



DEPARTMENT OF THE ARMY  
HEADQUARTERS, EIGHTH UNITED STATES ARMY  
UNIT 15236  
APO AP 96205-0009

REPLY TO  
ATTENTION OF:

EACG

AUG 2 2005

MEMORANDUM FOR General Courts-Martial Convening Authorities

SUBJECT: Eighth United States Army Command Policy Letter #22 -- Withdrawal of Authority in Fatality Cases

1. References.

- a. Manual for Courts-Martial, 2005
- b. ROK/US Status of Forces Agreement
- c. Eighth US Army Supplement 1 to AR 27-10, Military Justice.
- d. USFK Memorandum, SUBJECT: Withdrawal of Authority in Fatality Cases, 28 July 2005

2. Purpose. To withhold authority to dispose of offenses involving any fatality to a general officer exercising general courts-martial convening authority. This policy applies to all offenses caused by alleged acts of a Soldier in the Republic of Korea (ROK) and under the jurisdiction of the US Forces Korea.

3. Discussion. In each case subject to this policy, I direct subordinate commanders to ensure that a thorough investigation is completed and documented and to forward the case through their servicing Staff Judge Advocate to the General Court-Martial Convening Authority over the Soldier concerned. The packet should contain chain of command recommendations as to disposition. Once a case is submitted, the General Court-Martial Convening Authority will make a determination on disposition, which may include returning the case to a subordinate commander. In cases where the ROK has primary jurisdiction under the SOFA, final action will not be taken until all SOFA requirements have been accomplished.

4. This policy applies to all offenses occurring after the date of this memorandum. It will remain in effect until formally rescinded and will be incorporated into the next revision of Eighth US Army Supplement 1 to AR 27-10.

A handwritten signature in black ink, appearing to read "Charles C. Campbell", with a long horizontal flourish extending to the right.

CHARLES C. CAMPBELL  
Lieutenant General, USA  
Commanding



HEADQUARTERS, UNITED STATES FORCES KOREA  
UNIT #15237  
APO AP 96205-0010

REPLY TO  
ATTENTION OF

EACG

28 JUL 2005

MEMORANDUM FOR Component Commanders

SUBJECT: Withdrawal of Authority in Fatality Cases

1. References.

- a. Manual for Courts-Martial, 2005
- b. ROK/US Status of Forces Agreement
- c. Joint Publication 0-2

2. Purpose. In accordance with Chapter V, paragraph 13, JP 0-2, to establish a uniform policy applicable to all Service personnel within United States Forces Korea. Effective the date of this memorandum, component commanders will direct the withholding of authority to dispose of offenses involving any fatality to a general officer exercising general courts-martial convening authority.

3. Discussion. This policy applies to all offenses alleged to be caused by acts of U.S. Service personnel in the Republic of Korea (ROK) and personnel under the jurisdiction of the ROK/U.S. SOFA. In cases where the ROK has primary jurisdiction under the SOFA, final action will not be taken until all SOFA requirements have been fulfilled. Component commanders may publish additional guidance not inconsistent with this policy.

4. Component commanders will provide a copy of their published guidance to the Judge Advocate, United States Forces Korea. This directive remains in effect until rescinded or superseded in writing.



LEON J. LAPORTE  
General, USA  
Commanding