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SECRETARY OF THE AIR FORCE**

AIR FORCE INSTRUCTION 51-402

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INTERNATIONAL LAW

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This publication implements Air Force Policy Directive 51-4, *Operations and International Law*. It provides guidance to Air Force Judge Advocates, civilian lawyers, and commanders for addressing issues dealing with international law; foreign tax relief program; foreign criminal jurisdiction; handling requests for political asylum and temporary refuge; and criminal jurisdiction of service courts of friendly foreign forces throughout the Air Force. It applies to all Regular Air Force, Air National Guard (ANG) of the United States (US), Air Force Reserve, Department of the Air Force civilian personnel, and contractors tasked with responsibilities identified herein, except where noted otherwise. This publication may be supplemented at any level, but all supplements must be routed to the Office of Primary Responsibility (OPR) listed above for coordination prior to certification and approval. Refer recommended changes and questions about this publication to the OPR listed above using the Air Force (AF) Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the appropriate chain of command. The authorities to waive wing/unit level requirements in this publication are identified with a Tier (“T-0, T-1, T-2, T-3”) number following the compliance statement. See Air Force Instruction (AFI) 33-360, *Publications and Forms Management*, Table 1.1, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the Publication OPR for non-tiered compliance items. Ensure all records created as a result of processes prescribed in this publication are maintained in accordance with Air

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SUMMARY OF CHANGES

This document has been rewritten and needs to be completely reviewed. It consolidates and replaces AFI 51-702, *Foreign Tax Relief Program*; AFI 51-703, *Foreign Criminal Jurisdiction*; AFI 51-704, *Handling Requests for Political Asylum and Temporary Refuge*; AFI 51-705, *Criminal Jurisdiction of Service Courts of Friendly Foreign Forces and Sending States in the United States*; and incorporates portions of AFI 51-108, *The Judge Advocate General's Corps Structure, Deployment, and Operational Support*. The content of the consolidated instructions has also been substantially revised to be more concise, remove unnecessary redundancies with implemented regulations, and place approvals and authorities at the lowest possible level.

Part 1

Foreign Criminal Jurisdiction

1. Overview.

1.1. The Air Force seeks to protect, to the maximum extent possible, the rights of US personnel who may be subject to criminal trial by foreign courts and imprisonment in foreign prisons.

1.2. For additional information, see ARMY REGULATION 27-50; SECNAVIST 5820.4G; AIR FORCE JOINT INSTRUCTION (AFJI) 51-706, *Status of Forces Policies, Procedures, and Information*.

2. Roles and responsibilities.

2.1. The Air Force Operations and International Law Directorate (AF/JAO) shall:

2.1.1. Coordinate upon request by general court martial convening authorities, or designees, regarding decisions to post bail using United States (US) funds.

2.1.2. Manage the foreign criminal jurisdiction database.

2.2. The staff judge advocate (SJA) to the relevant commander shall:

2.2.1. Assist the relevant designated commanding officer in implementing Air Force policy to seek the release from foreign custody and to protect, to the maximum extent possible, the rights of any Air Force personnel (military members, civilian employees, and dependents) charged with criminal offenses under foreign law. (See Terms section of Attachment 1 for definition of the designated commanding officer.) (T-2)

2.2.2. Assist the relevant designated commanding officer in implementing Air Force policy to maximize jurisdiction, or request local authorities refrain from exercising their jurisdiction, over any Air Force personnel (military members, civilian employees, and dependents), charged with a criminal offense under foreign law. (T-2)

2.2.3. Report cases and provide appropriate updates to the foreign criminal jurisdiction database managed by AF/JAO. (T-1)

2.2.4. With respect to bail requests:

2.2.4.1. Installation SJAs will coordinate with general court martial convening authority SJAs any requests to post bail bonds using US funds. (T-2)

2.2.4.2. General court martial convening authority SJAs shall obtain the approval or disapproval of the general court martial convening authority, or designee, of any requests to post bail bonds using US funds.

