

TURKEY

STATUS OF UNITED STATES FORCES IN TURKEY

TIAS 3020

5 U.S.T. 1465

June 23, 1954, Date-Signed

June 23, 1954, Date-In-Force

STATUS:

[*1] Agreement, with Minutes of Understanding, between the UNITED STATES OF AMERICA and TURKEY

Implementing Status of Forces Agreement of June 19, 1951, between the Parties to the North Atlantic Treaty

Signed at Ankara June 23, 1954

Entered into force June 23, 1954

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF TURKEY
RELATIVE TO THE IMPLEMENTATION OF THE "AGREEMENT BETWEEN THE PARTIES TO THE
NORTH ATLANTIC TREATY, REGARDING THE STATUS OF THEIR FORCES"
AMERIKA BIRLESİK DEVLETLERİ İLE TÜRKİYE CUMHURİYETİ ARASINDA, "KUZEY ATLANTİK
ANDLASMASINA TARAF DEVLETLER ARASINDA, KUVVETLERİNİN STATUSUNE DAİR
SOZLESME" NİN TATBIKATINA MUTEALLİK ANLASMA

TEXT:

For the implementation of the "Agreement Between the Parties to the North Atlantic Treaty, Regarding the Status of their Forces", dated June 19, 1951, n1 the two Governments have agreed as follows:

-----Footnotes-----

n1 Treaties and Other International Acts Series 2846; 4 UST, pt. 2, p. 1792.

-----End Footnotes-----

1. All persons who are relatives of, and in accordance with United States laws or regulations, depending [*2] for support upon and actually residing with any member of a United States force or the civilian component, except those who are not United States citizens, shall also be considered dependents and will be treated in all respects as those persons defined in Article I, paragraph 1, subparagraph c, of the aforesaid NATO Agreement.

2. For the purpose of the application of the aforesaid NATO Agreement and of the provisions of this Agreement, persons "who are in the employ of" the United States armed services, within the meaning of Article I-1.(b) of the aforesaid NATO Agreement, and without prejudice to the other requirements of

that Article, shall include employees of United States military organizations, employees of United States Government departments, Post Exchanges, and recreational organizations for military personnel, Red Cross and United Services Organization personnel, and technical representatives of contractors with the United States forces who are assigned to United States military organizations in Turkey. All of these persons are subject to United States military law. Should any other specific categories become involved, the United States Government would wish to discuss [*3] their inclusion in this paragraph with the authorities of the Turkish Government.

3. Residence documents to the members of the civilian component and the dependents described in paragraph 1 of this Agreement, as well as the dependents described in Article I, paragraph 1, subparagraph c, of the Agreement regarding the Status of NATO Forces, will be issued without fees, except for administrative expenses incurred in issuing the documents.

4. It is the agreed understanding of the Parties that reasonable quantities of provisions, supplies and other goods imported for the exclusive use of United States personnel, directly by special military agencies of the United States, such as post exchanges, commissaries, and officers' clubs, shall be accorded duty-free entry under the terms of Article XI, paragraph 4, of the aforesaid NATO Agreement in accordance with arrangements to be agreed with the appropriate Turkish authorities. It is understood that such provisions, supplies and other goods will be subject to agreed certification by an authorized United States official, and to inspection by Turkish customs for conformance with the certificates which shall be drawn up in accordance with the [*4] agreed arrangements mentioned above. It is further agreed that such special military agencies as post exchanges, commissaries, and officers' clubs will be permitted to operate at agreed locations without licenses, inspections or taxes and other charges. Categories of articles to be agreed between appropriate United States and Turkish authorities may be sold by these official United States military agencies only to authorized United States personnel. Administrative measures shall be taken by United States military authorities, in cooperation with the appropriate Turkish authorities, to prevent the resale or transfer in any way of merchandise sold under the provisions of this paragraph to persons not entitled to purchase items from such agencies, and generally to prevent the abuse of the facilities provided for in this paragraph.

5. In the implementation of Article XI of the aforesaid NATO Agreement, with respect to the duty-free entry of personal and household effects, it is understood that the free importation of such effects will be permitted from two months prior to six months after the arrival of the individual concerned or of any of his dependents.

6. It is understood that sales [*5] of personal and household effects and automobiles, taking place between individuals entitled to customsfree entry, are not subject to Turkish taxes.

