DEFENSE

Status of Forces

Agreement between the
UNITED STATES OF AMERICA
and TIMOR-LISTE

Agreement signed at Washington October 1, 2002

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

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."

TIMOR-LISTE

Defense: Status of Forces

Agreement signed at Washington October 1, 2002;
Entered into force October 1, 2002.

STATUS OF FORCES AGREEMENT
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE

PREAMBLE

The Government of the United States of America and the Government of the Democratic Republic of Timor-Leste (hereinafter referred to as the "Parties"), recognize the importance of closer cooperation between our two countries, and further recognize that the following principles and understandings are intended to enhance the cooperation between the Parties in furtherance of the objectives of this agreement:

1. The Parties recognize the independence and sovereignty of the Democratic Republic of Timor-Leste as matters of the highest importance;

2. The Parties recognize the importance of this agreement to their bilateral interests, regional peace and security, and humanitarian undertakings;

3. The Parties reaffirm that the principles of mutual respect, friendship, good faith, partnership and cooperation will guide the implementation of this agreement;

Therefore, the Parties have agreed as follows:

ARTICLE I

United States military and civilian personnel of the United States Department of Defense who may be present in the Democratic Republic of Timor-Leste in connection with humanitarian and civic assistance, ship visits, military training and exercises and other agreed activities shall be

accorded a status equivalent to that accorded to the administrative and technical staff of the Embassy of the United States of America under the Vienna Convention on Diplomatic Relations of April 18, 1961.

Such personnel may enter and exit the Democratic Republic of Timor-Leste with United States identification and with collective movement or individual travel orders; the Democratic Republic of Timor-Leste shall accept as valid, without a driving fee or test, driving licenses or permits issued by the appropriate United States authorities to United States personnel for the operation of vehicles; such personnel, including contract security guards, be authorized to wear uniforms while performing their official duties and to carry weapons when their orders call for it.

ARTICLE II

Vehicles, vessels and aircraft owned or operated by or for the United States armed forces shall not be subject to the payment of landing, navigation, overflight or parking charges, port and pilotage fees, or overland transit fees while in the Democratic Republic of Timor-Leste; however, the United States armed forces shall pay reasonable charges for services requested and received. Aircraft, vessels and vehicles of the United States shall be free of inspections.

ARTICLE III

The Government of the United States of America, its military and civilian personnel, contractors and contractor personnel shall not be liable to pay any tax or similar charge assessed within the territory of the Democratic Republic of Timor-Leste.

The Government of the United States of America, its military and civilian personnel, contractors and contractor personnel may import into, export out of, and use in the Democratic Republic of Timor-Leste any personal property,

equipment, supplies, materials, technology, training or services utilized in connection with activities covered by this agreement. Such importation, exportation and use shall be exempt from any inspection, license, other restrictions, customs duties, taxes or any other charges assessed within the territory of the Democratic Republic of Timor-Leste.

ARTICLE IV

The Government of the United States of America and the Government of the Democratic Republic of Timor-Leste shall cooperate in taking such steps as shall be necessary to ensure the security of the United States personnel and property in the territory of the Democratic Republic of Timor-Leste.

ARTICLE V

In the event that the Government of the United States of America awards contracts for the acquisition of articles and services, including construction, to implement this agreement, such contracts shall be awarded in accordance with the laws and regulations of the Government of the United States of America. Acquisition of articles and services in the Democratic Republic of Timor-Leste by or on behalf of the Government of the United States of America in connection with activities covered by this agreement shall not be subject to any taxes, customs duties or similar charges in the territory of the Democratic Republic of Timor-Leste.

ARTICLE VI

The Government of the Democratic Republic of Timor-Leste recognizes the particular importance of disciplinary control by U.S. military authorities over United States personnel and, therefore, the Government of the Democratic

Republic of Timor-Leste authorizes the United States Government to exercise criminal jurisdiction over such personnel. The Government of the Democratic Republic of Timor-Leste and the Government of the United States of America confirm that such personnel may not be surrendered to, or otherwise transferred to, the custody of an international tribunal or any other entity or state without the express consent of the Government of the United States of America.

ARTICLE VII

The Government of the Democratic Republic of Timor-Leste recognizes that it shall be necessary for U.S. personnel and systems to use the radio spectrum. The United States Government shall be allowed to operate its own telecommunication systems (as telecommunication is defined in the 1992 Constitution of the International Telecommunication Union). This shall include the right to utilize such means and services as required to assure full ability to operate telecommunication systems, and the right to use all necessary radio spectrum for this purpose. Use of radio spectrum shall be free of cost.

ARTICLE VIII

Other than contractual claims, the Parties waive any and all claims against each other for damage to, loss or destruction of property owned by each party, or death or injury to any military or civilian personnel of the armed forces of either party, arising out of activities in the Democratic Republic of Timor-Leste covered by this agreement. Claims by third parties arising out of the acts or omissions of any U.S. personnel may, at the discretion of the United States Government, be dealt with and settled by the United States Government in accordance with U.S. law.

ARTICLE IX

This Agreement shall enter into force upon signature of both Parties. After this Agreement has been in force for one year, either party may request a review of the Agreement. Such review shall begin 180 days after either party has made the request in writing.

Done at Washington this first day of October, 2002, in duplicate in the English language.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE: