

**DEFENSE**

**Status of Forces**

**Agreement Between the  
UNITED STATES OF AMERICA  
and SAMOA\***

Signed at Apia June 25, 1990



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966  
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

## **SAMOA\***

### **Defense: Status of Forces**

*Agreement signed at Apia June 25, 1990;  
Entered into force June 25, 1990.*

\*On August 4, 1997, the U.S. Board on Geographic Names approved the use of the name "Samoa" in place of the name "Western Samoa" in Department publications and communications following the Legislative Assembly of Western Samoa's adoption of a constitutional amendment to change the country's name.

STATUS OF FORCES AGREEMENT  
BETWEEN THE UNITED STATES OF AMERICA  
AND WESTERN SAMOA.

The Government of the United States of America and the Government of Western Samoa have agreed as follows concerning the status of personnel belonging to the Armed Forces of the United States temporarily present in Western Samoa in connection with their official duties, as authorized by the Government of Western Samoa.

**ARTICLE I. Respect for law.**

It is the duty of members of the United States Forces to respect the laws of Western Samoa. United States authorities will take necessary measures to that end.

**ARTICLE II. Claims.**

1. Claims shall be referred to the United States Government. In accordance with United States law regarding foreign claims, the United States Government will pay just and reasonable compensation in settlement of meritorious claims for damage, loss, personal injury or death, caused by acts or omissions of members of the United States Forces, or otherwise incident to non-combat activities of the United States Forces.

**ARTICLE III. Entry and Exit.**

Members of the United States Forces shall be exempt from passport and visa regulations upon entering and leaving Western Samoa and while remaining therein, so long as they shall possess a valid United States Armed Forces Personnel Identification Card and there is in respect of them individual or collective United States military travel or movement orders for Western Samoa.

**ARTICLE IV. Importation and Exportation.**

1. United States Government Property.

Equipment, materials, supplies and other property imported into or acquired in Western Samoa by or on behalf of the United States for use by United States Forces in connection with activities to which this agreement applies, shall be free of all Western Samoa duties, taxes and other charges.

Title to such property shall remain with the United States which may remove such property from Western Samoa at any time, free from export duties, taxes and other charges. The exemptions provided in this paragraph shall also extend to any duty, tax or other charges which would otherwise be assessed upon such property after importation into, or acquisition within, Western Samoa. Property to which this Paragraph applies must not be sold in Western Samoa, except under such conditions as may be authorised by the authorities of Western Samoa.

2. Personal Property.

Baggage, personal effects and other property for the personal use of United States personnel may be imported into Western Samoa at the time of arrival of such personnel or within six months thereafter, and used in Western Samoa free of all duties, taxes and other charges during the period of their service in Western Samoa. The transfer of such property to persons or entities in Western Samoa other than United States personnel shall be subject to the payment of applicable duties or taxes unless otherwise agreed by Western Samoa authorities. The exportation of such property and of property acquired in Western Samoa by United States personnel for their personal use shall be free of all Western Samoa duties, taxes and other charges.

ARTICLE V. Criminal Jurisdiction.

1. Subject to the provisions of this Article:

- a. United States authorities shall have the right to exercise within Western Samoa all criminal and disciplinary jurisdiction conferred on them by the military law of the United States over members of the United States Forces.
- b. Western Samoa authorities shall have jurisdiction over members of the United States Forces with respect to offences committed within Western Samoa and punishable under the law of Western Samoa.

2. In cases where the right to exercise jurisdiction is concurrent, the following rules shall apply:

- a. United States military authorities shall have the primary right to exercise jurisdiction over members of the United States Forces subject to the military law of the United States in relation to:

- (1). Offenses solely against the property or security of the United States or offenses solely against the property or person of members of the United States Forces, and
- (2). Offenses arising out of any act or omission done in the performance of official duty.

- b. In the case of any other offence, Western Samoa authorities shall have the primary right to exercise jurisdiction.
- c. Recognising the responsibility of the United States military authorities to maintain good order and discipline among their forces, Western Samoa authorities will waive primary jurisdiction except in cases of particular importance to Western Samoa. If the Government of Western Samoa determines that a case is of particular importance, it shall communicate such determination to the United States authorities within 15 days of the discovery of the alleged offence giving rise to such case.
- d. When the United States military commander determines that an offense charged by the authorities of Western Samoa against a member of the United States Forces arose out of an act or omission done in the performance of official duty, the commander will issue a certificate stating forth such determination. This certificate will be transmitted to the appropriate authorities of Western Samoa and will constitute sufficient proof of performance of official duty for the purposes of paragraph 2 a(2) of this Article. However, Western Samoa authorities may request review of the determination by the next higher United States military echelon.

3. Within the scope of their legal competence, the authorities of Western Samoa and the United States shall each assist each other in the arrest of members of the United States Forces in Western Samoa and in handing them over to the authorities who are to exercise jurisdiction in accordance with the provisions of this Article.

4. Western Samoa authorities shall promptly notify United States authorities of the arrest or detention of any member of the United States Forces.

5. The custody of any member of the United States Forces over whom Western Samoa authorities are to exercise jurisdiction shall reside with United States authorities, if they so request, from the commission of the offence until completion of all judicial proceedings. United States authorities shall, upon the request of Western Samoa authorities and without delay, make such persons available to those authorities for the purpose of any investigative or judicial proceedings related to the offence with which the person has been charged. In the event Western Samoan judicial proceedings are not completed within one year, the United States shall be relieved of any obligations under this paragraph. This one year period will not include the time necessary for appeal.

6. Within the scope of their legal authority, United States and Western Samoan authorities shall assist each other in carrying out all necessary investigation into offenses and shall cooperate in providing for the attendance of witnesses and in the collection and production of evidence, including seizure and in proper cases, the delivery of objects connected with an offense.

7. The authorities of the United States and Western Samoa shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

8. When members of the United States Forces have been tried in accordance with the provisions of this Article and have been acquitted or have been convicted and are serving, or have served their sentence, or have had their sentence remitted or suspended, or have been pardoned, they may not be tried again for the same offence within Western Samoa. Nothing in this paragraph, however, shall prevent United States military authorities from trying members of the United States Forces for any violation of rules of discipline arising from the act or omission which constituted an offense for which they were tried by Western Samoan authorities.

9. When members of the United States Forces are detained, are in custody, or are prosecuted by Western Samoan authorities, they shall be accorded all procedural safeguards established by the law of Western Samoa. In addition, procedural safeguards shall include, at the minimum, the right:

- a. To have a prompt and speedy trial;

- b. To be informed in advance of trial of the specific charge or charges made against them, and to have reasonable time to prepare a defense;
- c. To be confronted with witnesses against them;
- d. To present evidence in their defence, including legal process to compel witnesses to appear if such witnesses are within the jurisdiction of Western Samoa;
- e. To have legal representation of their own choice for their defence, and, to the same extent as provided for any other person under Western Samoan law, to have free or assisted legal representation;
- f. To have the services of an interpreter of their own choice, if proceedings are conducted in a language not understood by the accused;
- g. To communicate with a representative of the United States and to have a representative of the United States present at all judicial proceedings. These proceedings shall be public, unless the court, in accordance with Western Samoa law, excludes persons who have no role in the proceedings.

10. Members of the United States Forces serving sentences in Western Samoa shall be treated no less favourably than citizens of Western Samoa, but at a minimum shall have the right to visits and material assistance.

11. Members of the United States Forces shall be subject to trial only by the Supreme Court of Western Samoa, and shall not be subject to the jurisdiction of magistrate courts or Village Fonos (local village judicial authorities).

#### ARTICLE VI. Taxes

The United States Forces and the members thereof shall be exempt from all taxes and similar fees and government charges of Western Samoa and its political subdivisions on income received from the United States Government or from sources outside of Western Samoa.

**ARTICLE VII. Freedom of movement.**

Members of the United States Forces in Western Samoa shall enjoy freedom of movement and the right to undertake those activities deemed necessary for the performance of their mission.

**ARTICLE VIII. Driving Licenses and Vehicle Registration.**

Western Samoa authorities shall accept as valid, without a driving test or fee, a driving permit or licence issued by the appropriate United States authority to members of the United States Forces for the operation of military or official vehicles. Vehicles owned by the United States need not be registered, but shall have appropriate identification markings.

**ARTICLE IX. Public Utilities.**

The United States and members of the United States Forces may use water, electricity, and other public utilities and facilities on terms and conditions, including rates or charges, no less favourable than those available to the Government of Western Samoa, in like circumstances, unless otherwise agreed. Western Samoa will, upon request, assist United States authorities in obtaining water, electricity, and other public utilities and facilities.

**ARTICLE X. Use of transportation facilities.**

Vehicles, vessels and aircraft shall not be subject to the payment of landing or port fees, navigation or overflight charges, or tolls or other charges, including light and harbour dues, while in Western Samoa. Aircraft operated by or for the United States Forces shall observe local air traffic control regulations while in Western Samoa.

Vessels owned or operated by the United States solely on United States Government non-commercial service shall not be subject to compulsory pilotage at Western Samoan ports.

**ARTICLE XI. Security.**

United States and Western Samoan authorities will co-operate in taking such steps as may be necessary to insure the security of United States Forces personnel and property present in Western Samoa pursuant to this Agreement.

**ARTICLE XII. Bearing of Arms.**

Members of the United States Forces may possess and carry arms while on duty on condition that they are authorised to do so by their orders. United States Forces may not carry arms outside areas and facilities in use by United States Forces unless agreed to between the appropriate United States and Western Samoan authorities.

**ARTICLE XIII. Implementation.**

Arrangements to implement this understanding shall be entered into by appropriate authorities of the two Governments as required.

**ARTICLE XIV. Effective Date and Revocation.**

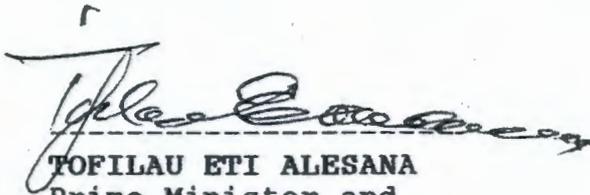
This agreement shall be effective upon signature by the parties or the last of them to do so, and shall remain in effect until revoked by 180 days written notice.

In witness whereof, the undersigned, being duly authorised by their respective Governments, have signed the agreement.

DONE AT APIA, THIS 25th DAY OF JUNE 1990.

For the Government  
of Western Samoa.

For the Government of the  
United States of America.



**TOFILAU ETI ALESANA**  
Prime Minister and  
Minister of Foreign  
Affairs  
Apia  
WESTERN SAMOA.



**WILLIAM P. FRANCISCO**  
Charge d'Affaires  
United States Embassy  
Apia  
WESTERN SAMOA.

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