7. It is understood that in the case of any damages in Turkey, caused by persons referred to in paragraph 2 above who are not paid from appropriations made to the United States Department of Defense, which require, under the provisions of Article VIII of the aforesaid NATO Agreement, the payment of an amount in order to satisfy the claimant with respect to such damages, the Turkish Government shall pay such amount. Procedures with respect to the reimbursement to the Turkish Government of such amounts shall be the subject of special arrangements agreed between the two Governments.

In witness whereof the respective representatives, duly authorized for the purpose, have signed the present Agreement.

Done at Ankara, Turkey, in duplicate, in the English and Turkish languages, each of which shall be of equal authenticity, this twenty-third day of June, 1954.

19 Haziran 1951 tarihli "Kuzey Atlantik Andlasmagina Taraf Devletler arasinda, Kuvvetlerinin Statusune dair Sozlesme" nin tatbikati icin iki Hukumet asagidaki hususlarda mutabik kalmislardir: [*6]

1. Amerika Birlesik Devletlerinin bir kuvvetinin veya sivil unsurunun herhangi bir mensubunun hismi olup, Amerika Birlesik Devletleri kanunlarına veya nizamlarına göre nafakası o mensuba terettup eden ve bilfiil onunla birlikte ikamet eden bütün sahişlar da, Amerika Birlesik Devletleri vatandası olmayanlar mustesna, "yakın" addedilecek ve her bakımdan, yukarda mezkur NATO Sozlesmesinin I.inci maddesinin I.inci fıkrasının (c) bendinde tarif edilen sahişlar gibi muamele goreceklerdir.

2. Yukarda mezkur NATO Sozlesmesinin ve işbu Anlaşma hukuklarının tatbikati bakımından, Amerika Birlesik Devletleri silahlı kuvvetlerinin, yukarda zikri gecen NATO Sozlesmesinin I-1.(b) maddesinde yazılı olduğu vechile, "hizmetinde bulunan" sahişlar, mezkur maddenin diğer şartları mahfuz kalmak üzere, Amerika Birlesik Devletleri askeri teşkilatının, Amerika Birlesik Devletleri Hukumeti devairinin, askeri magazaların ve askeri personelin istirahatine mahsus muesseselerin memur ve mustahdemlerini, Kızilhac, ve Birlesik Hizmetler Teşkilati (USO) personelini ve Amerika Birlesik Devletleri Kuvvetleri hesabına iş gören müteahhitlerin Türkiye'deki Amerika Birlesik Devletleri askeri teşkilati nezdine tayin olunmuş [*7] teknik mümessillerini ihtiva edecektir. Bütün bu sahişlar Amerika Birlesik Devletleri askeri kanunlarına tabidirler. İleride, muayyen başka kategori eşhas mevzubahis olursa, Amerika Birlesik Devletleri Hukumeti, onların da bu fıkraya ithal edilmeleri hususunu Türkiye Hukumeti makamlarıyla muzakere etmek arzusundadır.

3. Sivil unsur mensuplarına ve işbu Anlaşmanın I.inci fıkrası ile NATO Kuvvetlerinin Statusune mutedair Sozlesme'nin I.inci maddesinin I.inci fıkrasının (c) bendinde tarif olunan yakınlarla, ikamet tezkereleri, bu tezkerelerin itası için yapılan idari masraflar hariç, bilaharc verilecektir.

4. Askeri magazalar, kantinler, subay kulüpleri gibi Amerika Birlesik Devletlerinin özel askeri muesseseleri tarafından doğrudan doğruya ve munhasıran Amerika Birlesik Devletleri personelinin istimali için haricтен getirtilecek makul miktarlarda erzak, maddeler ve diğer esyanın, yukarıda mezkur NATO Sozlesmesinin XI.inci maddesinin 4.uncu fıkrasına musteniden, ilgili Türk makamları ile kararlaştırılacak esaslar dahilinde, bilarusum ithali hususunda Taraflar arasında mutabik kalınmıştır. Surası mukarrerdir ki, bu erzak, maddeler ve diğer esya, Amerika Birlesik Devletlerinin yetkili bir [*8] memuru tarafından, mutabik kalınan şekilde tevşik olunacak ve yukarıda zikredilen esaslara tevşikan tanzim edilecek vesikalara uygunluğunu tahkik için Türk gümrüklerinin muayenesine tabi olacaktır. Kezalik, askeri magazalar, kantinler, subay kulüpleri gibi, Amerika Birlesik Devletleri özel askeri muesseselerinin mutabik kalınan mahallerde ruhsat, teftiş, vergi ve tekaliften muaf olarak faaliyette bulunmalarına müsaade edilmesi hususunda mutabik kalınmıştır. Nev'ileri selahiyetli Türk ve Amerikan makamlarınca kararlaştırılacak maddeler, Amerika Birlesik Devletlerinin bu resmi muesseseleri tarafından yalnız, Amerika Birlesik Devletlerinin selahiyetli personeline satılabilecektir. İşbu madde hukukları gereğince satılmış esyanın, mezkur muesseselerden mübayaatta bulunmalarına müsaade edilmemiş olan sahişlara tekrar satılmasını veya herhangi bir surette devrini ve umumiyetle bu madde ile bahsedilen kolaylıkların suiistimalini önlemek için Amerika Birlesik Devletleri askeri makamları, selahiyetli Türk makamlarıyla işbirliği yapmak suretiyle gerekli idari tedbirleri alacaklardır.

