERSTANDINGS TO THE  
AGREEMENT UNDER ARTICLE IV  
OF THE MUTUAL DEFENSE TREATY  
BETWEEN THE UNITED STATES OF AMERICA  
AND THE REPUBLIC OF KOREA,  
REGARDING FACILITIES AND AREAS AND  
THE STATUS OF UNITED STATES ARMED  
FORCES IN THE REPUBLIC OF KOREA  
AND RELATED AGREED MINUTES**

**Article IX**

**PARAGRAPH 5**

1. Examination of parcels in the United States military post office mails in the Republic of Korea by customs inspectors of the Republic of Korea will be conducted so as not to damage the contents of the parcels inspected or delay delivery of the mail.
2. Such examinations will be conducted in United States military post office installations in the presence of United States officials.
3. No parcel in the military post office mails will be removed from United States postal channels except as mutually agreed.
4. It is understood that the right of inspection will be exercised on a "sample check" basis so as not to unduly delay delivery or increase the administrative burden of the postal authorities.

**AGREED MINUTE 3**

1. Pertinent information shall include cargo manifests and shipping documents.
2. In addition to information provided on a routine basis, other pertinent information will be provided on request through the Joint Committee.

**Article XIII**

**AGREED MINUTE**

It is understood that the present use of non-appropriated fund organizations by organizations and persons other than those referred to in items (a), (b), (c), (d), and (e) shall immediately be suspended at the time of the entry into force of this Agreement. The extent of organizations and persons to be granted the use of such organizations under item (f) of this Minute shall be left to further negotiations between the appropriate authorities of the two Governments.

**Article XV**

**PARAGRAPH 1**

If the United States authorities determine that there would be significant advantage for United States-Republic of Korea mutual defense to utilize one or more third-country corporations as United States armed forces invited contractors, the authorities of the Government of the Republic of Korea shall give sympathetic consideration to a United States request to extend the benefits of this Agreement to such non-United States corporations.

**PARAGRAPH 8**

Unless otherwise agreed in the Joint Committee, the privileges provided for in the second sentence of paragraph 8 of this Article shall be extended only to United States nationals.

**Article XVII**

**PARAGRAPH 1 (b)**

1. Local residents, who are third-country nationals and are also local-hire United States armed forces employees, and local-hire invited contractor employees paid in won, on the effective date of the Agreement, shall be excluded from the application of this provision.

2. The provisions of paragraph 1 (b) do not preclude the United States armed forces from bringing into the Republic of Korea, without privileges, third-country contractor employees possessing special skills not available from the Korean labor force. .

**PARAGRAPH 3 AND AGREED MINUTE 4**

It is understood that the deviation from labor legislation of the Republic of Korea need not be referred to the Joint Committee in cases when such referral would seriously hamper military operations in an emergency.

**Article XIX**

The United States and the Republic of Korea agree that nothing in this Agreement in any way prevents the appropriate authorities of either the United States or the Republic of Korea from raising any appropriate matter at any time with each other. The United States authorities recognize the desire of the authorities of the Republic of Korea to discuss the disposal of military payment certificates under custody of the Government of the Republic of Korea. However, both the United States and Republic of Korea authorities have agreed to remove from the text of the Status of Forces Agreement any reference to the question of compensation for military payment certificates held by unauthorized persons. This agreement does not prejudice the position of either Party in connection with discussion of this question through other channels.

**Article XXII**

**AGREED MINUTE RE PARAGRAPH 1 (a)**

The Government of the Republic of Korea agrees that, upon notification under the second sentence of the Agreed Minute Re Paragraph 1 (a), the military authorities of the United States may exercise jurisdiction over such persons in accordance with the terms of the Criminal Jurisdiction Article.

**PARAGRAPH 1 (b)**

The civil authorities of the Republic of Korea will retain full control over the arrest, investigation and trial of a member of the United States armed forces or civilian component or a dependent.

**AGREED MINUTE RE PARAGRAPH 2**

It is understood that the United States authorities shall exercise utmost restraint in requesting waivers of exclusive jurisdiction as provided for in the Agreed Minute Re Paragraph 2 of this Article.

**AGREED MINUTE RE PARAGRAPH 3 (a)**

1. With regard to the Agreed Minute Re Paragraph 3 (a) , a substantial departure from the acts a person is required to perform in a particular duty usually will indicate an act outside of his ,"official duty."

2. A duty certificate shall be issued only upon the advice of a Staff Judge Advocate, and the competent authority issuing the duty certificate shall be a general grade officer.

3. (a) The certificate will be conclusive unless modification is agreed upon. The United States authorities shall give due consideration to any objection which may be raised by the Chief Prosecutor for the Republic of Korea.

(b) The accused should not be deprived of his entitlement to a prompt sand speedy trial as a result of protracted reconsideration of the duty certificate.

**AGREED MINUTE RE PARAGRAPH 3 (b)**

1. It is understood that the term "of particular importance" has reference to those cases in which, after a careful examination of each specific case, the 'exercise of jurisdiction by the Republic of Korea is deemed essential, and the term has reference, in general but not exclusively, to the following types of offense:

(a) security offenses against the Republic of Korea;

(b) offenses causing the death of a human being, robbery, and rape, except where the offenses are directed against a member of the United States armed forces, the civilian component, or a dependent; and

(c) attempts to commit such offenses or participation therein.

2. In respect of the offenses referred to in the above paragraph, the authorities concerned shall proceed in particularly close cooperation from the beginning of the preliminary investigation in order to provide the mutual assistance envisaged in paragraph 6 of Article XXII.

3. In cases where, in the view of the United States authorities, any question arises concerning the determination that a case is one "of particular importance," the United States diplomatic mission reserves the

right and expects to be afforded an opportunity to confer with the proper authorities of the Republic of Korea.

**PARAGRAPH 5**

With regard to the custody of the accused in the hands of the authorities of the Republic of Korea in connection with security offenses:

1. There must -be mutual United States-Republic of Korea agreement as to the circumstances in which such custody is appropriate.
2. Confinement facilities of the Republic of Korea must be adequate by United States standards.

**AGREED MINUTE RE PARAGRAPH 9, SUB-PARAGRAPH (a) OF SECOND UNNUMBERED PARAGRAPH**

Under the appellate procedure of the courts of the Republic of Korea, the accused may request a re-examination of the evidence, including new evidence and witnesses, as a basis for new findings of fact by the appellate court.

**Article XXIII**

**PARAGRAPH 12**

The liability for claims generated by Korean Service Corps personnel will be determined by other negotiations between the United States and the Republic of Korea.

**Article XXV**

In cooperating with each other under this Article, the two Governments agree that each will take such measures -as may be necessary to ensue the security and protection of the United States armed forces, the members thereof, the civilian component, the persons who are present in the Republic of Korea pursuant to the Article dealing with invited contractors, their dependents and their property.

/ Initialed /

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