2.2.5. General court martial convening authority SJAs have direct liaison authority (DIRLAUTH) to coordinate with AF/JAO when a question of law or policy requires, with a courtesy copy to the major command SJA.

2.2.6. Appoint a military legal advisor upon request from a military member subject to foreign criminal jurisdiction. (T-1)

2.3. Commanders shall:

2.3.1. Coordinate with their SJA before authorizing the posting of bail bonds using US funds. (T-2)

2.3.2. Make available Air Force members facing foreign criminal charges to attend necessary hearings, including those members under Air Force military custody. (T-2)

2.3.2.1. Determine the conditions necessary to ensure the US is able to meet its international legal obligations to make Air Force personnel available for host nation investigation, prosecution, and confinement, as appropriate. (T-3)

2.3.3. Ensure all Air Force personnel facing foreign criminal charges are promptly notified of their ability to request the services of a military legal advisor. (T-1)

2.3.4. Convey a request for a military legal advisor to the appropriate SJA for appointment. (T-3)

2.3.5. If authorized to expend appropriated funds, consider and act upon requests for payment of victim's counsel fees and other related expenses in consultation with the SJA and in accordance with applicable laws. (T-3)

2.4. Air Force personnel. Air Force personnel facing foreign criminal charges are personally responsible for attending all necessary court hearings. (T-3)

2.5. Military legal advisors. Military legal advisors shall provide legal advice to assigned clients on all US-related matters arising out of criminal charges pending in a foreign court, in accordance with AFJI 51-706. (T-1)

3. Advising on Host Nation Law.

3.1. Judge advocates and civilian attorneys should be familiar with the governing laws, regulations, and procedures which apply to questions of foreign criminal jurisdiction.

3.2. SJAs should reach out to senior commanders, the foreign criminal jurisdiction liaison, and embassy personnel to plan a real-time response to potential politicized situations.

Whenever possible, SJAs should build relationships with host nation authorities, local legal officials, and municipal leaders.

4. International Hold and Departing the Host Country.

4.1. For guidance on placing Airmen subject to foreign criminal jurisdiction on international hold, see AFJI 51-706.

4.2. Members of the Air Reserve Component (Air National Guard (ANG) and Air Force Reserve (USAFR)) serving on active duty orders placed on international hold may require extensions of their military orders. Requests for military orders extensions shall be coordinated with the 201 Mission Support Squadron, a subordinate unit of the ANG Readiness Center Mission Support Squadron, or the Air Force Reserve Command SJA, depending on the status of the member. (T-3)

4.3. For guidance on handling civilian employees and dependents charged with criminal offenses in a foreign court, see AFJI 51-706.

5. Military Legal Advisors.

5.1. Qualifications. Only Air Force judge advocates or civilian attorney employees of the Air Force may serve as military legal advisors for Air Force personnel. Judge advocates assigned as area defense counsel may be appointed as military legal advisors with coordination of the chief senior defense counsel of the relevant region. Any judge advocate who has acted, or is expected to act, as trial counsel or trial observer in a case involving the member shall not be appointed as that member's military legal advisor. An SJA shall not be appointed as military legal advisor. (T-2)

Part 2

Criminal Jurisdiction of Service Courts of Friendly Foreign Forces and Sending States in the United States

6. Overview. The Air Force will facilitate the exercise of criminal jurisdiction by friendly foreign forces (foreign military forces with respect to which the President has made a declaration as provided in Title 22 United States Code Section 706) or sending states (a foreign state that, at the invitation of the US, has any of its military forces in the US) having service courts in the US. (T-0)

7. Roles and Responsibilities.

7.1. The Secretary of the Air Force (or designee) shall:

7.1.1. Approve any pretrial confinement or confinement before execution of a sentence of friendly foreign forces or forces of a sending state exceeding 45 days.

7.1.2. Authorize and designate a suitable place of confinement when a friendly foreign force or sending state requests confinement of one of their members in an Air Force military correctional facility for persons sentenced to imprisonment for a period in excess of six months.