5. Zati esya ile ev esyasının gümrük resminden muaf olarak ithali bakımından yukarıda mezkur NATO

Sozlesmesinin [*9] XI.inci maddesinin tatbikatinda, bu gibi esyanin, alakali sahsin veya yakinlarinin muvasalatlarindan iki ay evvelinden alti ay sonrasina kadar olan muddet zarfinda bilarusum ithaline musaade edilmesi mukarrerdir.

6. Gumruk resmi muafiyetinden faydalanan sahislar arasinda vuku bulacak zati esya ile ev esyasinin ve otomobillerin satislari Turk vergilerine tabi degildir.

7. Surasi mukarrerdir ki, yukaridaki 2.inci fikra sumulune giren ve maas veya ucretleri Amerika Birlesik Devletleri Mudafaa Nezaretine tahsis olunmus odeneklerden tediye edilmeyen sahislerin Turkiye'de iras edecekleri zarar ve hasar, bahsi gecen NATO Sozlesmesinin VIII.inci maddesinde tesbit edilen sartlar dahilinde, bu zarar ve hasar icin tazminat talebinde bulunan sahsi tatmin edecek bir meblagin tediyesini icab ettirdigi takdirde, Turkiye Hukumeti bu gibi mebaligi odeyecektir. Bu gibi mebaligin Turkiye Hukumetine iadesine muteallik usuller iki Hukumet arasinda hususi bir anlasma mevzuu teskil edecektir.

Yukaridaki hususlari tasdiken, iki Hukumetin bu maksatla selahiyettar kilinmis bulunan mumessilleri isbu Anlasmayi imzalamislardir.

Ankara'da, 1954 yili Haziran ayinin yirmi ucuncu gununde, her ikisi de ayni derecede [*10] muteber olmak uzere, Turkce ve Ingilizce lisanlarinda iki nusha olarak yapilmisdir.

MINUTE OF UNDERSTANDING WITH RESPECT TO PARAGRAPH FOUR OF THE "AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF TURKEY RELATIVE TO THE IMPLEMENTATION OF THE 'AGREEMENT BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY, REGARDING THE STATUS OF THEIR FORCES'"

It is not the intention of the Turkish Government to prohibit the sale of articles normally sold through United States special military agencies.

MINUTE OF UNDERSTANDING REGARDING PARAGRAPH 7 OF THE AGREEMENT BETWEEN THE REPUBLIC OF TURKEY AND THE UNITED STATES OF AMERICA RELATIVE TO THE IMPLEMENTATION OF THE "AGREEMENT BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY REGARDING THE STATUS OF THEIR FORCES"

It is understood that the United States Government is able to accept responsibility for repayment only with respect to claims arising from the acts of employees paid from appropriated funds of the Department of Defense. With respect to claims arising from the acts of all other members of the civilian component it is understood that the United States will exercise its good offices to make satisfactory arrangements with the responsible [*11] entities for reimbursing the Turkish Government. However, the United States Government under existing laws can accept no financial liability with respect to the latter category of claims.

SIGNATORIES:

For the Government of the United States of America

Avra M. Warren.

[SEAL]

For the Government of the Republic of Turkey

F. Koprulu.

[SEAL]

Amerika Birlesik Devletleri Hukumeti adina:

Turkiye Cumhuriyeti Hukumeti adina:

K.

A. M. W.

K.

A. M. W.