7.2. The Judge Advocate General shall serve as the Air Force designated agent to assist friendly foreign forces and the forces of a sending state in exercising criminal jurisdiction

over their personnel under the provisions of 22 USC §§ 701-706, or applicable international agreement.

7.3. AF/JAO shall:

7.3.1. Carry out The Judge Advocate General's responsibilities in assisting friendly foreign forces and the forces of a sending state in exercising criminal jurisdiction over their personnel.

7.3.2. Notify the General Counsel of the Department of Defense, the General Counsel of the Air Force, the Under Secretary of Defense for Policy, the Assistant to the Secretary of Defense for Public Affairs and the Chairman of the Joint Chiefs of Staff of the intent of a friendly foreign force or sending state's service court, located in the US, to exercise its criminal jurisdiction.

7.3.3. Maintain reports of incidents in the foreign criminal jurisdiction database or other appropriate database.

7.4. Major command SJAs shall:

7.4.1. Assist AF/JAO in carrying out The Judge Advocate General's responsibilities as the designated agent to assist friendly foreign forces and the forces of sending states in exercising criminal jurisdiction over their personnel by:

7.4.1.1. Establishing appropriate channels and procedures for receiving and forwarding friendly foreign forces' and sending states' requests for assistance, interpretation, and waivers.

7.4.1.2. Provide friendly foreign forces and sending states with contact information for authorities of the US and its political subdivisions, upon request.

7.5. Wing level SJAs shall:

7.5.1. Assist friendly foreign forces or sending states in contacting US authorities and in forwarding or receiving requests for jurisdiction, as needed, and coordinate their efforts to assist through major command channels to AF/JAO. (T-3)

7.5.2. Ensure that any requests for apprehension comply with the requirements set forth in paragraph 9.1 of this instruction. (T-0)

7.5.3. Seek guidance promptly from AF/JAO when compliance with the request for apprehension is considered inadvisable or when the person to be apprehended is a US national or ordinarily resides in the US. (T-0)

7.5.4. Report any incidents pursuant to this instruction using the foreign criminal jurisdiction database or other appropriate database as designated by AF/JAO. (T-1)

7.5.5. Alert AF/JAO, in coordination with the appropriate major command SJA, of any pretrial confinement of a friendly foreign force or sending state member which reaches the 30th day, due to the role of the Secretary of the Air Force in approving pretrial confinement exceeding 45 days. (T-1)

7.6. Commanders.

7.6.1. Commanders of installations that serve as the host for friendly foreign forces or forces of a sending state shall:

7.6.1.1. Receive and act upon assistance requests from foreign commanders seeking jurisdiction over their forces and provide all necessary assistance consistent with this instruction and within their capability. (T-0) When it is impractical to give assistance (for example, when apprehending a friendly foreign force or sending state member not in the local area), the host installation commander may communicate directly with the appropriate US Armed Forces installation commander in fulfilling the request.

7.6.1.2. Refer requests for confinement to serve a sentence in excess of six months through the appropriate SJA and AF/JAO to the Secretary of the Air Force for action. (T-1)

7.6.2. The installation commander who has authority over the corrections facility will carry out the confinement of friendly foreign force or sending state prisoners in accordance with the rules and policies of AFI 31-105, *Air Force Corrections System* and with paragraph 11 of this instruction. (T-0)

8. Limitations on Jurisdiction.

8.1. The US retains the primary right to exercise its jurisdiction over matters subject to concurrent jurisdiction unless an international agreement, such as the North Atlantic Treaty Organization Status of Forces Agreement, provides otherwise.

8.2. Authorities of a friendly foreign force or sending state may request a waiver of the primary right of the US to exercise jurisdiction.

9. Apprehension.

9.1. Commanders of installations that serve as the host for friendly foreign forces or of forces of a sending state shall receive and act upon requests from the commanding officer of a friendly foreign force or sending state force to apprehend any member of their force, so long as the request includes:

9.1.1. A description of the person to be apprehended and a statement that the person is a member of the friendly foreign force or sending state concerned and is subject to the jurisdiction of its service court for the alleged offense. (T-0)

9.1.2. A description of the offense allegedly committed by the person to be apprehended. (T-0)

9.1.3. The name, address, and telephone number of an officer of the friendly foreign force or sending state force to be contacted if the person is apprehended. (T-0)

9.1.4. Citation to the applicable provisions of 22 USC §§ 701-706 or international agreement authorizing the apprehension. (T-0)

9.2. When a conforming request for apprehension is made and the host installation commander concerned approves the request, any member or civilian employee of the Air Force security forces or Air Force Office of Special Investigations who is authorized to apprehend US military personnel may apprehend a friendly foreign force or sending state member.

9.3. The host installation commander, upon advice from the SJA, will coordinate the apprehension with appropriate civilian authorities if the friendly foreign force or sending state member's alleged offense involves substantial local interest. (T-0)

10. Confinement.

10.1. Confinement will be at the sole expense of the country on whose behalf the prisoner is detained. (T-0)

10.2. Pre-trial confinement and confinement before execution of an adjudged sentence of friendly foreign forces and sending state members.

10.2.1. Requests by a friendly foreign force or sending state to confine one of its members in an Air Force correctional facility before trial or before execution of a sentence adjudged by a service court must include the components listed within paragraph 9.1 of this instruction. (T-0)

10.2.2. If the installation commander approves the request, the installation commander or designated representative will authorize the confinement by signing a Department of Defense (DD) Form 2707, *Confinement Order*. See AFI 31-105 for further information on confinement orders. (T-0)

10.2.3. Friendly foreign force individuals may not be placed in a military confinement facility in immediate association with US service members. (T-0)

10.2.4. Confinement is authorized provided the trial takes place promptly. The installation commander, upon advice of the SJA, should release a prisoner confined prior to trial if the friendly foreign force or force of a sending state does not take immediate steps to investigate the alleged offense and provide a prompt and speedy trial.

10.3. Post-trial confinement.

10.3.1. Requests for post-trial confinement in an Air Force correctional facility must include documentary evidence, translated into English if necessary, of the service court's sentence. (T-3)

10.3.2. The Secretary of the Air Force (or designee) must authorize and designate a suitable place of confinement when a friendly foreign force or sending state prisoner sentenced to a term exceeding six months requests confinement in an Air Force corrections facility.

10.4. Rules and policies for confinement.

10.4.1. The Air Force does not provide counsel or legal assistance to foreign prisoners. The friendly foreign force or sending state is responsible for providing counsel and legal assistance to any of its members in US custody.

10.4.1.1. Installation commanders should refer requests for legal counsel to the friendly foreign force or sending state requesting the incarceration and to the servicing installation SJA.

10.4.2. Installation commanders should accommodate requests for visitation by the friendly foreign force or sending state representatives whenever feasible.

10.5. Release From Confinement. Normally, the friendly foreign force or sending state commander will initiate the request for release from confinement by submitting a written request to the installation commander who has authority over the corrections facility. Only the installation commander or designated representative will release the prisoner by signing a DD Form 2718, *Inmate's Release Order*. See AFI 31-105. (T-0)

11. Assistance to Friendly Foreign Force or Sending State Service Courts.

11.1. In the event of a trial, the US and friendly foreign force or sending state commanders concerned should coordinate closely on security requirements for the trial.

11.2. The installation commander should make available the base courtroom or other suitable venue for the trial on the same basis as other base facilities are made available for friendly foreign force or sending state use.

11.3. The friendly foreign force or sending state shall provide or pay for court reporting, interpreting, attendance of witnesses, and any other trial-related services. (T-3)

11.4. Any trial by a friendly foreign force or sending state service court of an offense against a member of the civilian population of the US shall be open to the public, unless security considerations require otherwise, and shall take place promptly in the US within a reasonable distance from the place where the offense is alleged to have been committed, for the convenience of witnesses. (T-0)

11.5. The installation commander's SJA shall provide a copy of Department of Defense Instruction 5525.03; 22 USC §§ 701-706 (in the case of a friendly foreign force); this instruction; and any implementing directives to the requesting friendly foreign force or sending state commander, and advise the commander of a friendly foreign force specifically of the statutory authority to compel witnesses or testimony and of the rights and privileges of court members and witnesses, as set forth in 22 USC § 703 and § 704. (T-3)

12. Reports.

12.1. Responsibility for reporting incidents. Normally, the SJA of the installation which provides host support to the friendly foreign force or sending state member's unit should report to AF/JAO. Reports of incidents should include information copies to the SJAs at the major command and any intermediate headquarters.

12.2. The reporting SJA should retain reporting responsibility, unless AF/JAO determines that another installation commander's SJA is better situated to obtain and submit information.

12.3. Frequency of reports. Reports shall be submitted and updated immediately after significant events. Examples of significant events include commission of offense, request for apprehension, apprehension, request for waiver, trial, confinement, escape, or release. Reports should continue until the case is considered closed. (T-3)

Part 3 Foreign Tax Relief Program

13. Overview.

13.1. The Air Force will seek to obtain, to the maximum extent practicable, effective relief from all foreign taxes in accordance with Air Force policy.

13.2. This part does not apply to Air National Guard units in Title 32 status (that is, status activated by and in the service of the authorities of the state where the unit is located).

14. Roles and Responsibilities.

14.1. AF/JAO shall supervise and monitor the Air Force's program for foreign tax relief and coordinate with the Secretary of the Air Force General Counsel on relevant foreign tax matters.

14.2. Major command commanders shall determine who the relevant geographic combatant commander has appointed as a designated military commander as described in paragraph 2.6.b. of Department of Defense Instruction 5100.64. In countries where the designated military commander is not an Air Force commander, major command commanders with administrative control (ADCON) over overseas US Air Force forces may designate an Air Force liaison officer to coordinate communication among all Air Force activities, the designated military commander, and other competent authorities about the Air Force foreign tax relief program.

14.3. The Air Force liaison officer, if appointed, or other appropriate Air Force office in the country concerned shall refer foreign tax problems involving the Air Force and its contractors or subcontractors for action to the designated military commander and AF/JAO.

14.3.1. If the matter involves a contractor or contract personnel, Air Force contracting officers shall notify the contractor if the designated military commander refers a matter through channels to Department of Defense Office of General Counsel pursuant to paragraph 2.6.b.(1) of Department of Defense Instruction 5100.64. (T-1) Coordination shall include the Secretary of the Air Force Office of General Counsel (SAF/GC). (T-1)

14.3.2. Reports. Submit a copy of any report or summary of significant foreign tax relief program activities by or for the air component command to AF/JAO. (T-1)

Part 4

Handling Requests for Asylum and Temporary Refuge

15. Overview. Foreign nationals within US territorial jurisdiction or on the high seas who request asylum or temporary refuge are given a full opportunity to have their request considered on the merits. Only the Department of State is authorized to grant requests for asylum. Persons seeking temporary refuge receive every reasonable care and protection under the circumstances.

15.1. The senior official present at the Department of Defense shore installation or facility or on board any military vessel may grant temporary refuge to a foreign national, upon his or her request. When deciding which measures may be prudently taken to provide temporary refuge, the safety of US personnel and security of the unit must be taken into consideration.

16. Roles and Responsibilities.

16.1. Commanders. The senior commander of an Air Force element receiving a request for asylum or temporary refuge will:

16.1.1. Notify the servicing Air Force Office of Special Investigations as soon as practicable (T1)

16.1.2. Notify the nearest office of the US Citizenship and Immigration Services in the case of asylum requests within US territory. (T-0)

16.1.3. Notify his or her command post/center to transmit an operational report to the Air Force Service Watch Cell in accordance with AFI 10-206, *Operational Reporting*. (T-1)

16.1.4. If outside of US territory, notify the local US embassy or consular office. (T-1)

16.1.5. Protect the foreign national. (T-0)

16.2. Air Force Service Watch Cell. Upon receiving an operational report of a request for asylum or temporary refuge, the Air Force Service Watch Cell shall notify:

16.2.1. The Secretary of the Air Force, the Chief of Staff of the Air Force, the Air Force Office of Operations, Plans, and Requirements (AF/A3), and the Secretary of the Air Force Office of General Counsel, Intelligence, International and Military Affairs (SAF/GCI). (T-1)

16.2.2. AF/JAO. (T-1)

16.2.3. The relevant combatant command and major command. (T-1)

16.2.4. The Defense Intelligence Agency. (T-1)

16.2.5. The Air Force Office of the Deputy Chief of Staff for Intelligence, Surveillance and Reconnaissance (AF/A2). (T-1)

16.2.6. The Secretary of the Air Force Office of Public Affairs. (T-1)

16.2.7. The Air Force Legislative Liaison (for Secretary of State Notifications). (T-1)

16.3. Public affairs officers will:

16.3.1. Refer all requests for information through command channels. (T-1)

16.3.2. Not release information concerning requests for asylum or temporary refuge to the public or the media without the approval of the Assistant Secretary of Defense for Public Affairs. (T-1)

17. Granting Requests for Temporary Refuge. The senior Department of Defense official present may grant a request for temporary refuge if the foreign national appears to need protection from imminent danger to life or safety.

17.1. Temporary refuge is not intended to protect persons fleeing pursuit from duly constituted law enforcement authorities of a foreign country.

17.2. When deciding which measures may be prudently taken to provide temporary refuge, the safety of US personnel and security of the unit must be taken into consideration. (T-0)

18. Terminating Grants of Temporary Refuge. Temporary refuge, once granted by the senior commander of an Air Force element, may be terminated only when directed by the Secretary of the Air Force, or higher authority, in coordination with relevant US entities. (T-0)

19. Protection. Primary responsibility for providing protection to persons requesting asylum rests with the civilian law enforcement or security agency having exclusive or concurrent

jurisdiction. In unusual circumstances where it is necessary to protect persons on a temporary basis pending involvement of the US Citizenship and Immigration Service, Air Force commanders will take interim measures to ensure the safety of the person against attempts at forcible repatriation. (T-1)

20. Inquiries. Inquiries from foreign authorities should be addressed by the senior Air Force official present with a response that the case has been referred to higher authorities.

Part 5

Additional International Law Focus Areas

21. Overview. This part provides guidance on international agreements, international civil litigation, and gifts from foreign governments.

22. Roles and Responsibilities.

22.1. SJAs will:

22.1.1. Coordinate with appropriate higher headquarters legal offices when advising on international agreements. (T-3)

22.1.2. Refer to AFI 51-301, *Civil Litigation*, concerning foreign civil proceedings. (T-3)

22.1.3. Refer to AFI 51-901, *Gifts From Foreign Governments*, concerning gifts from foreign governments. (T-3)

23. International Agreements and Host Nation Laws. For additional information see AFI 51701, *Negotiating, Concluding, Reporting, and Maintaining International Agreements*, and Department of Defense Directive 5530.3.

23.1. SJAs should be familiar with and ensure access to applicable international agreements and all supplemental and implementing agreements.

23.2. SJAs should be familiar with and ensure access to host nation laws and regulations affecting status of forces agreement obligations. For additional information see DoDD 5525.1.

23.3. Where appropriate, legal offices should have sufficient classified storage to enable ready access to applicable agreements.

23.4. SJAs should ensure commanders and other personnel are briefed about host nation laws, agreements of significance to operations, and the legal limitations on negotiating international agreements without a properly established delegated authority to negotiate.

JEFFREY A. ROCKWELL
Lieutenant General, USAF
The Judge Advocate General

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

Title 22 United States Code Sections 701-706

DODI 5100.64, *DOD Foreign Tax Relief Program*, 8 July 2016

DODI 5525.03, *Criminal Jurisdiction of Service Courts of Friendly Foreign Forces and Sending States in the United States*, 23 May 2016

DODD 5525.1, *Status of Forces Policy and Information*, 7 August 1979

DODD 5530.3, *International Agreements*, 11 June 1987

AFI 10-206, *Operational Reporting*, 11 June 2014

AFI 31-105, *Air Force Corrections System*, 15 June 2015

AFI 33-360, *Publications and Forms Management*, 1 December 2015

AFI 51-301, *Civil Litigation*, 20 June 2002

AFI 51-701, *Negotiating, Concluding, Reporting, and Maintaining International Agreements*, 5 December 2017

ARMY REGULATION 27-50; SECNAVIST 5820.4G; AFJI 51-706, *Status of Forces Policies, Procedures, and Information*, 18 October 2017

AFMAN 33-363, *Management of Records* 1 March 2008,

AFPD 51-4, *Operations and International Law*, 24 July 2018

Prescribed Forms

None

Adopted Forms

AF Form 847, *Recommendation for Change of Publication*

DD Form 2707, *Confinement Order*

DD Form 2718, *Prisoner Release Order*

Abbreviations and Acronyms

ADCON—Administrative control

AF/JAO—Operations and International Law Directorate

AFI—Air Force Instruction

AFJI—Air Force Joint Instruction

AFMAN—Air Force Manual

ANG—Air National Guard

DIRLAUTH—Direct liaison authority

DODI—Department of Defense Instruction

DODD—Department of Defense Directive

US—United States

USAFR—US Air Force Reserve

Terms

Approval Authority —Senior leader responsible for contributing to and implementing policies and guidance/procedures pertaining to his/her functional area(s) (e.g., heads of functional two-letter offices).

Asylum — Protection, authorized by the US Department of State, granted by the US Government within the US to a foreign national who, due to persecution or a well-founded fear of persecution on account of his or her race, religion, nationality, membership in a particular social group, or political opinion, is unable or unwilling to avail himself or herself of the protection of his or her country of nationality (or, if stateless, of last habitual residence).

Designated Commanding Officer – The designated commanding officer is identified by a combatant commander or the Secretary of Defense in areas where forces are stationed but no combatant commander is assigned or the Military Department in areas where no US forces are regularly stationed. For additional information see Department of Defense Directive 5525.1.

Friendly Foreign Force—Any military, naval, or air force of any friendly foreign state with respect to which the President of the United States has made a declaration as provided in Title 22 United States Code, Section 706.

Relief—Any method, technique, or procedure by which the ultimate economic burden of a tax on Department of Defense funds may be avoided or otherwise remedied, such as exemption, refund, or drawback.

Sending State—A foreign state that, at the invitation of the US, has any of its military, naval, or air forces in the US pursuant to an international agreement that authorizes the foreign state to exercise criminal jurisdiction within the US. Foreign states which are parties to the NATO Status of Forces Agreement are authorized to exercise service court jurisdiction pursuant to Article VII of that treaty, as are parties to the Partnership for Peace Status of Forces Agreement.

Service Court —Any military, naval, or air force court, court martial, or similar tribunal of any friendly foreign force or sending state within the US.

Tax —All direct or indirect foreign customs duties, import and export taxes, excises, fees, and any other charges, imposed at the national, local, or an intermediate level of a foreign country other than charges for services requested and received, regardless of how a charge is denominated in foreign law or regulation. Taxes include, but are not limited to, business tax, circulation tax, consumption tax, gasoline tax, gross income tax, gross receipts tax, license tax, luxury tax, personal property tax, possession tax, production tax, purchase tax, real property tax, registration tax, sales tax, service tax, stamp tax, trade tax, transaction tax, transfer tax, transportation tax, turnover tax, use tax and value added tax.

Temporary Refuge—Protection afforded for humanitarian reasons to a foreign national in a Department of Defense shore installation, facility, or military vessel within the territorial jurisdiction of a foreign nation or in international waters, under conditions of urgency in order to secure the life or safety of that person against imminent danger, such as pursuit by a mob.